

2018 Regular Session

HOUSE BILL NO. 722

BY REPRESENTATIVE ZERINGUE

FISHING/OYSTERS: Requires oysters taken or sold to be "wholesome and marketable" and describes what qualifies as a "wholesome and marketable" oyster

1 AN ACT

2 To amend and reenact R.S. 56:424(E)(1), relative to taking of oysters; to require that only
3 wholesome and marketable oysters may be harvested and sold; to define what
4 qualifies as "wholesome and marketable" oysters; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:424(E)(1) is hereby amended and reenacted to read as follows:

7 §424. Taking of oysters

8 * * *

9 E.(1)(a) No person shall harvest, possess, sell, barter, trade, purchase, or
10 exchange or attempt to sell, barter, trade, or exchange oysters in the state of
11 Louisiana or in interstate commerce unless such oysters are considered wholesome
12 and marketable as provided in Subparagraph (b) of this Paragraph and taken from
13 areas approved by the state health officer in accordance with R.S. 40:5.3.

14 (b) An oyster harvested from Louisiana waters for raw consumption shall be
15 considered "wholesome and marketable" if it is of an appropriate color and rounded
16 shape that is considered normal for oysters and the shell is naturally fully closed and
17 not gaping. In addition, a wholesome and marketable oyster shall have been
18 harvested and transported in accordance with the standards of the National Shellfish
19 Sanitation Program, subject to all applicable refrigeration and sanitary code
20 requirements. In order to qualify as "wholesome and marketable" an oyster

1 harvested from a water bottom shall measure a minimum of three inches from hinge
 2 to bill. However, any oyster cultivated and harvested pursuant to an Alternative
 3 Oyster Culture permit or grown off-bottom in cages, racks, or trays shall measure a
 4 minimum of two and one-half inches from hinge to bill. A maximum of five percent
 5 of a sack of shellstock oysters may consist of material, such as non-living reef
 6 material and other reef organisms, that does not qualify as "wholesome and
 7 marketable oysters".

8 (c) Unless otherwise permitted by the Department of Wildlife and Fisheries,
 9 when any vessel is found to be harvesting within an unapproved or closed area, all
 10 oysters on board the vessel shall be deemed to have been taken from unapproved or
 11 closed waters and shall be deemed to constitute a hazard to the safety, health, and
 12 welfare of the citizens of the state. In addition, no oysters taken from sources outside
 13 of Louisiana shall be sold in Louisiana, unless taken from areas approved by the state
 14 authorities having jurisdiction, and unless secured from oyster dealers whose state
 15 certifications have been endorsed by the United States Food and Drug
 16 Administration Public Health Services for interstate shipment.

17 (d) All oysters found in violation of this Paragraph shall be seized and
 18 ordered returned to the water. Any violation of this Paragraph shall constitute a class
 19 six violation under the provisions of R.S. 56:36.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 722 Original

2018 Regular Session

Zeringue

Abstract: Requires oysters taken or sold to be "wholesome and marketable" and describes what qualifies as a "wholesome and marketable" oyster.

Present law prohibits any person from harvesting, possessing, selling, bartering, trading, purchasing, or exchanging an oyster taken from an area closed by the La. Dept. of Health. Proposed law adds that the oyster must be wholesome and marketable.

Proposed law requires that an oyster harvested for raw consumption is "wholesome and marketable" if it is of an appropriate color and rounded shape and the shell is naturally fully

closed and not gaping. Proposed law also requires that a wholesome and marketable oyster must be harvested and transported in accordance with the standards of the National Shellfish Sanitation Program. Further requires that the oyster must measure a minimum of three inches from hinge to bill unless the oyster is an oyster grown and harvested under an Alternative Oyster Culture permit or grown off-bottom in cages, racks, or trays which must measure a minimum of two and one-half inches from hinge to bill. Further provides that a maximum of five percent of a sack of shellstock oysters may be material that does not qualify as "wholesome and marketable oysters".

(Amends R.S. 56:424(E)(1))