

Regular Session, 2014

HOUSE BILL NO. 1046

BY REPRESENTATIVES LEOPOLD AND GAROFALO

FISHING/OYSTERS: Relative to packaging and labeling of oysters

1 AN ACT

2 To amend and reenact R.S. 3:4631(B) and (C) and R.S. 56:433(A) and (E) and 440, relative
3 to labeling and packaging of oysters; to provide for certain standards for marketable
4 oysters and labeling and packaging of oysters for market; to provide penalties for
5 mislabeling oysters; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 3:4631(B) and (C) are hereby amended and reenacted to read as
8 follows:

9 §4631. Oyster labeling and packaging; sale of shell stock oysters

10 * * *

11 B. Shell stock oysters shall be sold by volumetric measure, weight, or count.

12 All oysters sold by volumetric measure, weight, or count shall be market size and
13 wholesome.

14 C. Oysters removed from the shell shall be labeled clearly by volume or
15 weight. ~~A maximum of fifteen percent free liquid by weight is permitted for oysters~~
16 ~~sold by weight or by volume.~~

17 * * *

18 Section 2. R.S. 56:433(A) and (E) and 440 are hereby amended and reenacted to
19 read as follows:

1 §433. Culling oysters taken from natural reefs; size limits

2 A. All marketable oysters taken from the natural reefs of this state which
3 measure less than three inches from hinge to mouth and all dead shell shall be
4 immediately replaced and scattered broadcast upon the natural reefs from which
5 taken. No ~~captain, person in charge of any vessel, canner, packer, commission man,~~
6 ~~or other~~ person shall have in his possession off the natural reefs any natural reef
7 oysters which were not taken in accordance with the provisions of this Subpart. Any
8 excess of over fifteen percent of dead shells and oysters under the size prescribed
9 herein, in any cargo lot of oysters except any cargo lot of oysters to be used as seed
10 oysters for bedding purposes only, shall be considered a violation of this Subpart,
11 and any officer of the department may cause to be counted the whole or part of the
12 cargo or lot of oysters at the expense of the person or vessel, to determine the
13 percentage. No oysters under one inch in length from hinge to mouth shall be
14 counted, and each half shell of over one inch shall be counted as one.

15 * * *

16 E. The ~~department~~ commission, at one of its regular meetings, in the exercise
17 of its duties to improve, enlarge, and protect the state-owned natural reefs of this
18 state, and after affording industry, department personnel, and interested parties an
19 opportunity to be heard, shall have the option, between January first and the last day
20 of the season of each year, of closing any portion or all of the natural oyster reefs of
21 this state to the harvest of oysters, and/or of setting harvesting size limits on any
22 portion or all of the natural oyster reefs of this state, as expected conditions warrant.
23 The ~~department~~ commission shall notify the oyster industry of its determination by
24 filing the information in the office of the secretary, and by notice once weekly for
25 two weeks prior to implementation, in the newspapers of general circulation in the
26 coastal zone.

27 * * *

1 §440. Standard measurements; barrel

2 A. In all of the operations of the department, the standard measurement of
3 the barrel referred to herein shall be 6451.26 cubic inches, which approximately
4 represents the cubic contents of three bushels, or one barrel; one sack represents
5 3225.63 cubic inches or one and one-half bushels or one-half barrel.

6 B. All shucked oysters shall be labeled and packaged as required pursuant
7 to the National Shellfish Sanitation Program and the National Institute of Standards
8 and Technology.

9 C. All licensed oyster captains, harvesters, or certified wholesale/retail
10 dealers of shell stock and shucked oyster products shall verify that the oysters being
11 sold adhere to the measurement standards required by this Section.

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)]

Leopold

HB No. 1046

Abstract: Provides for standards for marketable oysters and the packaging and labeling thereof.

Present law authorizes shell stock oysters to be sold by volumetric measure, weight, or count. Proposed law requires all such oysters to be market size and wholesome.

Present law requires all oysters taken from the natural reefs to be more than three inches from hinge to mouth. Provides that no "captain, canner, packer, commission man, or other person" shall possess oysters less than three inches from hinge to mouth. Proposed law applies this prohibition to "any person".

Present law authorizes the "department" at one of its monthly meetings to close any or all of the natural reefs to the harvest of oysters or set harvest size limits. Proposed law makes the technical change from "department" to "commission".

Present law provides for a standard measure for a barrel of oysters and a sack of oysters. Proposed law requires all shucked oysters to be labeled and packaged as required under the Natl. Shellfish Sanitation Program and the Natl. Institute of Standards and Technology. Further requires that all licensed oyster captains, harvesters, and certified wholesale/retail dealers of shell stock and shucked oyster products verify that oysters being sold are in compliance with these standards.

(Amends R.S. 3:4631(B) and (C) and R.S. 56:433(A) and (E) and 440)