

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products
(LAC 51:IX.318)

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:IX do not explicitly prohibit the re-use of crustacean and molluscan shells, 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 firms engaged in activities requiring a permit under §311 of this Part are not permitted to sell or otherwise distribute for re-use any crustacean or molluscan shellfish shells—except for the cephalothoraxes of specimens of crawfish from which the viscera have been previously removed for the purposes of preparing crawfish bisque for service by adding an edible stuffing to the cephalothoraxes.

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 IX. MARINE AND FRESH WATER ANIMAL FOOD PRODUCTS

Chapter 3. Preparation and Handling of Seafood for Market

§318. Handling of Shells of Crustacean and Molluscan Shellfish

A. No person, firm, or corporation holding or required to hold a permit under §311 of this Part shall engage in the sale or distribution of emptied crustacean or molluscan shells intended for use as serving containers by a “food establishment”, as that term is defined in LAC 51:XXIII.101—except for the cephalothoraxes of specimens of crawfish from which the viscera have been previously removed for the purposes of preparing crawfish bisque for service by adding an edible stuffing to the cephalothoraxes. Any sale or distribution by such a person, firm, or corporation of other crustacean or molluscan shells to a food establishment shall include package labeling prominently stating that use thereof as serving containers is prohibited by LAC 51:XXIII.2101.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), and R.S. 40:4(A)(13).

HISTORICAL NOTE: Adopted by the Department of Health, LR 51:

Ralph L. Abraham, MD
Surgeon General
Bruce D. Greenstein
Secretary

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