

Effective 5/12/2020

4-32-109 Mandatory functions, powers, and duties of department prescribed.

- (1) The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, concerning the following functions, powers, and duties, in addition to those specified in Chapter 1, General Provisions, for the administration and enforcement of this chapter.
- (2) The department shall require antemortem and postmortem inspections, quarantine, segregation, and reinspections by inspectors appointed for those purposes with respect to the slaughter of animals and the preparation of meat and poultry products at official establishments, except as provided in Subsection 4-32-110(13).
- (3) The department shall require that:
 - (a) animals be identified for inspection purposes;
 - (b) meat or poultry products, or their containers be marked or labeled as:
 - (i) "Utah Inspected and Passed" if, upon inspection, the products are found to be unadulterated; and
 - (ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be adulterated; and
 - (c) condemned animal carcasses or products, which otherwise would be used for human consumption, be destroyed under the supervision of an inspector.
- (4) The department shall prohibit or limit meat products, poultry products, or other materials not prepared under inspection procedures provided in this chapter, from being brought into official establishments.
- (5) The department shall require that labels and containers for meat and poultry products:
 - (a) bear all information required by Section 4-32-115 if the product leaves the official establishment; and
 - (b) be approved before sale or transportation.
- (6) For official establishments required to be inspected under Subsection (2), the department shall:
 - (a) prescribe sanitary standards;
 - (b) require sanitary inspections; and
 - (c) refuse to provide inspection service if the sanitary conditions allow adulteration of any meat or poultry product.
- (7)
 - (a) The department shall require that any person engaged in a business referred to in Subsection (7)(b):
 - (i) keep accurate records disclosing all pertinent business transactions;
 - (ii) allow inspection of the business premises at reasonable times and examination of inventory, records, and facilities; and
 - (iii) allow samples to be taken.
 - (b) Subsection (7)(a) applies to any person who:
 - (i) slaughters animals;
 - (ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or poultry products for human or animal consumption;
 - (iii) renders animals; or
 - (iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of their carcasses that died by a method other than slaughter.
- (8)
 - (a) The department shall:

- (i) adopt by reference rules under federal acts with changes that the commissioner considers appropriate to make the rules applicable to operations and transactions subject to this chapter; and
 - (ii) make any other rules considered necessary for the efficient execution of the provisions of this chapter, including rules of practice providing an opportunity for hearing in connection with the issuance of orders under Subsection (6) or under Subsection 4-32-110(1), (2), or (3) and prescribing procedures for proceedings in these cases.
 - (b) These procedures do not preclude requiring that a label or container be withheld from use, or inspection be refused under Subsection (2) or (6), or Subsection 4-32-110(3), pending issuance of a final order in the proceeding.
- (9)
- (a) To prevent the inhumane slaughtering of animals, inspectors shall be appointed to examine and inspect methods of handling and slaughtering animals.
 - (b) Inspection of slaughtering establishments may be refused or temporarily suspended if animals have been slaughtered or handled by any method not in accordance with the Humane Methods of Slaughter Act of 1978, Pub. L. No. 95-445.
 - (c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or a religious faith's requirements that discourage stunning of the animal, the person slaughtering the animal shall file a written request with the commissioner.
- (10)
- (a) The department shall require an animal showing symptoms of disease during antemortem inspection, performed by an inspector appointed for that purpose, to be set apart and slaughtered separately from other livestock and poultry.
 - (b) When slaughtered, the carcasses of livestock and poultry are subject to careful examination and inspection in accordance with rules prescribed by the commissioner.
- (11) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 20,000 poultry during the calendar year to be no more stringent than the exemptions described in 21 U.S.C. Secs. 464(c)(1)(C), 21 U.S.C. Sec. 464(c)(3), 9 C.F.R. Sec. 381.10(a)(5), and 9 C.F.R. Secs. 381.10(b)(1) and (2).
- (12) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 1,000 poultry during the calendar year to be no more stringent than the exemptions described in 21 U.S.C. Sec. 464(c)(4) and 9 C.F.R. Sec. 381.10(c).
- (13) The department may maintain:
- (a) a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year; and
 - (b) a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.
- (14) The department shall make the rules described in Subsections (11) and (12) after the day on which the department receives approval from the U.S. Department of Agriculture that making the rules will preserve the state's role in meat and poultry inspections.

Amended by Chapter 129, 2020 General Session