

**POULTRY AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

Senate Sponsor: Ronald Winterton

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**LONG TITLE**

**General Description:**

This bill clarifies provisions related to rulemaking for the slaughtering of poultry.

**Highlighted Provisions:**

This bill:

- ▶ provides guidance for rulemaking for the slaughtering of poultry.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-32-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345

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

Section 1. Section **4-32-109** is amended to read:

**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,

29 segregation, and reinspections by inspectors appointed for those purposes with respect to the  
30 slaughter of animals and the preparation of meat and poultry products at official  
31 establishments, except as provided in Subsection 4-32-110(13).

32 (3) The department shall require that:

33 (a) animals be identified for inspection purposes;

34 (b) meat or poultry products, or their containers be marked or labeled as:

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

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

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

41 (4) The department shall prohibit or limit meat products, poultry products, or other  
42 materials not prepared under inspection procedures provided in this chapter, from being  
43 brought into official establishments.

44 (5) The department shall require that labels and containers for meat and poultry  
45 products:

46 (a) bear all information required by Section 4-32-115 if the product leaves the official  
47 establishment; and

48 (b) be approved before sale or transportation.

49 (6) For official establishments required to be inspected under Subsection (2), the  
50 department shall:

51 (a) prescribe sanitary standards;

52 (b) require sanitary inspections; and

53 (c) refuse to provide inspection service if the sanitary conditions allow adulteration of  
54 any meat or poultry product.

55 (7) (a) The department shall require that any person engaged in a business referred to in

56 Subsection (7)(b):

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

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

60 (iii) allow samples to be taken.

61 (b) Subsection (7)(a) applies to any person who:

62 (i) slaughters animals;

63 (ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or  
64 poultry products for human or animal consumption;

65 (iii) renders animals; or

66 (iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of  
67 their carcasses that died by a method other than slaughter.

68 (8) (a) The department shall:

69 (i) adopt by reference rules under federal acts with changes that the commissioner  
70 considers appropriate to make the rules applicable to operations and transactions subject to this  
71 chapter; and

72 (ii) make any other rules considered necessary for the efficient execution of the  
73 provisions of this chapter, including rules of practice providing an opportunity for hearing in  
74 connection with the issuance of orders under Subsection (6) or under Subsection 4-32-110(1),  
75 (2), or (3) and prescribing procedures for proceedings in these cases.

76 (b) These procedures do not preclude requiring that a label or container be withheld  
77 from use, or inspection be refused under ~~[Subsections]~~ Subsection (2) ~~[and]~~ or (6), or  
78 Subsection 4-32-110(3), pending issuance of a final order in the proceeding.

79 (9) (a) To prevent the inhumane slaughtering of animals, inspectors shall be appointed  
80 to examine and inspect methods of handling and slaughtering animals.

81 (b) Inspection of slaughtering establishments may be refused or temporarily suspended  
82 if animals have been slaughtered or handled by any method not in accordance with the Humane

83 Methods of Slaughter Act of 1978, Pub. L. No. 95-445.

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

87 (10) (a) The department shall require an animal showing symptoms of disease during  
88 antemortem inspection, performed by an inspector appointed for that purpose, to be set apart  
89 and slaughtered separately from other livestock and poultry.

90 (b) When slaughtered, the carcasses of livestock and poultry are subject to careful  
91 examination and inspection in accordance with rules prescribed by the commissioner.

92 (11) Subject to Subsection (14), the department shall make rules for exemptions for  
93 persons who slaughter or process fewer than 20,000 poultry during the calendar year to be no  
94 more stringent than the exemptions described in 21 U.S.C. Secs. 464(c)(1)(C), 21 U.S.C. Sec.  
95 464(c)(3), 9 C.F.R. Sec. 381.10(a)(5), and 9 C.F.R. Secs. 381.10(b)(1) and (2).

96 (12) Subject to Subsection (14), the department shall make rules for exemptions for  
97 persons who slaughter or process fewer than 1,000 poultry during the calendar year to be no  
98 more stringent than the exemptions described in 21 U.S.C. Sec. 464(c)(4) and 9 C.F.R. Sec.  
99 381.10(c).

100 (13) The department may maintain:

101 (a) a registry of persons who slaughter or process fewer than 20,000 poultry during the  
102 calendar year; and

103 (b) a registry of persons who slaughter or process fewer than 1,000 poultry during the  
104 calendar year.

105 (14) The department shall make the rules described in Subsections (11) and (12) after  
106 the day on which the department receives approval from the U.S. Department of Agriculture  
107 that making the rules will preserve the state's role in meat and poultry inspections.