

4-32-8 Discretionary functions, powers, and duties of commissioner prescribed.

The commissioner may:

- (1) remove inspectors from any official establishment that fails to:
 - (a) destroy condemned products pursuant to Subsection 4-32-7(2); or
 - (b) comply with any other of this chapter's requirements;
- (2) refuse to provide inspection for any official establishment for any cause specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the federal Poultry Products Inspection Act;
- (3) withhold the use of labels and containers if the labeling is false or misleading or the containers are misleading in size or form;
- (4) prescribe the type size and style to be used for labeling:
 - (a) information;
 - (b) definitions; and
 - (c) standards of identity, composition, or container fill;
- (5) prescribe conditions for the storage and handling of meat and poultry products by any person who sells, freezes, stores, or transports these products to prevent them from becoming adulterated or misbranded;
- (6) require that equines be slaughtered and prepared in official establishments separate from those where other animals are slaughtered or their products are prepared;
- (7) require that the following people register the name and address of each place of business and all trade names:
 - (a) broker;
 - (b) renderer;
 - (c) animal food manufacturer;
 - (d) wholesaler;
 - (e) public warehouseman of meat or poultry products; or
 - (f) anyone engaged in the business of buying, selling, or transporting any:
 - (i) dead, dying, disabled, or diseased animals; or
 - (ii) parts of animal carcasses that died other than by slaughter;
- (8) make inspections of official establishments at night, as well as during the day, if animals or meat and poultry products are slaughtered and prepared for commercial purposes in those establishments at night;
- (9) divide the state into inspection districts and designate killing days and partial killing days for each official establishment;
- (10) cooperate with the Secretary of Agriculture of the United States in the administration of this chapter and accept federal assistance and use funds appropriated for the administration of this chapter to pay the state's proportionate share of the cooperative program;
- (11) recommend the names of officials and employees of the department to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts;
- (12) serve as the representative of the governor for consultation with the Secretary of Agriculture under paragraph (c) of Section 301 of the Federal Meat Inspection Act and Section 5(c) of the federal Poultry Products Inspection Act, unless the governor selects another representative; and
- (13) exempt from inspection:
 - (a) the slaughter and processing of an animal by any person who raises an animal for the person's own use, members of the person's household, employees, or nonpaying guests;
 - (b) custom exempt slaughter and processing operations;
 - (c) farm custom slaughter performed by a licensee; and

- (d) any other operation, if the exemption:
 - (i) furthers the purposes of this chapter; and
 - (ii) conforms to federal acts.

Amended by Chapter 242, 2010 General Session