

(ii) One tag plus a copy of the Farm Custom Slaughter-Release Permit shall be sent into the department by the 10th of each month for the preceding month's slaughter by the licensee.

(iii) After slaughter, carcasses must be stamped "NOT FOR SALE" on each quarter with letters at least 3/8" in height; further, a Farm Custom Slaughter "NOT FOR SALE" tag shall be affixed to each quarter of beef and each half of pork and sheep.

(c) Hide Purchase. Licensee receiving hides for slaughtering services shall obtain a copy of the Custom Slaughter-Release Permit to record transfer of ownership, pursuant to Section 4-24-18.

R58-11-8. Poultry Slaughter.

(1) Personal Use Exemption. A person who raises poultry may slaughter or process the poultry if:

(i) slaughtering or processing poultry is not prohibited by local ordinance;

(ii) the poultry product derived from the slaughtered poultry is consumed exclusively by the person or the person's immediate family, regular employees of the person, or non-paying guests;

(iii) the slaughtering and processing of the poultry is performed only by the owner or an employee;

(iv) the poultry is healthy when slaughtered;

(v) the exempt poultry is not sold or donated for use as human food; and

(vi) the immediate container bears the statement, "NOT FOR SALE".

(2) Farm Custom Slaughter and Processing A person may slaughter or process poultry belonging to another person if:

(i) the person holds a valid farm custom slaughter license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the licensee does not engage in the business of buying or selling poultry product capable for use as human food;

(iv) the poultry is healthy when slaughtered;

(v) the slaughtering or processing is conducted in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;

(vi) the unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance according to sanitation standards; and

(vii) the immediate container bears the following information:

(A) the owner's name and address;

(B) the licensee's name and address, and;

(C) the statement, "NOT FOR SALE".

(3) Producer or Grower 1,000 Bird Limit Exemption

(a) A poultry grower may slaughter no more than 1,000 birds of their own raising in a calendar year for distribution as human food if:

(i) the poultry grower does not engage in buying or selling poultry product other than product produced from poultry raised on their own farm, including rented or leased property;

(ii) the slaughtering and or processing are conducted under the sanitation standards capable of producing poultry products that are sound, clean, fit for human food, and not adulterated;

(iii) the producer keeps slaughter records and records covering the sales of poultry product to customers for the current calendar year;

(iv) the poultry products do not move in commerce; and

(v) as required by the U.S. Public Health Service, Food and Drug Administration, Food Code 2013, adopted by the department in Section R70-530-3, the immediate container bears the following information:

(A) name of product; and

(B) name and place of business of the processor; and

(vi) the immediate container bears the statement "Exempt R58-11-8(3)."

(b) The department shall maintain a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.

(4) Producer or Grower 20,000 Bird Limit Exemption.

(a) A poultry grower may slaughter no more than 20,000 healthy birds of their own raising in a calendar year for distribution as human food if:

(i) the poultry grower does not engage in buying or selling poultry product other than that produced from poultry raised on their own farm, including rented or leased property;

(ii) the slaughtering or processing is conducted in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;

(iii) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year;

(iv) the poultry product does not move in commerce, as the term is defined in 9 CFR 381.1; and

(v) the immediate container bear the following information:

(A) name of product;

(B) name and address of processor;

and

(C) the statement "Exempt R58-11-8(4)."

(b) The department shall maintain a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year.

(5) Producer or Grower or Other Person Exemption

(a) The term "Producer or Grower or Other Person" in this section means a single entity, which may be:

(i) A poultry grower who slaughters and processes poultry that they raised for sale directly to household consumers, restaurants, hotels, and boarding houses to be used in those homes and dining rooms for the preparation of meals served or sold directly to customers.

(ii) A person who purchases live poultry from a grower and then slaughters these poultry and processes such poultry for sale directly to household consumers, restaurants, hotels, and boarding houses to be served in those homes or dining rooms for the preparation of meals sold directly to customers.

(b) A business may slaughter and process poultry under this exemption if;

(i) the person holds a valid poultry exemption license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the producer or grower or other person slaughters for processing and sale directly to household consumers, restaurants, hotels, and boarding houses for use in dining rooms or in the preparation of meals sold directly to customers;

(iv) the producer or grower or other person slaughters no more than 20,000 birds in a calendar year that the producer or grower or other person raised or purchased;

(v) the producer or grower or other person does not engage in the business of buying or selling poultry or poultry products prepared under an other exemptions in the same calendar year they claim the Producer or Grower or Other Person Exemption;

(vi) the poultry products do not move in commerce. Distribution is directly to household consumers, restaurants, hotels, and boarding houses for use in their dining rooms or in the preparation of meals sold directly to consumers within the jurisdiction where it is prepared;

(vii) the slaughtering or processing is conducted in a fixed establishment and in accordance with sanitation standards that produce poultry products that are sound, clean, and fit for human food;

(viii) the producer keeps slaughter records and records covering the sales of poultry products to customers for the current calendar year; and

(ix) the immediate containers bear the following information:

(A) name of product;

(B) ingredients statement if applicable;

(C) net weights statement;

(D) name and address of processor;

(E) safe food handling statement;

(F) date of package or Lot number, and;

(G) the statement "Exempt R58-11-8(5)".

(c) A business preparing poultry product under the Producer or Grower or Other Person Exemption may not slaughter or process poultry owned by another person.

(d) A business preparing poultry products under the Producer or Grower or Other Person Exemption may not sell poultry products to a retail store or other producer or grower.

(6) Small Enterprise Exemption

(a) A business that qualifies for the Small Enterprise Exemption may be:

(i) a producer or grower who raises, slaughters, and dresses poultry for use as human food whose processing of dressed exempt poultry is limited to cutting up;

(ii) a business that purchases live poultry that it slaughters and whose processing of the slaughtered poultry is limited to the cutting up; or

(iii) a business that purchases dressed poultry, that it distributes as carcasses and whose processing is limited to the cutting up of inspected or exempted poultry products, for distribution for use as human food.

(b) a business may slaughter, dress, and cut up poultry for distribution as human food if:

(i) the person holds a valid poultry exemption license issued by the department;

(ii) slaughtering or processing poultry is not prohibited by local ordinance;

(iii) the processing of federal or state inspected or exempt poultry product is limited to the cutting up of carcasses or the business slaughters and dresses or cuts up no more than 20,000 birds in a calendar year;

(iv) the slaughtering and or processing is conducted in a fixed establishment and in accordance with sanitation standards that produce poultry product that is sound, clean, and fit for human food;

(v) the facility used to slaughter or process poultry is not used to slaughter or process another person's poultry; and

(vi) the immediate containers bear the following information:

(A) name of product;

(B) ingredients statement if applicable;

(C) net weights statement;

(D) name and address of processor;

(E) safe food handling statement;

(F) date of package or Lot number, and;

(G) the statement "Exempt R58-11-8(6)."

(c) A business may not cut up and distribute poultry product produced under the Small Enterprise Exemption to a business operating under the following exemptions:

- (i) Producer or Grower or PGOP Exemption;
- (ii) Retail Dealer; or
- (iii) Retail Store.

R58-11-9. Producer and Grower Sharing a Fixed Facility.

(1) Each producer or grower shall comply with the laws and regulations governing establishments as set forth in Title 4, Chapter 32, Utah Meat and Poultry and Poultry Products Inspection and Licensing Act, this rule, the United States Department of Agriculture Poultry Exemptions, and federal regulations that apply.

(2) The poultry producer or grower shall hold a valid Custom Exempt Meat Establishment License (2202) issued by the department. The individual who holds the 2202 license shall be present when slaughter and processing operations are being performed.

(3) The department shall be notified five business days prior to slaughtering and processing. The individual shall provide the department with the following information pertaining to the slaughtering and processing of birds:

- (a) the date;
- (b) the time; and
- (c) the location.

(4) The producer or grower shall:

- (a) conduct a pre-operational inspection on any food-contact surfaces;
 - (b) document the findings of the pre-operational inspection and corrective actions pursuant to 9 CFR 416.12(a) and 416.15 prior to the commencement of operations;
 - (c) maintain records for at least one year and have them available for inspection by department officials;
 - (d) fully label product in accordance with this rule before leaving the facility;
 - (e) maintain the product temperature at 40 degrees F or less during transport; and
 - (f) keep a written recall plan pursuant to 9 CFR 418 and have it available for inspection by department officials.
- (5) Producers or growers shall not process on the same day as any other producer or grower.

R58-11-10. Enforcement Procedures.

(1) Livestock and Poultry Slaughtering License.

(a) It shall be unlawful for any person to slaughter or assist in slaughtering livestock and poultry as a business outside of a licensed slaughterhouse unless they hold a valid Farm Custom Slaughtering License issued by the department.

(b) Only persons who comply with Title 4, Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act and associated rules, and Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, shall be entitled to receive and retain a license.

(c) A license may be renewed annually and shall expire on the 31st of December of each year.

(2) A license may be suspended whenever:

- (a) the department has reason to believe that an eminent public health hazard exists;
- (b) insanitary conditions are such that carcasses would be rendered adulterated and or contaminated;
- (c) the license holder has interfered with the department in the performance of its duties; or
- (d) the licensee violates Title 4, Chapter 32, the Utah Meat and Poultry Products Inspection and Licensing Act or Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act or associated rules.

(3) The department may, pursuant to 9 CFR 500, suspend or terminate any exemption with respect to any person whenever the department finds that the action will aid in effectuating the purposes of the Act. Failure to comply with the conditions of the exemption, including failure to process poultry and poultry product under sanitation standards, may result in termination of an exemption, in addition to other penalties consistent with 9 CFR 318.13.

(4) Warning letter. In instances when a violation may have occurred a warning letter may be sent to the licensee that specifies the violations and affords the holder a reasonable opportunity to correct them.

(5) Hearings. Whenever a licensee has been given notice by the department that suspected violations may have occurred or when a license is suspended, they may have an opportunity for a hearing to state their views before the department.

(6) Reinstatement of Suspended Permit. Any person whose license has been suspended may make application for reinstatement of the license. The department may then re-evaluate the applicant and conditions. If the applicant has demonstrated to the department that they will comply with the rules, the license may be reinstated.

(7) Detainment or Embargo. Any meat found in a food establishment that does not have the proper identification or any uninspected meat slaughtered by a licensee that does not meet the requirements of these rules may be detained or embargoed.

(8) Condemnation. Meat that is determined to be unfit for human consumption may be denatured or destroyed.

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