

111TH CONGRESS  
1ST SESSION

# S. 2752

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.

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## 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

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## 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 Representa-*  
2 *tives 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  
5 Jobs Protection Act”.

1 **SEC. 2. LIMITATION ON USE OF FUNDS REGARDING POST-**  
2 **HARVEST OYSTER PROCESSING AND TREAT-**  
3 **MENTS.**

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

11 **SEC. 3. EDUCATION CAMPAIGN REGARDING RAW OYSTERS.**

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

19 (b) CONTENT.—The education campaign conducted  
20 under subsection (a) shall include the following compo-  
21 nents:

22 (1) A focus on educating the populations most  
23 at risk for harm from eating raw oysters, especially  
24 those with liver diseases or weakened immune sys-  
25 tems.

1           (2) Informing oyster harvesters, processors, and  
2           distributors of all the requirements for oyster stor-  
3           age and handling and best practices to keep oysters  
4           safe for human consumption.

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

8           **SEC. 4. REQUIRED ANALYSES OF RULES RELATING TO DO-**  
9                                   **MESTIC SEAFOOD.**

10          If the Secretary issues a proposed regulation or guid-  
11          ance that affects the harvesting, processing, or transpor-  
12          tation of seafood harvested in the United States, then in  
13          no case may such regulation or guidance become final or  
14          take effect until the Secretary submits to the appropriate  
15          committees of Congress a report that contains—

16                 (1) a cost-benefit analysis and an economic im-  
17                 pact study on such proposed regulation or guidance;

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

23                 (3) an analysis that compares such proposed  
24                 regulation or guidance to any similar regulations or  
25                 guidance with respect to other regulated foods, in-

- 1 including a comparison of risks the Secretary may find
- 2 associated with seafood and the instances of those
- 3 risks in such other regulated foods.

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