

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Sanitary Code—Commercial Seafood Inspection (Chapter XXII and XXIII)

In accordance with the Administrative Procedures Act, R.S. 49:950 et. seq., the secretary of the Department of Health and Hospitals is amending and adopting the following rules in order to recognize new and emerging technologies that have been developed in an effort to make raw molluscan shellfish consumption safe for certain high risk consumers. When adopted, eating establishments and retail markets serving raw shellfish that have undergone an approved treatment process shall be exempt from displaying a consumer information advisory.

The effective date of these rules is June 27, 1996 and they shall remain in effect for 120 days or until these rules take effect through the normal promulgation process.

Sanitary Code

Chapter XXII. Retail Food Establishments: Markets

22:018-4 EXEMPTION: Establishments that exclusively serve raw molluscan shellfish that have been subjected to a process recognized by the state health officer as being effective in reducing the bacteria *Vibrio vulnificus* to nondetectable levels may apply for an exemption from the mandatory consumer information notification requirement. Establishments interested in obtaining an exemption shall certify in writing to the state health officer, that it shall use exclusively for raw consumption only molluscan shellfish that have been subjected to the approved process. Upon receipt of that communication, the state health officer shall confirm the establishment as being exempt from the requirement of displaying the consumer information message. The establishment's certification must be sent to the state health officer at the following address:

Louisiana Office of Public Health
P.O. Box 60630
New Orleans, LA 70160

Chapter XXIII. Eating and Drinking Establishments

23:006-6 EXEMPTION: Establishments that exclusively serve raw molluscan shellfish that have been subjected to a process recognized by the state health officer as being effective in reducing the bacteria *Vibrio vulnificus* to non-detectable levels may apply for an exemption from the mandatory consumer information notification requirement. Establishments interested in obtaining an exemption shall certify in writing to the state health officer, that it shall use exclusively for raw consumption only molluscan shellfish that have been subjected to the approved process. Upon receipt of that communication, the state health officer shall confirm the establishment as being exempt from the requirement of displaying the consumer information message. The establishment's certification must be sent to the state health officer at the following address:

Louisiana Office of Public Health
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New Orleans, LA 70160

Chapter XXIII-A. Temporary Food Service

23A:005-6 EXEMPTION: Establishments that exclusively serve raw molluscan shellfish that have been subjected to a process recognized by the state health officer as being effective in reducing the bacteria *Vibrio vulnificus* to nondetectable levels may apply for an exemption from the mandatory consumer information notification requirement. Establishments interested in obtaining an exemption shall certify in writing to the state health office, that it shall use exclusively for raw consumption only molluscan shellfish that have been subjected to the approved process. Upon receipt of that communication, the state health officer shall confirm the establishment as being exempt from the requirement of displaying the consumer information message. The establishment's certification must be sent to the state health officer at the following address:

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New Orleans, LA 70160

Bobby P. Jindal
Secretary