

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 627

An Act to amend and reenact § 28.2-526 of the Code of Virginia, relating to the standard for the measurement of oysters.

[H 2502]

Approved March 26, 2011

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-526 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-526. Oyster measures; standards; penalty.

A. ~~It~~ *Except as provided in subsection B, C, or D, it is unlawful for any person to buy or sell oysters in the shell by any measure other than one-half:*

1. *One-half bushel or one bushel metallic measures except as provided in subsection B, C or D of this section. Such measures containers shall be iron metallic circular tubs with straight sides and straight bottoms with and may have holes, if desired, for draining one inch in diameter. A half-bushel tub shall have the following dimensions, all measured from inside to inside: fifteen 15 inches across the top, thirteen 13 inches across the bottom, and seventeen 17 inches diagonally from the inside chine to the top; and a bushel tub shall measure 18 1/2 inches across the top, seventeen 17 inches across the bottom, and 21 1/2 inches diagonally from the inside chine to the top. Oysters harvested from the public rocks in the Potomac River or its tributaries may be bought or sold in one bushel metallic measures which shall measure eighteen 18 inches across the top, 16 1/2 inches across the bottom, and twenty-one 21 inches diagonally from the inside chine to the top. Such metallic measure must containers shall be level full across the entire top of the measure container to be considered a full measure; or*

2. *A container of not less than 2,800 cubic inches and not more than 3,000 cubic inches, the make and model of which has been approved by the Commission.*

Any seller of oysters or oyster shells who fails to furnish at the point of landing a full measure as defined in this section, or a buyer of any seed oysters or oyster shells who accepts less than a full measure as defined in this section, is guilty of a Class 1 misdemeanor.

B. Oysters may be sold in containers of a size greater than 18 1/2 inches across the top, seventeen 17 inches across the bottom, and 21 1/2 inches diagonally from the inside chine to the top if such container has been approved by the Commissioner and its use to measure oysters has been approved by both the buyer and seller.

C. On the eastern or ocean side of the Eastern Shore, oysters may be sold without being measured if both the buyer and the seller agree to the number of bushels of oysters in the transaction.

D. Cultured oysters in the shell may be sold in any measure or container agreeable to the buyer and seller.