WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 32

(By Mr. and Mr. original sponsors)

PASSED February 7, 1966

In Effect July 1, 1966

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-14-66
AN ACT to repeal article two-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article two-b, relating to the department of agriculture, to the inspection, labeling and disposition of animals, carcasses, meat, meat food products and meat by-products, to the licensing of commercial slaughterers, custom slaughterers, and processors, and to the inspection of slaughterhouses and processing plants; and providing exclusions and penalties.

Be it enacted by the Legislature of West Virginia:

That article two-b, chapter nineteen of the code of West Vir-
Article 2-b. Inspection of Animals, Carcasses, Meat, Meat Food Products and Meat By-Products; Inspection and Licensing of Establishments.

Section 1. Purpose and Construction.—Subject to the provisions of subsection (a) of section seven hereof, the basic purpose of this article is to provide for the inspection, labeling and disposition of animals, carcasses, meat, meat food products and meat by-products which are to be sold or offered for sale through commercial outlets for human consumption, the licensing of commercial slaughterers, custom slaughterers, and processors, and the inspection of slaughterhouses and processing plants located in the state of West Virginia. This article, being intended to protect the health of the citizens of West Virginia, shall be liberally construed.

Sec. 2. Definitions.—Unless the context in which used clearly requires a different meaning, as used in this article:
(a) "Department" means the department of agriculture of the state of West Virginia;

(b) "Commissioner" means the commissioner of agriculture of the state of West Virginia and his duly authorized representatives;

(c) "Person" means any individual, partnership, corporation, association, or other entity;

(d) "Contract veterinarian" means a graduate of a school of veterinary medicine accredited by the American veterinary medical association who provides services for the department under contract;

(e) "Veterinary supervisor" means a graduate of a school of veterinary medicine accredited by the American veterinary medical association, and employed by the department to inspect and supervise the inspection of animals, carcasses, meat, meat food products or meat by-products;

(f) "Meat inspector" means an individual employed by the department to inspect animals, carcasses, meat, meat food products or meat by-products under the supervision of a veterinary supervisor;

(g) "State inspection" means inspection services con-
ducted by the department at or in connection with establishments required to be licensed by this article;

(h) "W. Va. Condemned", or abbreviation thereof, means the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass;

(i) "W. Va. Inspected and Condemned", or abbreviation thereof, means that the carcass, meat, meat food product or meat by-product, so marked or so identified, is unwholesome or adulterated and shall be disposed of in the manner prescribed by the commissioner;

(j) "W. Va. Retained" means that the carcass, meat, meat food product or meat by-product so identified is held for further examination by a veterinary supervisor or contract veterinarian to determine its disposal;

(k) "W. Va. Suspect" means that the animal so marked and identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by a contract veterinarian or veterinary supervisor to determine its disposal;
(l) "W. Va. Inspected and Passed", or abbreviation thereof, means that the carcass, meat, meat food product or meat by-product, so marked or so identified, was at the time it was so marked or so identified found to be wholesome;

(m) "Country" when used in the name of a meat, meat food product or meat by-product means that such meat, meat food product or meat by-product was actually prepared on a farm;

(n) "Federal inspection" means the meat and poultry inspection service conducted or approved by the meat inspection division and the poultry inspection division of the United States department of agriculture;

(o) "Federal Meat Inspection Act" means the act of Congress approved March four, one thousand nine hundred seven, as amended and extended [21 U. S. C. 71 et seq.] and the imported meat provisions of subsections 306 (b) and (c) of the tariff act of one thousand nine hundred thirty, as amended [19 U. S. C. 1306 (b) and (c)];

(p) "Federal Poultry Products Inspection Act" means the act of Congress approved August twenty-eight, one
thousand nine hundred fifty-seven, as amended [21 U. S.
C. 451 et seq.];

(q) "Inspection legend" means a mark or a statement
on a carcass, meat, meat food product or meat by-product
indicating the same has been inspected and passed in this
state under the provisions of this article;

(r) "Meat label" means a display of written, printed
or graphic matter on a container indicating the carcass,
meat, meat food products or meat by-products contained
therein have been inspected and passed in this state under
the provisions of this article;

(s) "Official inspection mark" means any symbol pre-
scribed by the commissioner for the purpose of identify-
ing the inspection status of any article so inspected;

(t) "Establishment number" means an official number
assigned by the commissioner to each establishment and
included on the inspection legend and meat label to
identify all inspected and passed carcasses, meat, meat
food products and meat by-products handled in that
establishment;

(u) "Container" and "package" shall include but not
be limited to any box, can, tin, cloth, plastic or any other receptacle, wrapper or cover;

(v) "Animals" mean cattle, swine, sheep, goats and rabbits;

(w) "Carcass" means all or any part of a slaughtered animal, including viscera, which is capable of being used for human consumption;

(x) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; it does not include the muscle found in the lips, snout or ears;

(y) "Meat food product" means any article of food for human consumption or any article which enters into the composition of food for human consumption, which is derived or prepared in whole or in part from any portion of any animal, except organo-therapeutic substances, meat
juices, meat extract and the like which are only for medicinal purposes and are advertised only to the medical profession; any edible part of the carcass which has been manufactured, cured, smoked, processed or otherwise treated shall be considered a meat food product;

(z) "Meat by-product" means any edible part of an animal other than meat or meat food product;

(aa) "Commercial slaughterer" means a person engaged for profit in this state in the business of slaughtering or dressing animals for human consumption which are to be sold or offered for sale through a commercial outlet, and shall include a person who in addition to such commercial slaughtering also engages in the business of a custom slaughterer;

(bb) "Custom slaughterer" means a person engaged for profit in this state in the business of slaughtering or dressing animals for human consumption which are not to be sold or offered for sale through a commercial outlet and shall include the boning or cutting up of carcasses of such animals and the grinding, chopping and mixing of the carcasses thereof;
“Slaughterhouse” shall include but not be limited to all buildings, structures and facilities used in the slaughtering or dressing of animals for human consumption;

“Processor” means a person who engages for profit in this state in the business of packing or packaging carcasses, meat, meat food products or meat by-products for human consumption or a person engaged for profit in the business of curing, salting, processing or other preparing of carcasses, meat, meat food products or meat by-products for human consumption;

“Processing plant” shall include but not be limited to all buildings, structures, chill rooms, aging rooms, processing rooms, sanitary facilities, other facilities, and utensils, used by or in connection with the operations of a processor;

“Establishment” means any slaughterhouse or processing plant in this state;

“Commercial outlet” means a place of business in this state in which carcasses, meat, meat food products or meat by-products are sold or offered for sale for human consumption by the purchaser or others;
(hh) "Commercial dealer" means any person who operates one or more commercial outlets and who sells or offers for sale thereat any carcasses, meat, meat food products or meat by-products for human consumption, and who does not can, cook, cure, dry, smoke or render any carcass, meat, meat food products or meat by-products at such outlets and who conducts no slaughtering or preparing of carcasses, meat, meat food products or meat by-products at such outlets other than boning or cutting up of carcasses, and other than grinding, chopping and mixing operations at such outlets with respect to trim or meat derived only from such boning or cutting up operations;

(ii) "Custom slaughtered carcass or meat", "custom slaughtered meat food products" or "custom slaughtered meat by-products" mean, respectively, carcasses, meat, meat food products or meat by-products which were slaughtered, dressed or otherwise processed by a custom slaughterer;

(jj) "Wholesome" means sound, healthful, clean, and otherwise fit for human consumption;

(kk) "Unwholesome" means any animal, carcass, meat, meat food product or meat by-product which:
(i) Is unsound, injurious to health, contains any biological residue not permitted under reasonable rules and regulations promulgated by the commissioner, or is otherwise unfit for human consumption;

(ii) Consists in whole or in part of any filthy, putrid, or decomposed substance;

(iii) Was processed, prepared, packed, or held under insanitary conditions so that the same may have become contaminated or may have become injurious to health;

and

(iv) Was produced in whole or in part from animals which died other than by slaughter.

(II) “Adulterated” means any animal, carcass, meat, meat food product or meat by-product:

(i) Which bears or contains any poisonous or deleterious substance, whether added or natural, that may render it injurious to health or unfit for human consumption;

(ii) Concerning which a substance has been substituted, wholly or in part;

(iii) In which damage or inferiority has been concealed in any manner;
Concerning which any casing has been used which contains any dye or artificial coloring not authorized by reasonable rules and regulations promulgated by the commissioner;

From which a valuable constituent has been in whole or in part omitted or abstracted; and

To or with which any substance has been added, mixed or packed for the purpose of increasing its bulk or weight, or so as to reduce its quality or strength, or to make it appear better or of greater value than it is, unless authorized by reasonable rules and regulations promulgated by the commissioner.

"Licensee" means any person licensed under the provisions of this article.

Sec. 3. Commissioner to Enforce Article; Rules and Regulations.—(a) The commissioner shall administer and enforce the provisions of this article and for this purpose he is hereby authorized and empowered to promulgate reasonable rules and regulations and to employ or contract with such persons as may be appropriate. All rules and regulations shall be promulgated in accordance with
the provisions of chapter twenty-nine-a of this code. Such
rules and regulations shall, insofar as practicable, be in
conformity with the rules and regulations issued under
the federal meat inspection act and the federal poultry
products inspection act.
(b) The commissioner is hereby authorized and em-
powered to cooperate with the federal government and
any agencies, departments and instrumentalities thereof,
the state of West Virginia and any agencies, depart-
ments or political subdivisions thereof, and any other
state or commonwealth and any agencies, departments
or political subdivisions thereof, in order to carry out the
effective administration of this article.

Sec. 4. License Required for Commercial Slaughterer,
Custom Slaughterer, or Processor; Application for Such
License; Fees; Revocation or Suspension; Suspension of
Inspection; Establishment Number or Numbers.—(a) No
commercial slaughterer, custom slaughterer, or processor
shall operate an establishment unless he shall first have
obtained a license from the commissioner so to do, which
license remains unsuspended and unrevoked. Application
for such license shall be made on forms prescribed by the commissioner and shall be accompanied by the fee required in this section. When such a person operates as a commercial slaughterer and also operates as a processor, whether such operations are located on the same or different premises in this state, each such operation shall be licensed. When such a person operates two or more slaughterhouses not on the same premises in this state, or operates two or more processing plants not on the same premises in this state, a separate license shall be required for each such slaughterhouse and each such processing plant. Each license shall expire on the thirtieth day of June next following its issuance, and the annual fee for each such license shall be one hundred dollars, except that the annual fee for the license of a person who operates solely as a custom slaughterer shall be twenty-five dollars. Before issuing any license required by the provisions of this section, the commissioner shall inspect the applicant's establishment and if the commissioner is satisfied that the establishment is clean and sanitary, is properly equipped, and is in conformity with the provisions of this
article and any reasonable rules and regulations promulgated by the commissioner, and if he is further satisfied that the carcasses, meat, meat food products or meat by-products to be sold or offered for sale therefrom through commercial outlets will be wholesome and unadulterated, he shall issue the license. Each license shall specify the location of the establishment at which the licensee shall carry on his operations. The license shall also contain the establishment number assigned by the commissioner.

(b) When a licensee changes the location of his establishment, he shall not operate at such new location unless and until his establishment at such new location has been inspected by the commissioner and a new license has been issued in accordance with the provisions of subsection (a) of this section: Provided, That a fee shall not be charged for such new license during the license year in which the change in location was made.

(c) The commissioner may refuse to grant a license or may suspend or revoke a license issued under the provisions of this section whenever he finds that the applicant’s or licensee’s establishment, as the case may be, is
not clean or sanitary, or is not properly equipped, or is not in conformity with the provisions of this article or any reasonable rules and regulations promulgated by the commissioner, or if he finds that the carcasses, meat, meat food products or meat by-products to be sold or offered for sale therefrom through commercial outlets are or will be unwholesome or adulterated. Upon the refusal to grant a license, the commissioner shall furnish a written statement to the applicant specifying the grounds for such refusal. No such revocation or suspension of a license shall be effective until the licensee has received written notice thereof, which notice shall specify the grounds for such revocation or suspension. Whenever there is sufficient cause for the revocation or suspension of a license as hereinabove specified, the commissioner may in lieu of such revocation or suspension, suspend inspections at the establishment. Immediately upon suspension of such inspections, the commissioner shall give the licensee written notice thereof, and such notice shall contain a recitation of the deficiencies which must be fully and completely corrected before inspections shall
be resumed. Upon receipt of a written statement advising that a license has been refused or upon receipt of a written notice of the revocation or suspension of a license, or upon the suspension of inspections at the licensee's establishment, the applicant or licensee, as the case may be, may, in writing, demand a hearing. The commissioner shall hold such a hearing within ten days after receipt of such written demand, in accordance with the provisions of section nine of this article.

Sec. 5. Access to Establishments, Records, etc.—The commissioner may at any time enter upon and inspect any establishment, place, premises or conveyance, either private or public, where animals are slaughtered or carcasses, meat, meat food products or meat by-products are processed, handled, stored, transported, distributed, sold or offered for sale, for the purpose of examining such animals, carcasses, meat, meat food products or meat by-products. Any person engaged in the business of operating an establishment shall maintain such records as the commissioner may require directly pertaining to the movement, storage and distribution or other disposition
of animals, carcasses, meat, meat food products or meat
by-products, and such records shall be open to inspection
by the commissioner at any time during the normal work-
ing hours at such establishment.

Sec. 6. Inspection, Marking, Labeling, Branding, etc.;
2 Quarantine and Segregation; Scheduling of Operations;
3 Disposition of Carcasses, etc.; Reinspection; Health Ex-
4 aminations; Rejection Tags.—(a) The commissioner shall
5 provide ante-mortem inspection of all animals before they
6 are slaughtered for human consumption in any establish-
7 ment under state inspection.
8 (b) The commissioner shall provide post-mortem in-
9 spection of all animals slaughtered for human consump-
10 tion in any establishment under state inspection.
11 (c) All inspections under the provisions of this article
12 shall be performed in accordance with reasonable rules
13 and regulations promulgated by the commissioner.
14 (d) The commissioner shall inspect all establishments
15 under state inspection to make certain that they are oper-
16 ating in accordance with the provisions of this article and
17 all reasonable rules and regulations promulgated by the
18 commissioner.
(e) When one inspector is assigned to make inspections at two or more establishments where few animals are slaughtered, or where small quantities of carcasses, meat, meat food products or meat by-products are handled, or where the operations at such establishments are sporadic, and such establishments in any of such cases are in reasonably close proximity to one another, the commissioner, giving full consideration to the convenience of the licensees of such establishments, may by written notice to such licensees specify a reasonable schedule for such operations: Provided, That the commissioner may not require operations other than during normal working hours.

(f) Every conveyance used by any establishment under state inspection, and, notwithstanding the provisions of subsection (a) of section seven of this article, every conveyance used by any slaughterhouse or processing plant operating under federal inspection or approved by the United States department of agriculture, for the transportation of carcasses, meat, meat food products or meat by-products shall be maintained in a clean and sanitary
condition and may be inspected in accordance with the provisions of this article and reasonable rules and regulations promulgated by the commissioner.

(g) The commissioner shall require such quarantine and segregation of animals, carcasses, meat, meat food products and meat by-products in establishments as is deemed necessary to effectuate the provisions of this article.

(h) The head, tongue, tail, thymus glands, viscera, blood and other parts of any slaughtered animal shall be retained in such a manner as to preserve their identity until after the post-mortem inspection has been completed.

(i) Each licensee shall pay for such devices for the affixing of marks, brands or stamps and for such meat labels as may be prescribed for his establishment by the commissioner. Such devices and meat labels shall be under the exclusive control and supervision of the commissioner. The meat label used by any licensee shall be of the form and size prescribed by reasonable rules and regulations promulgated by the commissioner.
(j) Each carcass that has been inspected and passed in this state by the commissioner shall be marked at the time of inspection with the inspection legend. Any carcass which is not passed shall be marked conspicuously by the commissioner at the time of inspection in the following manner: "W. Va. Inspected and Condemned", or any abbreviation thereof.

(k) Each primal part of a carcass that has been inspected and passed shall be marked with the inspection legend, and each liver, beef heart and beef tongue that has been inspected and passed shall be branded with the inspection legend at the time of final inspection. Meat that has been boned out, cut from primal parts or otherwise changed so that the inspection legend is no longer plainly visible, and meat food products and meat by-products that are too small to be marked with the inspection legend shall be packed in closed containers to which shall be affixed the meat label indicating that the meat, meat food products or meat by-products contained therein have been inspected and passed. Upon removal of the contents of such containers bearing such label, the label shall be defaced to prevent its reuse.
(l) All carcasses, meat, meat food products and meat by-products which have been derived from an animal slaughtered by a custom slaughterer shall be marked "W. Va. Custom Slaughtered" in letters not less than three-eights of an inch in height.

(m) Each official inspection mark shall contain the establishment number of the establishment involved, unless otherwise authorized by rules and regulations promulgated by the commissioner.

(n) The commissioner is hereby authorized and empowered to seize and destroy (i) any animal to be slaughtered in this state and thereafter sold or offered for sale through a commercial outlet which cannot be made fit for human consumption; (ii) any animal, carcass, meat, meat food product or meat by-product slaughtered or processed in this state in violation of the provisions of this article or any reasonable rules and regulations promulgated by the commissioner; (iii) any carcass, meat, meat food product or meat by-product that does not bear an inspection legend or meat label provided for by this article or which has not been inspected and passed under
federal inspection or approved by the United States Department of agriculture and which is intended to be sold or offered for sale through a commercial outlet; and (iv) any animal, carcass, meat, meat food product or meat by-product which is unwholesome or adulterated. Where appropriate the commissioner may in lieu of destruction as aforesaid denature, decharacterize, mutilate or slash any carcass, meat, meat food product or meat by-product intended to be sold or offered for sale through a commercial outlet. The commissioner is also authorized and empowered to seize and retain under a retained tag any animal, carcass, meat, meat food product or meat by-product until the commissioner determines to destroy, denature, decharacterize, mutilate, slash or release the same. Whenever the commissioner is authorized or empowered to take any of the actions specified in this subsection, he may order and direct the person having custody or possession of such animal, carcass, meat, meat food product or meat by-product, or the licensee of the establishment in which it is found, to be responsible for the disposition thereof, as well as any necessary storage,
125 handling or other incidentals related thereto. Such dis-
126 position shall be carried out only under the direction and
127 supervision of the commissioner.
128 (o) Whenever practicable, the commissioner shall fore-
129 go the actions authorized in the immediately preceding
130 subsection and permit reprocessing if such reprocessing
131 will correct or eliminate the conditions which would have
132 justified any of such actions. Any such reprocessing in
133 this state shall be under the supervision of the commis-
134 sioner.
135 (p) Whenever the commissioner has good cause to
136 believe that any carcass, meat, meat food product or meat
137 by-product, whether fresh, frozen, cured or otherwise
138 prepared, and which is intended to be sold or offered for
139 sale through a commercial outlet, may be unwholesome
140 or adulterated or otherwise injurious to health, he may
141 inspect or reinspect the same under the provisions of
142 this article and any reasonable rules and regulations
143 promulgated by him, even though such carcass, meat,
144 meat food product or meat by-product may have been
145 previously inspected and passed.
(q) No licensee shall employ in any establishment any person who has any communicable disease or infected wounds or who is a carrier of any communicable disease.

To enforce the provisions of this subsection, the commissioner may require any employee or prospective employee to submit to a health examination by a physician and furnish to the commissioner a certificate from such physician concerning his findings. The cost of conducting such examination and furnishing such certificate shall be borne by the licensee concerned.

(r) Whenever the commissioner inspects any room, compartment, equipment or utensil in any establishment subject to state inspection and finds the same not to be clean and sanitary or finds the same to be otherwise unsuitable for the slaughtering or processing operations carried on in such establishment, he shall affix thereto a rejection tag or rejection notice. No such rejected room, compartment, equipment or utensil shall be used until the deficiencies requiring such rejection shall have been fully and completely corrected. No person other than the commissioner shall remove any such rejection tag or notice.
When any animal, carcass, meat, meat food product or meat by-product has been inspected hereunder, the appropriate official inspection mark shall be affixed thereto, and no person shall remove the same unless authorized so to do by the commissioner.

**Sec. 7. Exclusion of Slaughterhouses and Processing Plants Under the Supervision of or Approved by the United States Department of Agriculture; Exclusion of Farmers.**—(a) The provisions of this article shall not apply to any slaughterhouse or processing plant operating under the federal meat inspection act or the federal poultry products inspection act, or approved by the United States department of agriculture.

(b) For the purposes of this subsection, a farmer is a person who owns or operates a farm or farms in this state and does not engage, directly or indirectly, in the business of buying or selling any animals, other than as a part of his normal farming operations, and does not engage in any business that involves the slaughtering of any animals other than those owned by him, or the buying or selling of any carcasses, meat, meat food products or meat by-
products of any animals other than those owned by him.

Without being licensed under the provisions of this article, a farmer may slaughter or cause to be slaughtered his own animals for his own consumption on his own premises, on the premises of another person or in the establishment of a licensed custom slaughterer, and a farmer may sell or trade such animals or the carcasses, meat, meat food products or meat by-products thereof to other individuals in his county or immediately surrounding counties.

**Sec. 8. Exemptions.**—(a) The provisions of this article shall not apply to:

1. Any commercial dealer, provided all carcasses, meat, meat food products and meat by-products sold or offered for sale by such dealer were slaughtered and/or processed in establishments under state inspection or federal inspection;
2. Persons slaughtering animals, or processing carcasses, meat, meat food products or meat by-products, in accordance with recognized religious dietary laws;
3. Any educational activities relating to animals, car-

(1) Casses, meat, meat food products or meat by-products and conducted by 4-H clubs, future farmers of America, future homemakers of America;

(iv) Any meat by-product processed, offered, sold and advertised for medicinal use only by physicians or other persons engaged in the practice of the healing arts; and

(v) The West Virginia university meat laboratory.

(b) The commissioner may by reasonable rules and regulations exempt any other activity, any animal, carcass, meat, meat food product or meat by-product, or any person, from all of the provisions of this article or one or more of such provisions.

(c) The commissioner may by reasonable rules and regulations exempt a licensed custom slaughterer from the requirements of this article relating to ante-mortem and post-mortem inspection.

(d) The commissioner may by written order to the person concerned suspend, limit or terminate any exemption provided under this section or granted by rules and regulations authorized under subsections (b) and (c) hereof when he determines that such suspension, limita-
tion or termination is necessary to effectuate the purposes of this article: Provided, That the person affected by any such suspension, limitation or termination may demand a hearing in writing which shall be held by the commissioner in accordance with the provisions of section nine of this article. The commissioner shall hold such a hearing within ten days after receipt of such written demand.

Sec. 9. Hearings; Judicial Review.—(a) When any person is entitled to a hearing before the commissioner as authorized in this article, the commissioner shall hold such hearing and all of the pertinent provisions of article five, chapter twenty-nine-a of this code shall apply to and govern such hearing and the administrative procedures in connection with and following such hearing, with like effect as if the provisions of said article five were set forth in extenso in this subsection, except that the hearing shall be held in the county in which the establishment involved is located, or in which the affected person resides or has his principal place of business, or in Kanawha county, West Virginia, at the election of the person de-
manding the hearing. Any such hearing shall be held within the time limits hereinbefore specified in this article, unless there is a postponement or a continuance for good cause shown.

(b) For the purpose of any such hearing, the commissioner shall have the power and authority to issue subpoenas and subpoenas duces tecum, in accordance with the provisions of section one, article five, chapter twenty-nine-a of this code. All subpoenas and subpoenas duces tecum shall be issued and served within the time and for the fees and shall be enforced, as specified in section one, article five of said chapter twenty-nine-a, and all of the said section one provisions dealing with subpoenas and subpoenas duces tecum shall apply to subpoenas and subpoenas duces tecum issued for the purpose of a hearing hereunder. At any such hearing, the person who demanded the same may represent himself or be represented by an attorney at law admitted to practice before any circuit court of this state.

(c) After such hearing and consideration of all the testimony, evidence and record in the case, the commis-
sioner shall make and enter an order deciding the matter in question. Such order shall be accompanied by findings of fact and conclusions of law as specified in section three, article five, chapter twenty-nine-a of this code, and a copy of such order and accompanying findings and conclusions shall be served upon all the parties and their attorneys of record, if any, in person or by registered or certified mail. The commissioner shall also cause a notice to be served with a copy of such order, which notice shall advise the parties of their right to judicial review, in accordance with the provisions of subsection (d) of this section. The order of the commissioner shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of subsection (d) of this section.

(d) Any party adversely affected by a final order made and entered by the commissioner after such hearing, held in accordance with the provisions of subsections (a) through (c) of this section, is entitled to judicial review thereof. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code shall apply.
to and govern such review with like effect as if the provisions of said section four were set forth in extenso in this subsection, except that the petition shall be filed in the circuit court of the county in which the hearing before the commissioner was held.

(e) The judgment of the circuit court shall be final unless reversed, vacated or modified on appeal to the supreme court of appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.

Sec. 10. Additional Prohibitions.—In addition to any other prohibitions contained in this article, it shall be unlawful:

(a) For any person to operate any establishment under state inspection which is not clean and sanitary;

(b) To slaughter any unwholesome or adulterated animal intended to be sold or offered for sale through a commercial outlet;

(c) To sell or offer for sale through a commercial outlet any carcass, meat, meat food product or meat by-
product for human consumption which is unwholesome
or adulterated.

(d) To slaughter for human consumption any animal
tagged or permanently identified as "W. Va. Condemned",
or abbreviation thereof;

(e) To process, sell or offer for sale for human con-
sumption any carcass, meat, meat food product or meat
by-product which is mislabeled with intent to deceive or
which is marked "W. Va. Inspected and Condemned", or
abbreviation thereof;

(f) To process in an establishment under state inspec-
tion for sale through any commercial outlet any carcass,
meat, meat food product or meat by-product intended for
human consumption and derived in whole or in part from
any calf, pig, kid or lamb which is so immature as to be
lacking in nutritional value;

(g) To knowingly or intentionally expose any carcass,
meat, meat food product or meat by-product in any estab-
lishment under state inspection to insects, live animals
or any contamination;

(h) To add kangaroo meat, horse meat, mule meat or
other equine meat to any animal meat, or meat food
product or meat by-product derived from animals and to
be sold or offered for sale through commercial outlets for
human consumption;

(i) To remove any hide, skin or any other part of an
unborn or stillborn animal in the confines of a room in an
establishment where any animals, carcasses, meat, meat
food products or meat by-products are slaughtered or
processed, as the case may be, to be sold or offered for
sale through a commercial outlet;

(j) To process for human consumption in any estab-
lishment subject to state inspection any carcass, meat,
meat food product or meat by-product derived from any
animal which died other than by slaughter;

(k) To transport to any commercial outlet for the pur-
pose of being sold or offered for sale therein, any carcass,
meat, meat food product or meat by-product which is not
marked, branded or stamped as having been inspected and
passed by the commissioner or by the United States de-
partment of agriculture or which has not been approved
by the United States department of agriculture;
To slaughter any horse, mule or other equine in any establishment under state inspection in which animals are slaughtered for human consumption for the purpose of being sold or offered for sale through commercial outlets;

To bring any kangaroo meat, horse meat, mule meat or other equine meat into any establishment under state inspection where animal carcasses, meat, meat food products or meat by-products are processed for human consumption for the purpose of being sold or offered for sale through commercial outlets;

To transport, process, sell or offer for sale any kangaroo meat, horse meat, mule meat or other equine meat within this state for human consumption unless it is conspicuously and plainly identified or stamped as such;

For any person to use an establishment number not assigned to him or to use an establishment number in connection with operations concerning which a different establishment number was assigned by the commissioner;

To remove from any article any retained tag af-
fixed by the commissioner, unless such removal is au-

thorized by him;

(q) For a licensee to use any container bearing an

official inspection mark unless it contains the exact car-
cass, meat, meat food product or meat by-product which
was in the container at the time such contents were in-
spected and passed: Provided, That such a container may
be otherwise used if such official inspection mark thereon
is removed, obliterated or destroyed, and such other use
is authorized by reasonable rules and regulations promul-
gated by the commissioner;

(r) For any person, other than the commissioner, to
possess, keep or use, except as authorized by the commis-
sioner, any meat label or device for the affixing of a mark,
brand or stamp prescribed for inspection purposes here-
under;

(s) For any person, with intent to deceive, to possess,
keep or use any meat label, mark, brand or stamp similar
in character or import to an official meat label, mark,
brand or stamp prescribed by the commissioner here-
der or to an official meat label, mark, brand or stamp
used by the United States department of agriculture;

(t) To falsely make, falsely issue, falsely publish, alter, forge, simulate or counterfeit any inspection certificate, memorandum, meat label, mark, brand, or stamp, or device for making an inspection mark, brand or stamp, or to possess, keep or use the same, with intent to deceive;

(u) For any person to refuse to permit the commissioner to enter and inspect at any time, upon presentation of appropriate credentials, an establishment under state inspection, or to interfere with any such lawful entry or inspection;

(v) For any person to refuse to permit the commissioner, upon presentation of appropriate credentials, to examine and copy the records described in section five of this article.

Sec. 11. Penalties.—Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall for the first offense be fined not less than fifty dollars nor more than one hundred dollars and upon conviction of each subse-
quent offense shall be fined not less than one hundred dollars nor more than five hundred dollars.

Sec. 12. Severability.—If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O Roy Parker
Chairman Senate Committee

James L. Hoop
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1966

J. Howard Sneepe
Clerk of the Senate

O A Blankenship
Clerk of the House of Delegates

Howard B. Cannon
President of the Senate

W. Laban DeWitt
Speaker House of Delegates

The within approved this the 14th
day of February, 1966.

Muriel C. Broekt
Governor
PRESENTED TO THE GOVERNOR

Date  2/10/66
Time  2:00 PM

Feb 14  85  PH '66
OFFICE OF SECRETARY OF STATE
STATE OF WEST VIRGINIA

RDH