

NOTICE OF INTENT

Department of Health and Hospitals  
Office of Public Health

Sanitary Code—Commercial Seafood Inspection Program  
(Chapters XXII, XXIII, and XXIII-A)

The Department of Health and Hospitals, Office of Public Health intends to amend Chapters XXII, XXIII, and XXIII-A of the State Sanitary Code. The changes are needed 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.

New sections to these chapters shall be added as follows:

**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, Louisiana 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 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:

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

Interested persons may submit questions or written comments to: Charles C. Conrad, Administrator,

Commercial Seafood Inspection Program, Box 60630, New Orleans, LA 70160. He is responding to inquires regarding these proposed rule changes. All questions or comments must be received by September 30, 1996. A public hearing on this proposed rule will be held on Wednesday, October 30, 1996 at 10 a.m. in the Department of Transportation Building, DHH Annex in the Fourth Floor Conference Room.

Bobby P. Jindal  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Commercial Seafood Inspection Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
This rule should have a positive economic impact on both shellfish dealers and restauranters. The extent of the anticipated impact is unknown at this time; therefore any related costs are negligible.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There should be no significant impact on competition and employment.

Bobby P. Jindal  
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Secretary

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Chief Coordinator of the  
Legislative Fiscal Office

H. Gordon