

Chapter No. 378

10/SS26/R912CS

JN / IB/LH

SENATE BILL NO. 2925

Originated in Senate *Herbert Hughes* Secretary

SENATE BILL NO. 2925

AN ACT TO PROHIBIT THE DISCHARGE OF HUMAN WASTE IN THE MARINE WATERS OF THE STATE FROM A VESSEL WHILE THE VESSEL IS USED TO HARVEST OR TRANSPORT OYSTERS; TO REQUIRE VESSELS THAT HARVEST OR TRANSPORT OYSTERS TO HAVE APPROVED MARINE SANITATION DEVICES; TO PROVIDE REQUIREMENTS FOR SUCH DEVICES; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) It is unlawful for any person, firm or corporation to discharge solid or human waste from any vessel while the vessel is used to harvest or transport oysters in the marine waters of the state.

(2) Each vessel used to harvest or transport oysters is required to have an approved functional marine sanitation device (MSD), portable toilet or other sewage disposal receptacle designed to contain human sewage. The approved marine sanitation device (MSD), portable toilet or other sewage disposal receptacle shall:

- (a) Be used only for the purpose intended.
- (b) Be secured while on board and located to prevent contamination of shell stock by spillage or leakage.
- (c) Be emptied only into an approved sewage disposal system.
- (d) Be cleaned before being returned to the vessel.
- (e) Not be cleaned with equipment used for washing or processing food.

(3) The use of other receptacles for sewage disposal may be approved by the department if the receptacles are:

(a) Constructed of impervious, cleanable materials and have tight-fitting lids; and

(b) Meet the requirements listed in subsection (2).

(4) The commission shall promulgate administrative penalties for violations of this section, which may include, but not be limited to, revocation of the license of the oyster vessel for up to one (1) year for the first offense, revocation up to two (2) years for the second offense, and permanent revocation for the third offense.

(5) Upon issuance of a citation for a violation of this section, the vessel shall be removed from the oyster reef and any oysters on board the vessel shall be confiscated and disposed of by the department. The vessel shall not be permitted to harvest from any public or private reefs until the vessel is properly equipped as determined by an inspection by the department.

SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
February 4, 2010



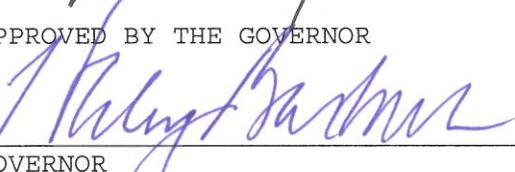
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 3, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/17/10

12:23pm