

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Retail Food Establishments
(LAC 51:XXIII.2101)

Health, Office of Public Health, LR 43:1392 (July 2017), amended
LR 51: .

Ralph L. Abraham, MD
Surgeon General
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2510#065

The Department of Health, Office of Public Health (LDH/OPH), pursuant to rulemaking authority granted by R.S. 40:4, and to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, *et seq.*).

The LDH/OPH finds it necessary to promulgate an Emergency Rule effective October 10, 2025. This Emergency Rule is necessary to prevent imminent peril to the public health, safety, or welfare. Current LDH/OPH rules in LAC 51:XXIII do not explicitly prohibit the use of crustacean and molluscan shells as serving containers, and due to the gratiose and porous nature of these biological materials, they are unable to be properly cleaned and sanitized for use as a food-contact surface for food service. Immunocompromised individuals (including the elderly, very young children, pregnant women, and those with autoimmune disorders or undergoing treatment for cancer) are especially vulnerable to pathogens transmitted by improper sanitation of shellfish, including *Vibrio* and *Campylobacter* spp. This Emergency Rule stipulates clearly that use of crustacean and/or molluscan shellfish shells as food-service containers may only be allowed in the context of an animal removed briefly from the shell for preparation and then immediately returned to the same shell for single service or the use of a cephalothorax from a crawfish from which the viscera have been previously removed for the purposes of service of crawfish bisque by adding an edible stuffing to the cephalothorax.

Accordingly, the following Emergency Rule, effective October 10, 2025, shall remain in effect for a maximum of 180 days, or until the final Rule is promulgated, whichever occurs first.

Title 51

Public Health—SANITARY CODE

Part XXIII. retail food establishments

Chapter 21. Equipment and Utensils

§2101. General

[formerly paragraph 22:13]

A. ...

B. Mollusk and crustacean shells may not be used as serving containers. This prohibition does not apply to the removal of the animal from the shell for preparation then returning to the same shell for service or the use of a cephalothorax from a crawfish from which the viscera have been previously removed for the purposes of service of crawfish bisque by adding an edible stuffing to the cephalothorax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:324 (February 2002), repromulgated LR 28:1417 (June 2002), amended LR 28:2532 (December 2002), amended by the Department of