To ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 9, 2009

Mr. Vitter (for himself, Mrs. Hutchison, Mr. Cornyn, Mr. Nelson of Florida, Mr. LeMieux, and Ms. Landrieu) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To ensure the sale and consumption of raw oysters and to direct the Food and Drug Administration to conduct an education campaign regarding the risks associated with consuming raw oysters, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Gulf Oyster Industry Jobs Protection Act”.

111TH CONGRESS
1ST SESSION

S. 2752
SEC. 2. LIMITATION ON USE OF FUNDS REGARDING POST-HARVEST OYSTER PROCESSING AND TREATMENTS.

Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) may be used by the Secretary to require that oysters be treated with post-harvest processing or other treatment or cooking requirements that result in a prohibition on selling or consuming raw oysters.

SEC. 3. EDUCATION CAMPAIGN REGARDING RAW OYSTERS.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Food and Drugs, and in cooperation with the oyster industry, the Interstate Shellfish Sanitation Conference, and any other agency such Commissioner deems appropriate, shall conduct an education campaign to increase awareness of the risks associated with consuming raw oysters.

(b) CONTENT.—The education campaign conducted under subsection (a) shall include the following components:

(1) A focus on educating the populations most at risk for harm from eating raw oysters, especially those with liver diseases or weakened immune systems.
(2) Informing oyster harvesters, processors, and distributors of all the requirements for oyster storage and handling and best practices to keep oysters safe for human consumption.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4. REQUIRED ANALYSES OF RULES RELATING TO DOMESTIC SEAFOOD.

If the Secretary issues a proposed regulation or guidance that affects the harvesting, processing, or transportation of seafood harvested in the United States, then in no case may such regulation or guidance become final or take effect until the Secretary submits to the appropriate committees of Congress a report that contains—

(1) a cost-benefit analysis and an economic impact study on such proposed regulation or guidance;

(2) a health impact analysis that describes any alleged health risks that such proposed regulation or guidance seeks to address and an explanation of how such regulation or guidance would addresses those risks; and

(3) an analysis that compares such proposed regulation or guidance to any similar regulations or guidance with respect to other regulated foods, in-
cluding a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods.