

Regular Session, 2014

HOUSE BILL NO. 1046

BY REPRESENTATIVES LEOPOLD, BILLIOT, GAROFALO, AND HARRISON

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:

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

21 A. All marketable oysters taken from the natural reefs of this state which
22 measure less than three inches from hinge to mouth and all dead shell shall be
23 immediately replaced and scattered broadcast upon the natural reefs from which

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

* * *

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

* * *

24 §440. Standard measurements; barrel

25 A. In all of the operations of the department, the standard measurement of
 26 the barrel referred to herein in this Section shall be 6451.26 cubic inches, which
 27 approximately represents the cubic contents of three bushels, or one barrel; one sack
 28 represents 3225.63 cubic inches or one and one-half bushels or one-half barrel.

1 B. All shucked oysters shall be labeled and packaged as required pursuant
2 to the National Shellfish Sanitation Program and the National Institute of Standards
3 and Technology.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____