

**Louisiana Register**

**May 20, 2014**

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

Shellstock Refrigeration  
(LAC 51:IX.323, 329, and 333)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(1)(a), R.S. 40:5, and R.S. 40:5.3, has amended and revised LAC Title 51 (*Public Health—Sanitary Code*), Part IX (Marine and Fresh Water Animal Food Products), by effecting changes as outlined below. Besides the enhanced protection of public health afforded to the public by the adoption of this Rule, these amendments will also allow Louisiana-produced shellstock to continue to be placed in interstate commerce.

**Title 51**

**PUBLIC HEALTH—SANITARY CODE**

**Part IX. Marine and Fresh Water**

**Animal Food Products**

**Chapter 3. Preparation and Handling of Seafood for Market**

**§323. Tags**

**[formerly paragraph 9:051]**

A. - B.6.b. ...

C. The color of a tag placed on a container holding shellstock shall have the following meanings.

1. A white-colored tag indicates that the shellstock has met the time/temperature requirements of §329.A for raw (half shell) consumption in both interstate and intrastate commerce.

2. A fuchsia-colored (pinkish-purple) tag indicates that the shellstock has met the time/temperature requirements of §330.A for raw (half shell) consumption in intrastate commerce only (i.e., may be sold for raw consumption only by persons within the state of Louisiana).

3. A green-colored tag indicates that the shellstock is for shucking by a certified dealer or post-harvest processing only.

4. A blue-colored tag indicates that the shellstock has been post-harvest processed by a certified dealer and may now be sold for raw (half shell) consumption in both interstate and intrastate commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), LR 33:850 (May 2007), LR 40:1009 (May 2014).

**§329. Refrigeration Requirements for Shellstock Harvested for Raw Consumption during the Months of January through December**

**[formerly paragraph 9:052-1]**

A. - A.3. ...

B. For shellstock harvested for raw consumption, harvesters will adhere to the applicable time and temperature controls as established by the *Vibrio vulnificus* control plan in this Section developed by the Office of Public Health Molluscan Shellfish Program. The harvester must provide harvest records to the original shellfish dealer demonstrating compliance with the applicable time and temperature requirements. This record may be in the form of a harvester tag, trip record, or other record deemed appropriate by the Office of Public Health Molluscan Shellfish Program. The record must include the date and time harvest begins for each lot of shellfish harvested. The harvester shall document the time harvest begins for each lot prior to harvest and shall immediately document the time each lot is placed under refrigeration. The harvester shall properly attach a shellstock tag on all containers holding shellstock, with the corresponding lot identification, number or character printed legibly on the shellstock tag, prior to being placed under refrigeration. This tag shall be approved by the state health officer and the secretary of the Louisiana Department of Wildlife and Fisheries. It shall also be the responsibility of the harvester to record the number of sacks contained within each lot immediately after oysters are placed under refrigeration. Harvest vessels equipped with refrigeration capabilities must provide documentation to the original dealer that the time and

temperature requirements established by the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program (see §329.A) have been met.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012), LR 40:1009 (May 2014).

**§333. General Provisions**

**[formerly paragraph 9:052-3]**

A. ...

B. If a harvester elects to fish shellstock intended for raw (half shell) consumption during the months of March-November, it shall be unlawful to possess shellstock intended for shucking, post-harvest processing, relaying or bedding until all shellstock harvested for raw (half shell) consumption are off-loaded dockside. However a harvester may fish shellstock for shucking and post-harvest processing at the same time when fishing shellstock for raw (half shell) consumption provided that the refrigeration and time/temperature requirements for raw (half shell) consumption are followed for the entire harvest (i.e., all harvested shellstock on board shall meet the time/temperature requirements of §329.A of this Part).

C. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 28:1592 (July 2002), repromulgated LR 29:173 (February 2003), amended LR 34:2176 (October 2008), LR 38:97 (January 2012), LR 40:1009 (May 2014).

Kathy H. Kliebert  
Secretary