

NOTICE OF INTENT

Department of Health

Office of Public Health

Imported Crawfish and Shrimp;

Notice to Patrons of Food Service Establishments

(LAC 51:I.127)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Department of Health, Office of Public Health (LDH-OPH), intends to amend Part I (General Provisions) of Title 51. These amendments are being proposed to comply with the provisions of Act 148 of the 2024 Regular Legislature.

Title 51

PUBLIC HEALTH-SANITARY CODE

Part I. General Provisions

Chapter 1. General

§127. Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments

A. Any violation of R.S. 40:5.5.4 shall constitute a violation of this Code. The state health officer acting through the Office of Public Health shall issue fines for violations of R.S. 40:5.5.4 as follows:

1. for a first offense, a fine of \$500 per violation. The state health officer, in his/her discretion, may provide an opportunity for corrective action in lieu of a fine for a first offense;

2. for a second offense, a fine of \$1,000 per violation; and

3. for a third and subsequent offense, a fine of \$2,000 per violation.

B. Notwithstanding any provision of law to the contrary, including R.S. 40:6(D), prior issuance of a notice of violation or compliance order shall not be a prerequisite to imposing the fines authorized by this Section, which shall be imposed by issuance of a notice and order of imposition of penalties. The notice shall state with specificity the nature of the violation, shall be served on the violator by any means authorized by this Code, and shall be subject to the same administrative appeal procedures and delays as provided for compliance orders in this Code. Fines authorized by this Section shall not be subject to mitigation.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:5.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Tuesday, December 10, 2024 at COB, 4:30 pm, and should be addressed to

Tiffany Meche, Director, Sanitarian Services, P.O. Box 4489,
Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Tuesday, December 10, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 10 am on Monday, December 30, 2024, in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Ralph Abraham
Surgeon General
and
Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR
LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase expenditures for the Office of Public Health (OPH) by approximately \$266.25 in FY 24-25 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change. The proposed rule adds new fines and penalties for imported seafood menu labeling required by Act 148 of the 2024 Louisiana Legislature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL
GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY
AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule will add a nominal cost to the business owners of the retail food establishment who serve imported seafood and don't label their menus correctly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adoption of this proposed rule should not engender or have any effect on competition among retail food establishment owners.

Tonya Joiner

Assistant Secretary