



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

December 12, 2019

Memorandum

TO: Registered Environmental Health Specialists, Program Supervisors, and Managers

FROM: Shane Smith, REHS, Branch Head
Food Protection and Facilities Branch

SUBJECT: Guidance allowing Food Establishments to Repurpose Oyster Shells

DISCUSSION AND RATIONALE:

Senate Bill 444(S.L. 2019-141) amended N.C. G.S. 130A-248(c3) by adding a new subsection which states, "Notwithstanding any provisions of this Part, a food establishment may reuse an oyster shell to serve shucked oysters that are cooked, regardless if the shucked oysters are reused in the same shells from which they originated, provided the establishment does all of the following: (1) Posts on the premises a conspicuous sign, clearly legible and easily readable by the public, advising that the establishment reuses oyster shells to serve cooked oysters. (2) Protects each reused oyster shell from contamination by, at a minimum, doing all the following on the same day the oyster is removed from the shell: a). Boils the shell for a minimum of ten minutes b). Thoroughly dries the shell c). Reuses the shell within 48 hours after the oyster is removed from the shell.

RESPONSE/INTERPRETATION:

This law became effective October 1, 2019 and allows the reuse of oyster shells within 48 hours after the original oyster is removed. As this is a recently passed law, no rules in the NC 2009 Food Code exist to reflect the stipulations laid out in the law as it was passed. At present, if the law is not being followed as it is written, only observations can be gathered under the comment addendum portion of the marking sheet. However, if repeat violations of the requirements mentioned in the law have been observed and proper documentation has been collected, an intent to suspend maybe issued because this law was placed under NC G.S. 130A-248. During the adoption of the 2017 Food Code rules will be put in place to enforce all requirements of the law and marking

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instructions will be updated accordingly. Please reach out to your Regional Specialist for further clarification or questions.

REFERENCES

- Rules Governing the Food Protection and Sanitation of Food Establishments, 15A NCAC 18A .2600
- NC 2009 Food Code
- NC General Statutes