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Administrative Rules Review and General Oversight Committee

Office of Legislative Research and General Counsel

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Poultry Slaughter Exemptions

Utah Code Section 4-32-109

Inspection Requirements

- State law requires that inspection be performed for the slaughter and preparation of poultry products
- Inspections are required for all new processing plants, as well as bird-by-bird inspections to ensure that operations are conducted under sanitary conditions and the resulting products are unadulterated



Utah Code Section 4-32-109

Exemptions

20,000 Bird Exemption

The Department of Agriculture and Food (UDAF) 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 provided by federal law.**

1,000 Bird Exemption

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 provided by federal law.**

UDAF Registry

The department may maintain a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year; and a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.



Federal Poultry Slaughter Regulations

Regulatory Authority

- Three primary sources:
 - Federal statute ([Title 21 U.S.C.](#))
 - U.S. Department of Agriculture (USDA) Rule ([9 C.F.R.](#))
 - USDA Guidance Memos
- [USDA State Cooperative Agreements](#)
 - States can conduct their own meat inspection programs if they are “at least equal to” federal requirements
 - State-inspected products only permitted for intrastate commerce



Federal Poultry Slaughter Regulations

Required Inspections

Product Inspections (§381 Inspections)

- Bird-by-bird inspections conducted on the day of slaughter
- [9 C.F.R. §381.79](#)
 - “Each carcass...which are found to not be adulterated shall be passed for human food.”

Sanitation Inspections (§416 Inspections)

- [9 C.F.R. §416.1](#)
 - “Each official establishment must be operated...to ensure that product is not adulterated.”



Federal Poultry Slaughter Regulations

Exemptions

- Federal law provides exemptions from food safety regulations for small operations
 - [21 U.S.C. § 464\(c\)\(1\) and \(c\)\(4\), 9 C.F.R. § 381.10\(b\) and \(c\)](#)
 - Separate exemptions for operations that process fewer than 20,000 (narrower) and 1,000 (broader) birds per year
- [USDA Interpretation](#): §416 inspections still apply to exempted operations



State Poultry Slaughter Exemptions

- Created by [H.B. 358](#) (2020)

- (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.



Issue at Question

- Under Utah Code [4-32-109\(11\) and \(12\)](#), does the Legislature intend to exempt small processors from **only** the §381 product inspections, or do the exemptions **also** include the §416 sanitation inspections?





Commercial Use of Inedible Game Products

Utah Code Section 23A-5-304(1)

Prohibition on Commercial Use of Wildlife

A person may not use wildlife as a commercial venture for financial gain except as provided in this title or under rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.



Rule History

Administrative Rules Effective July 11, 2023

Department of Natural Resources (DNR) Administrative Rule R-657-5

Prior to July 11, 2023

- **R657-5-20(1)**
- All inedible byproducts may be purchased or sold

Effective July 11, 2023

- **R657-5-20(1)**
- Only hides, antlers, and horns may be purchased or sold
- The purchase or sale of other inedible byproducts is prohibited



Inedible Game Byproducts

- Inedible game byproducts include hides, antlers, horns, and other parts aside from meat harvested when game is legally taken
 - Includes organs, bones, rendered meat, and other products typically called “offal”
 - Offal can be processed and used for fertilizers, feed, and as raw materials for other products



Rule History

DNR Impact Statement on Anticipated Costs to Small Businesses

C) Small businesses ("small business" means a business employing 1-49 persons):

The proposed rule amendments do have the potential to impact small businesses that deal in the sale of inedible animal byproducts as this will no longer be legal.

It is impossible to estimate the number of small businesses that may be impacted or the financial loss because the sale of inedible animal byproducts is currently not regulated.

This would include the sale of sinew, bones, spoiled meat, and ground up carcasses from wild game as feed.

This would not impact a small businesses entire operation because it is only limited to wild game species and would not impact domestic meat sources.



Thank You



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