

ACT No. 1

Regular Session, 2011

HOUSE BILL NO. 245

BY REPRESENTATIVE GIROD JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 56:437 and to repeal R.S. 40:5.3.1, relative to harvest and sale  
3 of oysters for raw consumption; to require a time limit on transportation of such  
4 oysters from harvest to refrigeration; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:437 is hereby amended and reenacted to read as follows:

7 §437. Sale of oysters for raw consumption within the state

8 Oysters which have been harvested from Louisiana waters may be sold for  
9 raw consumption within the state at all times during the year provided however, that  
10 during the time period from May first through October thirty-first each year,  
11 movement of such oysters from harvest to refrigeration shall take no more than five  
12 hours. Federal regulations which may prohibit the interstate transportation and sale  
13 of oysters which have not been post-harvest treated shall not apply to oysters  
14 harvested, sold, and consumed within the state of Louisiana. The Department of  
15 Health and Hospitals shall promulgate rules pursuant to the Administrative  
16 Procedure Act to administer the provisions of this Section and the Department of  
17 Wildlife and Fisheries shall assist in the enforcement of such rules. Such rules shall  
18 allow up to five hours for the oysters to be transferred from harvest to refrigeration  
19 as provided in this Section.

20 Section 2. R.S. 40:5.3.1 is hereby repealed in its entirety.

21 Section 3. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_