

MEAT INSPECTION AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill addresses meat inspection provisions.

Highlighted Provisions:

This bill:

▶ provides for the adoption of various federal meat and poultry related provisions by reference;

▶ addresses the Department of Agriculture's adoption of emergency rules;

▶ changes terminology concerning livestock, meat and poultry products, meat establishments, and similar terms;

▶ defines other terms;

▶ makes changes necessary to effectuate changes in terminology;

▶ provides exceptions from licensing requirements for various meat and poultry related activities;

▶ addresses the licensing of a meat establishment;

▶ requires a farm custom slaughter license holder to provide the age of a slaughtered animal; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 4-32-2, as enacted by Laws of Utah 1979, Chapter 2
- 32 4-32-3, as last amended by Laws of Utah 2007, Chapter 179
- 33 4-32-4, as last amended by Laws of Utah 1997, Chapter 302
- 34 4-32-5, as last amended by Laws of Utah 2007, Chapter 179
- 35 4-32-6, as enacted by Laws of Utah 1979, Chapter 2
- 36 4-32-7, as last amended by Laws of Utah 2008, Chapter 382
- 37 4-32-8, as last amended by Laws of Utah 1990, Chapter 144
- 38 4-32-11, as last amended by Laws of Utah 1990, Chapter 144
- 39 4-32-12, as last amended by Laws of Utah 1990, Chapter 144
- 40 4-32-13, as last amended by Laws of Utah 2007, Chapter 179
- 41 4-32-16, as enacted by Laws of Utah 1979, Chapter 2
- 42 4-32-17, as enacted by Laws of Utah 1979, Chapter 2
- 43 4-32-18, as last amended by Laws of Utah 2007, Chapter 179
- 44 4-32-20, as last amended by Laws of Utah 2007, Chapter 179
- 45 4-32-21, as last amended by Laws of Utah 1987, Chapter 161
- 46 4-32-22, as last amended by Laws of Utah 2007, Chapter 179

47 ENACTS:

- 48 4-32-2.1, Utah Code Annotated 1953
- 49 4-32-2.2, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52 Section 1. Section 4-32-2 is amended to read:

53 **4-32-2. Purpose declaration.**

54 (1) It is the purpose of this chapter to provide a meat and poultry [products] inspection
55 [programs] program in the state at least equal to [those] the programs imposed under the
56 Federal Meat Inspection Act [and], the federal Poultry Products Inspection Act, and the
57 Humane Slaughter Act.

58 (2) The commissioner [~~is directed to~~] shall administer and enforce this chapter to

59 accomplish this purpose.

60 Section 2. Section **4-32-2.1** is enacted to read:

61 **4-32-2.1. Adoption of federal provisions.**

62 (1) The following federal laws, regulations, and standards are adopted by reference:

63 (a) 9 C.F.R. Part 300 through Part 500;

64 (b) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;

65 (c) the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; and

66 (d) the Humane Slaughter Act, 7 U.S.C. Sec. 1901 et seq.

67 (2) Changes to the federal laws, regulations, and standards referenced in Subsection (1)

68 are considered incorporated as those changes are made.

69 Section 3. Section **4-32-2.2** is enacted to read:

70 **4-32-2.2. Emergency rules.**

71 The department may make emergency rules concerning the meat and poultry inspection
72 program only in accordance with Section 63G-3-304.

73 Section 4. Section **4-32-3** is amended to read:

74 **4-32-3. Definitions.**

75 As used in this chapter:

76 (1) "Adulterated" means any [~~livestock product~~] meat or poultry product that:

77 (a) bears or contains any poisonous or deleterious substance that may render it
78 injurious to health, but, if the substance is not an added substance, the [~~livestock~~] meat or
79 poultry product [~~shall not be~~] is not considered adulterated under this subsection if the quantity
80 of the substance in or on the [~~livestock~~] meat or poultry product does not ordinarily render it
81 injurious to health;

82 (b) bears or contains, by reason of the administration of any substance to the [~~livestock~~
83 ~~or poultry~~] animal or otherwise, any added poisonous or added deleterious substance [~~which~~]
84 that in the judgment of the commissioner makes the [~~livestock~~] meat or poultry product unfit
85 for human food;

86 (c) contains, in whole or in part, a raw agricultural commodity and [~~such~~] that
87 commodity bears or contains a pesticide chemical that is unsafe within the meaning of 21
88 U.S.C. Sec. 346a;

89 (d) bears or contains any food additive that is unsafe within the meaning of 21 U.S.C.

90 Sec. 348;

91 (e) bears or contains any color additive that is unsafe within the meaning of 21 U.S.C.
92 Sec. 379e; provided, that a ~~[livestock product which]~~ meat or poultry product that is not
93 otherwise considered adulterated under ~~[Subsections]~~ Subsection (1)(c)~~;~~ or (d)~~;~~ ~~or (e)]~~ of this
94 section ~~[shall nevertheless be]~~ is considered adulterated if use of the pesticide chemical, food
95 additive, or color additive is prohibited in official establishments by ~~[rules of the department]~~
96 federal law, regulation, or standard;

97 (f) consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for
98 any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

99 (g) has been prepared, packaged, or held under unsanitary conditions if ~~[it]~~ the meat or
100 poultry product may have become contaminated with filth, or if it may have been rendered
101 injurious to health;

102 (h) is in whole or in part the product of an animal that ~~[has died otherwise]~~ died other
103 than by slaughter;

104 (i) is contained in a container that is composed, in whole or in part, of any poisonous or
105 deleterious substance that may render the meat or poultry product injurious to health;

106 (j) has been intentionally subjected to radiation, unless the use of the radiation ~~[was in~~
107 conformity] conforms with a regulation or exemption in effect pursuant to 21 U.S.C. Sec. 348;

108 (k) has a valuable constituent in whole or in part omitted, abstracted, or substituted; or
109 if damage or inferiority is concealed in any manner; or if any substance has been added, mixed,
110 or packed with the meat or poultry product to increase its bulk or weight, or reduce its quality
111 or strength, or to make it appear better or of greater value; or

112 (l) is margarine containing animal fat and any of the raw material used in the margarine
113 consists in whole or in part of any filthy, putrid, or decomposed substance.

114 (2) "Animal" means a domesticated or captive mammalian or avian species.

115 ~~[(2)]~~ (3) "Animal food manufacturer" means any person engaged in the business of
116 preparing animal food derived from [livestock] animal carcasses or parts or products of [such]
117 the carcasses.

118 (4) "Ante mortem inspection" means an inspection of a live animal immediately before
119 slaughter.

120 ~~[(3)]~~ (5) "Broker" means any person engaged in the business of buying [or selling

121 ~~livestock or livestock products on commission, or otherwise negotiating purchases or sales of~~
122 ~~livestock or livestock products other than for such]~~ and selling meat or poultry products other
123 than for the person's own account.

124 ~~[(4)]~~ (6) "Capable of use as human food" means any ~~[livestock]~~ animal carcass, or part
125 or product of a carcass, unless it is denatured or otherwise identified as required by rules of the
126 department to deter its use as human food~~[, or unless it is naturally inedible by humans].~~

127 (7) "Commissioner" includes a person authorized by the commissioner to carry out this
128 chapter's provisions.

129 ~~[(5)]~~ (8) "Container" or "package" means any box, can, tin, cloth, plastic, or other
130 receptacle, wrapper, or cover.

131 (9) "Custom exempt processing" means processing meat or wild game as a service for
132 the person who owns the meat or wild game and uses the meat and meat food products for the
133 person's own consumption, including consumption by immediate family members and
134 non-paying guests.

135 (10) "Custom exempt slaughter":

136 (a) means slaughtering an animal as a service for the person who owns the animal and
137 uses the meat and meat products for the person's own consumption, including consumption by
138 immediate family members and non-paying guests; and

139 (b) includes farm custom slaughter.

140 ~~[(6)]~~ (11) "Director of meat inspection" means a licensed graduate veterinarian whose
141 duties and responsibilities are specified by the commissioner.

142 ~~[(7) "Domesticated elk" shall have the meaning as defined in Section 4-39-102.]~~

143 (12) "Diseased animal":

144 (a) means an animal that:

145 (i) is diagnosed with a disease not known to be cured; or

146 (ii) has exhibited signs or symptoms of a disease that is not known to be cured; and

147 (b) does not include an otherwise healthy animal that suffers only from injuries such as
148 fractures, cuts, or bruises.

149 ~~[(8)]~~ (13) "Farm custom slaughter" means custom exempt slaughtering of ~~[livestock or~~
150 ~~poultry]~~ an animal for an owner without inspection.

151 (14) "Farm custom mobile unit" means a portable slaughter vehicle or trailer that is

152 used by a farm custom slaughter licensee to slaughter animals on the animal owner's property.

153 ~~[(9)]~~ (15) "Farm custom slaughter [~~permit~~] license" means a [~~permit~~] license issued by
154 the department to allow farm custom slaughter.

155 ~~[(10)]~~ (16) "Farm custom slaughter tag" means a tag [~~which~~] that specifies the animal's
156 identification and certifies its ownership, which is issued by the department through a brand
157 inspector to the owner of the animal before it is slaughtered.

158 (17) "Federal acts" means:

159 (a) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq;

160 (b) the Federal Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; and

161 (c) the Humane Slaughter Act, 7 U.S.C. 1901 et seq.

162 ~~[(11)]~~ (18) "Federal Food, Drug and Cosmetic Act" means the act so entitled, approved
163 June 25, 1938 (52 Stat. 1040) (21 U.S.C. 301 et seq.), and any amendments to it.

164 ~~[(12) "Federal Meat Inspection Act" means the act so entitled approved March 4, 1907~~
165 ~~(34 Stat. 1260), as amended by the Wholesome Meat Act, 21 U.S.C. 601 et seq.; the term~~
166 ~~"federal Poultry Products Inspection Act" means the act so entitled approved August 28, 1957~~
167 ~~71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791 21 U.S.C. 451~~
168 ~~et seq.; and the term "federal acts" means these two federal acts.]~~

169 ~~[(13)]~~ (19) "Immediate container" means any consumer package, or any other container
170 in which [~~livestock~~] meat or poultry products not consumer packaged, are packed.

171 ~~[(14)]~~ (20) "Inspector" means a licensed veterinarian or competent lay person working
172 under the supervision of a licensed graduate veterinarian.

173 ~~[(15)]~~ (21) "Label" means a display of printed[;] or graphic matter upon any [~~livestock~~]
174 meat or poultry product or the immediate container, not including package liners, of any such
175 product.

176 ~~[(16)]~~ (22) "Labeling" means all labels and other printed[;] or graphic matter:

177 (a) upon any [~~livestock~~] meat or poultry product or any of its containers or wrappers; or

178 (b) accompanying a [~~livestock~~] meat or poultry product.

179 ~~[(17) "Livestock" means any cattle, domesticated elk, sheep, swine, goats, horses,~~
180 ~~mules or other equines, whether living or dead.]~~

181 ~~[(18) "Livestock product" means any carcass, part of a carcass, meat, or meat food~~
182 ~~product of any livestock.]~~

- 183 (23) "Licensee" means a person who holds a valid farm custom slaughter license.
- 184 (24) "Meat" means the edible muscle and other edible parts of an animal, including
- 185 edible:
- 186 (a) skeletal muscle;
- 187 (b) organs;
- 188 (c) muscle found in the tongue, diaphragm, heart, or esophagus; and
- 189 (d) fat, bone, skin, sinew, nerve, or blood vessel that normally accompanies meat and is
- 190 not ordinarily removed in processing.
- 191 (25) "Meat establishment" means a plant or fixed premises used to:
- 192 (a) slaughter animals for human consumption; or
- 193 (b) process meat or poultry products for human consumption.
- 194 ~~[(19)] (26) "Meat [food] product" means any product capable of use as human food~~
- 195 ~~that is made wholly or in part from any meat or other part of the carcass of any [cattle, sheep,~~
- 196 ~~swine, or goats, excepting products that contain meat or other parts of such carcasses in~~
- 197 ~~relatively small proportion or that historically have not been considered by consumers as~~
- 198 ~~products of the meat food industry, and which are exempted from definition as a meat food~~
- 199 ~~product by the commissioner. Meat food product as applied to food products of equines shall~~
- 200 ~~have a meaning comparable to that provided in this subsection with respect to cattle, sheep,~~
- 201 ~~swine, and goats] non-avian animal.~~
- 202 ~~[(20)] (27) "Misbranded" means any [livestock product] meat or poultry product that:~~
- 203 ~~(a) bears a label that is false or misleading in any particular;~~
- 204 ~~(b) is offered for sale under the name of another food;~~
- 205 ~~(c) is an imitation of another food, unless the label bears, in type of uniform size and~~
- 206 ~~prominence, the word "imitation" followed by the name of the food imitated;~~
- 207 ~~(d) if its container is so made, formed, or filled as to be misleading;~~
- 208 ~~(e) does not bear a label showing:~~
- 209 ~~(i) the name and place of business of the manufacturer, packer, or distributor; and~~
- 210 ~~(ii) an accurate statement of the quantity of the product in terms of weight, measure, or~~
- 211 ~~numerical count; provided, that under this Subsection [(20)] (27)(e), exemptions as to~~
- 212 ~~[livestock] meat and poultry products not in containers may be established by rules of the~~
- 213 ~~department and that under this Subsection [(20)] (27)(e)(ii), reasonable variations may be~~

214 permitted, and exemptions for small packages may be established for [~~livestock~~] meat or
215 poultry products by rule of the department;

216 (f) does not bear any word, statement, or other information required by or under
217 authority of this chapter to appear on the label or other labeling is not prominently placed with
218 such conspicuousness, as compared with other words, statements, designs, or devices, in the
219 labeling, and in such terms as to render it likely to be read and understood by the ordinary
220 individual under customary conditions of purchase and use;

221 (g) is a food for which a definition and standard of identity or composition has been
222 prescribed by rules of the department under Section 4-32-7 if the food does not conform to
223 [~~such~~] the definition and standard and the label does not bear the name of the food and any
224 other information that is required by the rule;

225 (h) is a food for which a standard of fill has been prescribed by rule of the department
226 for the container and the actual fill of the container falls below that prescribed unless its label
227 bears, in [~~such~~] a manner and form as [~~such rules specify~~] the rule specifies, a statement that it
228 falls below [~~such~~] the standard;

229 (i) is a food for which no standard or definition of identity has been prescribed under
230 Subsection [~~(20)~~] (27)(g) unless its label bears:

231 (i) the common or usual name of the food, if there be any; and

232 (ii) if it is fabricated from two or more ingredients, the common or usual name of each
233 such ingredient; except that spices, flavorings, and colorings may, when authorized by the
234 department, be designated as spices, flavorings, and colorings without naming each; provided,
235 that to the extent that compliance with the requirements of this Subsection [~~(20)~~] (27)(i)(ii) is
236 impracticable, or results in deception or unfair competition, exemptions shall be established by
237 rule;

238 (j) is a food that purports to be or is represented to be for special dietary uses, unless its
239 label bears [~~such~~] information concerning its vitamin, mineral, and other dietary properties as
240 the department, after consultation with the Secretary of Agriculture of the United States,
241 prescribes by rules as necessary to inform purchasers as to its value for [~~such~~] special dietary
242 uses;

243 (k) bears or contains any artificial flavoring, artificial coloring, or chemical
244 preservative, unless it bears labeling stating that fact; provided, that to the extent that

245 compliance with the requirements of this subsection are impracticable, exemptions shall be
246 prescribed by rules of the department; or

247 (l) does not bear directly thereon and on its containers, as the department may prescribe
248 by rule, the official inspection legend and establishment number of the official establishment
249 where the product was prepared, and, unrestricted by any of the foregoing, ~~[such]~~ other
250 information as the department may require by ~~[rules]~~ rule to assure that ~~[it]~~ the meat or poultry
251 product will not have false or misleading labeling and that the public will be informed of the
252 manner of handling required to maintain it in a wholesome condition.

253 ~~[(21)]~~ (28) "Official certificate" means any certificate prescribed by rules of the
254 department for issuance by an inspector or other person performing official functions under this
255 chapter.

256 ~~[(22)]~~ (29) "Official device" means any device prescribed or authorized by the
257 commissioner for use in applying any official mark.

258 ~~[(23)]~~ (30) "Official establishment" means any establishment at which inspection of the
259 slaughter of ~~[livestock]~~ animals or the preparation of ~~[livestock]~~ meat or poultry products is
260 maintained under the authority of this chapter.

261 ~~[(24)]~~ (31) "Official inspection legend" means any symbol prescribed by rules of the
262 department showing that a ~~[livestock]~~ meat or poultry product was inspected and passed in
263 accordance with this chapter.

264 ~~[(25)]~~ (32) "Official mark" means the official legend or any other symbol prescribed by
265 rules of the department to identify the status of any ~~[livestock or livestock]~~ animal carcass or
266 meat or poultry product under this chapter.

267 ~~[(26)]~~ "Permittee" means a person who holds a valid farm custom slaughter permit.]

268 ~~[(27)]~~ (33) "Pesticide chemical," "food additive," "color additive," and "raw
269 agricultural commodity," have the same meanings for purposes of this chapter as ascribed to
270 them in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

271 (34) "Post mortem inspection" means an inspection of a slaughtered food animal's
272 carcass after slaughter.

273 ~~[(28)]~~ (35) "Poultry" means any domesticated bird, whether living or dead.

274 ~~[(29)]~~ (36) "Poultry product" means any product capable of use as human food that is
275 made wholly or in part from any poultry carcass, excepting products that contain poultry

276 ingredients in relatively small proportion or that historically have not been considered by
277 consumers as products of the poultry food industry, and that are exempted from definition as a
278 poultry product by the commissioner.

279 ~~[(30)]~~ (37) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut
280 up, or otherwise manufactured or processed.

281 (38) "Process" means to cut, grind, manufacture, compound, smoke, intermix, or
282 prepare meat or poultry products.

283 ~~[(31)]~~ (39) "Renderer" means any person engaged in the business of rendering
284 ~~[livestock]~~ animal carcasses, or parts or products of ~~[such]~~ animal carcasses, except rendering
285 conducted under inspection or exemption under this chapter.

286 ~~[(32)]~~ (40) "Slaughter" means:

287 (a) the killing of ~~[livestock or poultry]~~ an animal in a humane manner including
288 skinning[;] or dressing[;]; or

289 (b) the process of performing any of the specified acts in preparing ~~[livestock or~~
290 ~~poultry]~~ an animal for human consumption.

291 ~~[(33)] "Slaughterhouse" or "custom slaughterhouse" means any building, plant, or~~
292 ~~establishment used for the purpose of killing, dressing, or processing, whether such dressing or~~
293 ~~processing is in conjunction with a killing operation or is a separate business, livestock or~~
294 ~~livestock products or poultry or poultry products offered for sale or to be used for human~~
295 ~~consumption.]~~

296 ~~[(34)] "Slaughtering of livestock or poultry as a business" means the slaughtering of~~
297 ~~livestock or poultry for the owner or caretaker of the livestock or poultry by a person who is~~
298 ~~not a full-time employee of the owner or caretaker of such livestock or poultry.]~~

299 (41) "Wild game" means an animal, the products of which are food that is not
300 classified as a domesticated food animal, captive game animal, or captive game bird, including
301 the following when not domesticated:

302 (a) deer;

303 (b) elk;

304 (c) antelope;

305 (d) moose;

306 (e) bison;

- 307 (f) bear;
 308 (g) rabbit;
 309 (h) squirrel;
 310 (i) raccoon; and
 311 (j) birds.

312 Section 5. Section ~~4-32-4~~ is amended to read:

313 **4-32-4. Meat establishment license -- Slaughtering livestock except in licensed**
 314 **meat establishment prohibited -- Exceptions -- Violation a misdemeanor.**

315 (1) ~~[No person shall operate a slaughterhouse in this state without a license issued by~~
 316 ~~the department, nor shall any person]~~ A person may not, except in a licensed [slaughterhouse,
 317 ~~slaughter livestock as a business]~~ meat establishment, slaughter animals for human
 318 consumption or assist other persons in the slaughter [of livestock] or processing of animals
 319 except as otherwise provided in Subsection (2) [or], (3), or (4).

320 (2) ~~[Except as provided in Subsection (3), a]~~ A person who raises [his own livestock]
 321 an animal or an employee of that person may slaughter [livestock] an animal without a farm
 322 custom slaughter ~~[permit]~~ license if:

323 (a) (i) the [livestock] animal is slaughtered on property owned by [that] the person; and
 324 (ii) (A) slaughtering or processing animals is not prohibited by local ordinance; and
 325 (B) any hide, viscera, blood, or other tissue is disposed of by removal to a rendering
 326 facility, landfill, or by burial, as allowed by law;

327 (b) the ~~[livestock]~~ meat or poultry product derived from the slaughtered animal is
 328 consumed exclusively by ~~[that] the person or [his] the person's~~ immediate family, regular
 329 employees of ~~[that] the person,~~ or nonpaying guests; and

330 (c) the ~~[livestock]~~ meat or poultry product is marked "Not For Sale."

331 ~~[(3) Domesticated elk may only be slaughtered as provided in this chapter and in~~
 332 ~~Chapter 39 of this title.]~~

333 ~~[(4)]~~ (3) Farm custom slaughter may be performed by a person who holds a valid farm
 334 custom slaughter ~~[permit]~~ license.

335 (4) A retail establishment that processes meat or poultry products primarily for sale to
 336 individual consumers at the retail establishment is exempt from provisions requiring licensing
 337 of a meat establishment if:

338 (a) the retail establishment is not engaged in slaughter operations;
339 (b) the retail establishment sells the processed meat and poultry products only to
340 individual consumers at the retail establishment, or to restaurants or institutions for use in
341 meals served at those restaurants or institutions;
342 (c) the retail establishment's sales of processed meat and poultry products to restaurants
343 or institutions do not exceed the federal adjusted dollar limitation, or 25 percent by dollar
344 volume of all meat sales from the retail establishment, whichever is less;
345 (d) the retail establishment receives meat only from a meat establishment licensed
346 under this chapter or inspected by the United States Department of Agriculture under 21 U.S.C.
347 Sections 451 to 695;
348 (e) the operator of the retail establishment does not sell, to any person other than an
349 individual consumer, any meat or poultry product that is cured, smoked, seasoned, canned, or
350 cooked at the retail establishment;
351 (f) the retail establishment does not sell any meat or poultry product that is cured,
352 smoked, seasoned, canned, or cooked at the retail establishment at a location other than the
353 retail establishment; and
354 (g) the operator of the retail establishment does not sell, to any person other than an
355 individual consumer, any meat product made by combining meat from different animal species
356 at the retail establishment.
357 (5) Any person who violates this section, except as otherwise provided in Subsection
358 [~~5~~] (6), is guilty of a class C misdemeanor.
359 (6) Any person who offers for sale or sells any uninspected [~~livestock~~] meat or poultry
360 product is guilty of a class B misdemeanor.
361 Section 6. Section **4-32-5** is amended to read:
362 **4-32-5. Meat establishment and farm custom slaughter licenses -- Application --**
363 **Fees -- Expiration -- Renewal.**
364 (1) A person may not operate a meat establishment in the state without a meat
365 establishment license issued by the department.
366 [~~1~~] (2) (a) Application for a license to operate a [~~slaughterhouse~~] meat establishment
367 shall be made to the department upon [~~forms~~] a form prescribed and furnished by [~~it~~] the
368 department.

369 (b) Upon receipt of a proper application, compliance with all applicable rules, and the
370 payment of an annual license fee determined by the department according to Subsection
371 4-2-2(2), the commissioner, if satisfied that the public convenience and necessity will be
372 served, shall issue a license allowing the applicant to operate a ~~[slaughterhouse]~~ meat
373 establishment through December 31 of the year in which the license is issued, subject to
374 suspension or revocation for cause.

375 (c) A ~~[slaughterhouse]~~ meat establishment license is annually renewable on or before
376 December 31 of each year, upon the payment of an annual license renewal fee in an amount
377 determined by the department according to Subsection 4-2-2(2).

378 ~~[(2)]~~ (3) (a) Application for a farm custom slaughter ~~[permit]~~ license to engage in the
379 business of slaughtering livestock shall be made to the department on ~~[forms]~~ a form
380 prescribed and furnished by ~~[it]~~ the department.

381 (b) Upon receipt of a proper application, compliance with all applicable rules, and
382 payment of a ~~[permit]~~ license fee in an amount determined by the department according to
383 Subsection 4-2-2(2), the commissioner shall issue a ~~[permit]~~ license allowing the applicant to
384 engage in farm custom slaughtering.

385 (c) A farm custom slaughter ~~[permit]~~ license is annually renewable on or before
386 December 31 of each year, upon the payment of an annual renewal ~~[permit]~~ license fee in an
387 amount determined by the department according to Subsection 4-2-2(2).

388 Section 7. Section **4-32-6** is amended to read:

389 **4-32-6. Duties of person who holds a farm custom slaughter license.**

390 Each person who holds a farm custom slaughter ~~[permit]~~ license shall:

- 391 (1) keep accurate records of each animal slaughtered including the name, address, and
392 telephone number of each person for whom ~~[livestock]~~ the animal is slaughtered, a full
393 description of each animal slaughtered including age, brands, marks, or other identifying
394 marks, proof of ownership, destination of the carcass for processing, and the date of slaughter;
- 395 (2) require that each animal presented for slaughter bear a farm custom slaughter tag;
- 396 (3) render the animal to be slaughtered insensible to pain by captive bolt, gunshot,
397 electric shock, or other humane means before it is shackled, hoisted, thrown, cast, or cut; and
- 398 (4) stamp and tag the carcass of any slaughtered animal "Not For Sale."

399 Section 8. Section **4-32-7** is amended to read:

400 **4-32-7. Mandatory functions, powers, and duties of department prescribed.**

401 The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative
402 Rulemaking Act, ~~[regarding]~~ concerning the following functions, powers, and duties, in
403 addition to those specified in Title 4, ~~[Chapter 1,]~~ Utah Agricultural Code, for the
404 administration and enforcement of this chapter:

405 (1) The department shall require antemortem and postmortem inspections, quarantine,
406 segregation, and reinspections by inspectors appointed for those purposes with respect to the
407 slaughter of ~~[livestock and poultry]~~ animals and the preparation of ~~[livestock]~~ meat and poultry
408 products at official establishments, except as provided in Subsection 4-32-8(13).

409 (2) The department shall require that:

410 (a) ~~[livestock and poultry]~~ animals be identified for inspection purposes;

411 (b) ~~[livestock]~~ meat or poultry products, or their containers be marked or labeled as:

412 (i) "Utah Inspected and Passed" if, upon inspection, the products are found to be
413 unadulterated; and

414 (ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be
415 adulterated; and

416 (c) condemned animal carcasses or products, which otherwise would be used for
417 human consumption, be destroyed under the supervision of an inspector.

418 (3) The department shall prohibit or limit ~~[livestock]~~ meat products, poultry products,
419 or other materials not prepared under inspection procedures provided in this chapter, from
420 being brought into official establishments.

421 (4) The department shall require that labels and containers for ~~[livestock]~~ meat and
422 poultry products:

423 (a) bear all information required ~~[under]~~ by Section 4-32-3 if the product leaves the
424 official establishment; and

425 (b) be approved ~~[prior to]~~ before sale or transportation.

426 (5) For official establishments required to be inspected under Subsection (1), the
427 department shall:

428 (a) prescribe sanitary standards;

429 (b) require ~~[experts in sanitation or other competent investigators to investigate~~
430 sanitary conditions] sanitary inspections; and

431 (c) refuse to provide inspection service if the sanitary conditions allow adulteration of
432 any [~~livestock~~] meat or poultry product.

433 (6) (a) The department shall require that any person engaged in a business referred to in
434 Subsection (6)(b) [~~shall~~]:

435 (i) keep accurate records disclosing all pertinent business transactions;

436 (ii) allow inspection of the business premises at reasonable times and examination of
437 inventory, records, and facilities; and

438 (iii) allow [~~inventory~~] samples to be taken [~~after payment of their fair market value~~].

439 (b) Subsection (6)(a) [~~shall refer~~] applies to any person who:

440 (i) slaughters [~~livestock or poultry~~] animals;

441 (ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any [~~livestock~~]
442 meat or poultry products for human or animal consumption;

443 (iii) renders [~~livestock or poultry~~] animals; or

444 (iv) buys, sells, or transports any dead, dying, disabled, or diseased [~~livestock or~~
445 ~~poultry~~] animals, or parts of their carcasses that died by a method other than slaughter.

446 (7) (a) The department shall:

447 (i) adopt by reference rules and regulations under federal acts with changes that the
448 commissioner considers appropriate to make the rules and regulations applicable to operations
449 and transactions subject to this chapter; and

450 (ii) promulgate any other rules considered necessary for the efficient execution of the
451 provisions of this chapter, including rules of practice providing an opportunity for hearing in
452 connection with the issuance of orders under Subsection (5) or under Subsection 4-32-8(1), (2),
453 or (3) and prescribing procedures for proceedings in these cases.

454 (b) These procedures [~~shall~~] do not preclude requiring that a label or container be
455 withheld from use, or inspection be refused under Subsections (1) and (5), or Subsection
456 4-32-8(3), pending issuance of a final order in the proceeding.

457 (8) (a) To prevent the inhumane slaughtering of [~~livestock and poultry~~] animals,
458 inspectors shall be appointed to examine and inspect methods of handling and slaughtering
459 [~~livestock and poultry~~] animals.

460 (b) Inspection of [~~new~~] slaughtering establishments may be refused or temporarily
461 suspended if [~~livestock or poultry~~] animals have been slaughtered or handled by any method

462 not in accordance with the Humane Methods of Slaughter Act of 1978, Public Law 95-445.

463 (c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or
464 a religious faith's requirements that discourage stunning of the animal, the person slaughtering
465 the animal shall file a written request with the commissioner.

466 (9) (a) The department shall require [~~all livestock and poultry~~] an animal showing
467 symptoms of disease during antemortem inspection, performed by an inspector appointed for
468 that purpose, to be set apart and slaughtered separately from other livestock and poultry.

469 (b) When slaughtered, the carcasses of livestock and poultry [~~shall be~~] are subject to
470 careful examination and inspection in accordance with rules prescribed by the commissioner.

471 Section 9. Section ~~4-32-8~~ is amended to read:

472 **4-32-8. Discretionary functions, powers, and duties of commissioner prescribed.**

473 The commissioner may:

474 (1) remove inspectors from any official establishment that fails to:

475 (a) destroy condemned products pursuant to Subsection 4-32-7(2); or

476 (b) comply with any other [~~requirements of this chapter~~] of this chapter's requirements;

477 (2) refuse to provide inspection for any official establishment for any cause specified in
478 Section 401 of the Federal Meat Inspection Act or Section 18 of the federal Poultry Products
479 Inspection Act;

480 (3) withhold the use of labels and containers if the labeling is false or misleading or the
481 containers are misleading in size or form;

482 (4) prescribe the type size and style to be used for labeling:

483 (a) information;

484 (b) definitions; and

485 (c) standards of identity, composition, or container fill;

486 (5) prescribe conditions for the storage and handling of [~~livestock~~] meat and poultry
487 products by any person who sells, freezes, stores, or transports these products to prevent them
488 from becoming adulterated or misbranded;

489 (6) require that equines be slaughtered and prepared in official establishments separate
490 from those where other [~~livestock is~~] animals are slaughtered or their products are prepared;

491 (7) require that the following people register the name and address of each place of
492 business and all trade names:

- 493 (a) broker;
- 494 (b) renderer;
- 495 (c) animal food manufacturer;
- 496 (d) wholesaler;
- 497 (e) public warehouseman of [~~livestock~~] meat or poultry products; or
- 498 (f) anyone engaged in the business of buying, selling, or transporting any:
- 499 (i) dead, dying, disabled, or diseased [~~livestock or poultry~~] animals; or
- 500 (ii) parts of [~~livestock or poultry~~] animal carcasses that died other than by slaughter;
- 501 (8) make inspections of official establishments at night, as well as during the day, if
- 502 [~~livestock, poultry, or livestock~~] animals or meat and poultry products are slaughtered and
- 503 prepared for commercial purposes in those establishments at night;
- 504 (9) divide the state into inspection districts and designate killing days and partial
- 505 killing days for each official establishment;
- 506 (10) cooperate with the Secretary of Agriculture of the United States in the
- 507 administration of this chapter and accept federal assistance and use funds appropriated for the
- 508 administration of this chapter to pay the state's proportionate share of the cooperative program;
- 509 (11) recommend the names of officials and employees of the department to the
- 510 Secretary of Agriculture of the United States for appointment to the advisory committees
- 511 provided for in the federal acts;
- 512 (12) serve as the representative of the governor for consultation with the Secretary of
- 513 Agriculture under paragraph (c) of Section 301 of the Federal Meat Inspection Act and Section
- 514 5(c) of the federal Poultry Products Inspection Act, unless the governor selects another
- 515 representative; and
- 516 (13) exempt from inspection:
- 517 (a) the slaughter and processing of [~~livestock and poultry~~] an animal by any person
- 518 who raises [~~livestock or poultry~~] an animal for [~~his~~] the person's own use, members of [~~his~~] the
- 519 person's household, [~~his~~] employees, or nonpaying guests;
- 520 (b) custom exempt slaughter and processing operations;
- 521 [~~(b)~~] (c) farm custom slaughter performed by a [permittee;] licensee; and
- 522 [~~(c)~~] (d) any other operation, if the exemption:
- 523 (i) furthers the purposes of this chapter; and

524 (ii) conforms to federal acts~~[-and]~~.
525 [~~(14) exempt from this chapter the processing of wild game if it:~~
526 ~~[(a) is not processed in the same room and at the same time that inspected and~~
527 ~~approved livestock and poultry products are being processed, and]~~
528 ~~[(b) is stored in a separate cooler from inspected and passed products.]]~~

529 Section 10. Section **4-32-11** is amended to read:

530 **4-32-11. Preparation and slaughter of livestock, poultry, or livestock and poultry**
531 **products -- Adulterated or misbranded products -- Violation of rule or order.**

532 (1) [~~No livestock, poultry, or livestock~~] An animal or meat or poultry product~~[-which]~~
533 that may be used for human consumption shall not be:

534 (a) slaughtered or prepared unless it is done in compliance with [~~the requirements of~~
535 ~~this chapter~~] this chapter's requirements;

536 (b) sold, transported, offered for sale or transportation, or received for transportation, if
537 it is adulterated or misbranded, unless it has been inspected and approved; or

538 (c) subjected to any act while being transported or held for sale after transportation
539 [~~which results~~] resulting in one of [~~these~~] the products becoming adulterated or being
540 misbranded.

541 (2) [~~No person shall~~] A person may not violate any rule or order of the commissioner
542 under Subsection 4-32-7(3) or (6), or Subsection 4-32-8(3), (5), (7), or (14).

543 Section 11. Section **4-32-12** is amended to read:

544 **4-32-12. Unauthorized use or possession of official devices, labels, marks, or**
545 **certificates -- False statements, misrepresentations, and trade secrets.**

546 (1) [~~No person shall~~] A person may not cast, print, lithograph, or make any device or
547 label containing or bearing any official mark or simulation of a mark, or any form or simulation
548 of an official certificate unless authorized by the commissioner.

549 (2) [~~No person shall~~] A person may not:

550 (a) forge any official device, mark, or certificate;

551 (b) use any official device, mark, or certificate without the authorization of the
552 commissioner;

553 (c) alter, detach, deface, or destroy any official device, mark, or certificate;

554 (d) fail to use, detach, deface, or destroy any official device, mark, or certificate as

555 required by this chapter;

556 (e) knowingly possess any of the following, if it bears any unauthorized, counterfeit,
557 simulated, forged, or altered official mark:

558 (i) an official device;

559 (ii) a counterfeit, simulated, forged, or altered official certificate;

560 (iii) a device;

561 (iv) a label;

562 (v) a carcass of any animal, including poultry; or

563 (vi) a part or product of any animal, including poultry;

564 (f) knowingly make any false statement in any shipper's certificate, or nonofficial or
565 official certificate;

566 (g) knowingly represent that any [~~livestock~~] meat or poultry product has been inspected
567 and approved, or exempted, under this chapter when, in fact, it has not; or

568 (h) use to [~~his~~] the person's advantage or reveal any information acquired under the
569 authority of this chapter relating to any matter entitled to protection as a trade secret unless the
570 information is:

571 (i) revealed to an authorized government representative; or

572 (ii) ordered by a court in a judicial proceeding.

573 Section 12. Section **4-32-13** is amended to read:

574 **4-32-13. Meat or poultry products to be marked or labeled -- Meat or poultry**
575 **products not intended for human food -- Dead, dying, disabled, or diseased animals.**

576 (1) [~~No person shall~~] A person may not sell, transport, offer for sale or transportation,
577 or receive for transportation, any animal carcasses [~~of horses, mules, or other equines~~] or parts
578 of such carcasses, or the meat or meat [~~food~~] products, unless they are plainly and
579 conspicuously marked or labeled or otherwise identified as required by rules adopted by the
580 department to show the kinds of animals from which they were derived.

581 (2) [~~No person shall~~] A person may not buy, sell, transport, or offer for sale or
582 transportation, or receive for transportation any [~~livestock products~~] meat or poultry products
583 that are not intended for human food unless they are denatured or otherwise identified as
584 required by the rules of the department or are naturally inedible by humans.

585 (3) [~~No~~] A person engaged in the business of buying, selling, or transporting dead,

586 dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died
587 otherwise than by slaughter, ~~[shall]~~ may not buy, sell, transport, offer for sale or transportation,
588 or receive for transportation ~~[such]~~ the animals or parts of carcasses unless ~~[such]~~ the
589 transaction or transportation is made in accordance with rules adopted by the department to
590 assure that ~~[such]~~ the animals or parts of carcasses will be prevented from being used for
591 human food.

592 Section 13. Section **4-32-16** is amended to read:

593 **4-32-16. Detention of animals or meat or poultry products -- Removal of official**
594 **marks.**

595 (1) Whenever any ~~[livestock]~~ meat or poultry product or any product exempted from
596 the definition of a ~~[livestock]~~ meat or poultry product, or any dead, dying, disabled, or diseased
597 ~~[livestock or poultry]~~ animal, is found by any authorized representative of the commissioner,
598 and there is reason to believe that it is adulterated or misbranded and is capable of use as
599 human food, or that it has not been inspected and passed, or that it has been or is intended to be
600 distributed in violation of this chapter, it may be detained by ~~[such]~~ the representative pending
601 action under Section 4-32-17, and ~~[shall]~~ may not be moved by any person from the place at
602 which it is located when so detained, until released by such representative.

603 (2) All official marks may be required by ~~[such]~~ the representative described in
604 Subsection (1) to be removed from ~~[such]~~ a product or animal described in Subsection (1)
605 before ~~[it]~~ the product is released.

606 Section 14. Section **4-32-17** is amended to read:

607 **4-32-17. Quarantine authorized -- Conditions giving rise to quarantine.**

608 (1) Any ~~[livestock]~~ meat or poultry product, or any dead, dying, disabled, or diseased
609 ~~[livestock or poultry]~~ animal that is being transported or is held for sale in this state, and that:

610 (a) is or has been prepared, sold, transported, or otherwise distributed or offered or
611 received for distribution in violation of this chapter~~[-or];~~

612 (b) is capable of use as human food and is adulterated or misbranded~~[-];~~ or

613 (c) in any other way ~~[is in violation of]~~ violates this chapter, shall be seized and
614 quarantined.

615 (2) Quarantined animals or products shall be condemned and destroyed, except that the
616 owner of ~~[such]~~ the quarantined animals or products may request a hearing within five days,

617 and the commissioner shall, within five days after ~~[such]~~ the request, conduct a hearing to
 618 decide whether the quarantined animals or products shall be condemned.

619 (3) The commissioner's decision ~~[shall be]~~ under Subsection (2) is final, and all
 620 condemned animals or products shall forthwith be destroyed or denatured in the presence of the
 621 commissioner or an inspector.

622 ~~[(2)]~~ (4) This section ~~[shall in no way derogate from]~~ does not limit the authority for
 623 condemnation or seizure conferred by other provisions of this chapter, or other laws.

624 Section 15. Section **4-32-18** is amended to read:

625 **4-32-18. Rules for the construction and operation of meat establishments**
 626 **authorized.**

627 (1) For the purposes of administering this chapter and qualifying ~~[slaughterhouses]~~
 628 meat establishments for licenses, the department ~~[has authority to]~~ may adopt sanitary
 629 inspection rules and regulations, and all other necessary rules, including those pertaining to the
 630 construction, equipment, and facilities of ~~[slaughterhouses]~~ meat establishments.

631 (2) The rules shall ~~[, so far as practical,]~~ conform with the regulations promulgated
 632 under the federal acts.

633 Section 16. Section **4-32-20** is amended to read:

634 **4-32-20. Suspension or revocation -- Grounds.**

635 The department may upon its own motion, and shall upon the verified complaint in
 636 writing of any person, investigate or cause to be investigated the operation of any
 637 ~~[slaughterhouse]~~ meat establishment, and may suspend or revoke the license of the
 638 ~~[slaughterhouse]~~ meat establishment upon any of the following grounds:

639 (1) the license was obtained by any false or misleading statement;

640 (2) for slaughtering any ~~[livestock or poultry without inspection (antemortem and~~
 641 ~~postmortem)]~~ animal without an antemortem and a postmortem inspection, or for processing
 642 any ~~[livestock]~~ meat or poultry or products of either that have not been inspected and passed,
 643 (or exempted) and so identified;

644 (3) the advertising or publicizing of any false or misleading statements that pertain to
 645 the slaughtering, processing, or distribution of ~~[livestock or livestock products or poultry]~~
 646 animals or meat or poultry products;

647 (4) the failure to maintain refrigeration, sanitation, or dispose of waste as required by

648 rules of the department; or

649 (5) the failure to comply with rules of the department pertaining to the disposal of
650 carcasses or parts of carcasses that have been determined to be unfit for human consumption.

651 Section 17. Section **4-32-21** is amended to read:

652 **4-32-21. Denial of application for farm custom slaughter license -- Venue for**
653 **judicial review.**

654 (1) Any applicant[;] whose application for a license to operate a [~~slaughterhouse~~] meat
655 establishment or to obtain a farm custom slaughter [~~permit~~] license is denied[;] may file a
656 request for agency action with the department, requesting a hearing on the issue of denial.

657 (2) (a) Any person who is aggrieved by an order issued under this section may obtain
658 judicial review.

659 (b) Venue for judicial review of informal adjudicative proceeding is in the district court
660 in the county in which the alleged unlawful activity occurred or, in the case of an order denying
661 a license application, in the county where the applicant resides.

662 (3) The attorney general's office shall represent the department in any original action or
663 any appeal under this section.

664 Section 18. Section **4-32-22** is amended to read:

665 **4-32-22. Animals slaughtered or the meat and poultry products not intended for**
666 **human use -- No inspection -- Products to be denatured or otherwise identified.**

667 Inspection [~~shall~~] may not be provided under this chapter at any establishment for the
668 slaughter of [~~livestock or poultry~~] animals or the preparation of any [~~livestock products~~] meat
669 or poultry products that are not intended for use as human food, but [~~such~~] the products shall be
670 denatured or otherwise identified as prescribed by rules of the department [~~prior to~~] before their
671 offer for sale or transportation.

Legislative Review Note
as of 1-25-10 11:58 AM

Office of Legislative Research and General Counsel

H.B. 108 - Meat Inspection Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
