

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 204

(By Mr. Specker, Mr. White, and Mr. Edgar)



PASSED February 6, 1968

In Effect July 1, 1968 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68

204

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House Bill No. 204

(By MR. SPEAKER, MR. WHITE, and MR. EDGAR)

[Passed February 6, 1968; in effect July 1, 1968.]

AN ACT to amend and reenact sections two, four, six, seven, eight and ten, article two-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to inspection of meat and meat products.

Be it enacted by the Legislature of West Virginia:

That sections two, four, six, seven, eight and ten, article two-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2B. INSPECTION OF MEAT AND MEAT PRODUCTS.

§19-2B-2. Definitions.

1 Unless the context in which used clearly requires a
2 different meaning, as used in this article:

3 (a) "Department" means the department of agricul-
4 ture of the state of West Virginia;

5 (b) "Commissioner" means the commissioner of agri-
6 culture of the state of West Virginia and his duly author-
7 ized representatives;

8 (c) "Person" means any individual, partnership, cor-
9 poration, association, or other entity;

10 (d) "Contract veterinarian" means a graduate of a
11 school of veterinary medicine accredited by the Ameri-
12 can Veterinary Medical Association who provides services
13 for the department under contract;

14 (e) "Veterinary supervisor" means a graduate of a
15 school of veterinary medicine accredited by the Ameri-
16 can Veterinary Medical Association, and employed by the
17 department to inspect and supervise the inspection of
18 animals, carcasses, meat, meat food products or meat by-
19 products;

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

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

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

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

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

41 (k) "W. Va. Suspect" means that the animal so
42 marked and identified is suspected of being affected with
43 a disease or condition which may require its condemna-
44 tion, in whole or in part, when slaughtered, and is sub-
45 ject to further examination by a contract veterinarian
46 or veterinary supervisor to determine its disposal;

47 (1) "W. Va. Inspected and Passed," or abbreviation
48 thereof, means that the carcass, meat, meat food product
49 or meat by-product, so marked or so identified, was at
50 the time it was so marked or so identified found to be
51 wholesome;

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

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

60 (o) Federal Meat Inspection Act means the act so
61 entitled, approved March four, one thousand nine hun-

62 dred seven, as amended by the Wholesome Meat Act.

63 (p) "Federal Poultry Products Inspection Act"

64 means the act of Congress approved August twenty-

65 eighth, one thousand nine hundred fifty-seven, as

66 amended;

67 (q) "Inspection legend" means a mark or a statement

68 on a carcass, meat, meat food products or meat by-product

69 indicating the same has been inspected and passed in

70 this state under the provisions of this article;

71 (r) "Meat label" means a display of written, printed

72 or graphic matter on a container indicating the carcass,

73 meat, meat food products or meat by-products contained

74 therein have been inspected and passed in this state

75 under the provisions of this article;

76 (s) "Official inspection mark" means any symbol pre-

77 scribed by the commissioner for the purpose of identifying

78 the inspection status of any article so inspected;

79 (t) "Establishment number" means an official num-

80 ber assigned by the commissioner to each establishment

81 and included on the inspection legend and meat label to

82 identify all inspected and passed carcasses, meat, meat

83 food products and meat by-products handled in that
84 establishment;

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

88 (v) "Sell" means offer for sale, expose for sale, have
89 in possession for sale, exchange, barter or trade;

90 (w) "Animals" means cattle, swine, sheep, goats and
91 rabbits;

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

95 (y) "Meat" means the edible part of the muscle of
96 animals, which is skeletal or which is found in the
97 tongue, in the diaphragm, in the heart or in the esopha-
98 gus, with or without the accompanying or overlying fat,
99 and the portions of bone, skin, sinew nerve and blood
100 vessels which normally accompany the muscle tissue
101 and which are not separated from it in the process of
102 dressing; it does not include the muscle found in the
103 lips, snout or ears;

104 (z) "Meat food product" means any article of food
105 for human consumption or any article which enters into
106 the composition of food for human consumption, which
107 is derived or prepared in whole or in part from any por-
108 tion of any animal, except organotherapeutic substances,
109 meat juices, meat extract and the like which are only
110 for medicinal purposes and are advertised only to the
111 medical profession; any edible part of the carcass which
112 has been manufactured, cured, smoked, processed or
113 otherwise treated shall be considered a meat food prod-
114 uct;

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

117 (bb) "Denature" means the uniform application of
118 sufficient quantities of crude carbolic acid, cresylic dis-
119 infectant, or any other agent approved by the commis-
120 sioner upon and into the freely slashed flesh of any car-
121 cass or product condemned;

122 (cc) "Decharacterization" means the uniform appli-
123 cation of sufficient quantities of dye, charcoal, malodor-
124 ous fish oil, or any other agent approved by the commis-

125 sioner, upon and into the freely slashed flesh of car-
126 casses or meat not being rendered, so as to unequivocally
127 preclude its use for human food;

128 (dd) "Inedible" means meat, meat food prod-
129 ucts and meat by-products derived from 4-D or con-
130 demned animals, or animals which the meat, meat food
131 products or meat by-products are otherwise unsuitable
132 for human consumption and shall include meat, meat
133 food products or meat by-products regardless of origin,
134 which have deteriorated so far as to be unfit for human
135 consumption;

136 (ee) "4-D animal" means an animal that is dead, dy-
137 ing, down or diseased on arrival at the slaughter house;

138 (ff) "Commercial slaughter" means a person en-
139 gaged for profit in this state in the business of slaughter-
140 ing or dressing animals for human consumption which
141 are to be sold or offered for sale through a commercial
142 outlet or establishment, and shall include a person who
143 in addition to such commercial slaughtering also engages
144 in the business of a custom slaughterer;

145 (gg) "Custom slaughterer" means a person engaged
146 for profit in this state in the business of slaughtering or
147 dressing animals for human consumption which are not
148 to be sold or offered for sale through a commercial out-
149 let or establishment, and shall include the boning or
150 cutting up of carcasses of such animals and the grinding,
151 chopping and mixing of the carcasses thereof;

152 (hh) "Slaughterhouse" shall include but not be lim-
153 ited to all buildings, structures and facilities used in the
154 slaughtering or dressing of animals for human consump-
155 tion:

156 (ii) "Distributor" means a person engaged for profit
157 in this state in the business where carcasses, meat, meat
158 food products or meat by-products are received from
159 state or federally inspected establishments, or approved
160 by the United States department of agriculture, and who
161 stores and distributes to commercial outlets, processors
162 or individuals, and who conducts no processing other
163 than wrapping and/or cutting of carcasses or its parts
164 into quarters or wholesale cuts;

165 (jj) "Processor" means a person who engages for
166 profit in this state in the business of packing or packaging
167 carcasses, meat, meat food products or meat by-products
168 for human consumption or a person engaged for profit
169 in the business of curing, salting, smoking, processing or
170 other preparing of carcasses, meat, meat food products or
171 meat by-products for human consumption;

172 (kk) "Commercial processor" means a processor for
173 commercial outlets or distributors and shall include the
174 business of custom processing;

175 (ll) "Custom processor" means a processor in which
176 the meat, meat food products or meat by-products de-
177 rived through processing cannot be sold or be offered for
178 sale through a commercial outlet, or distributor;

179 (mm) "Processing plant" shall include but not be lim-
180 ited to all buildings, structures, chill rooms, aging rooms,
181 processing rooms, sanitary facilities, other facilities, and
182 utensils, used by or in connection with the operations of
183 a processor;

184 (nn) "Establishment" means any slaughterhouse, pro-
185 cessing plant or distributor in this state;

186 (oo) "Related industries" means rendering plants,
187 refrigerated meat warehouses, food lockers, meat and
188 poultry wholesalers, brokers, pet food manufacturers,
189 other animal food manufacturers, animal impoundments
190 whose main source of food supply is derived from the raw
191 meats, transportation firms and private carriers;

192 (pp) "Commercial outlet" means a place of business
193 in this state and shall include all retail stores and public
194 eating places in which carcasses, meat, meat food prod-
195 ucts or meat by-products are stored, sold or offered for
196 sale for human consumption by the purchaser or others;

197 (qq) "Commercial dealer" means any person who op-
198 erates one or more commercial outlets and who sells or
199 offers for sale thereat any carcasses, meat, meat food
200 products or meat by-products for human consumption,
201 and who does not can, cook, cure, dry, smoke or render
202 any carcass, meat, meat food products or meat by-
203 products at such outlets and who conducts no slaughter-
204 ing or preparing of carcasses, meat, meat food products
205 or meat by-products at such outlets other than boning or
206 cutting up of carcasses, and other than grinding, chopping

207 and mixing operations at such outlets with respect to
208 trim or meat derived only from such boning or cutting
209 up operations;

210 (rr) "Custom slaughtered carcass or meat," "custom
211 slaughtered meat food products" or "custom slaughtered
212 meat by-products" mean, respectively, carcasses, meat,
213 meat food products or meat by-products which were
214 slaughtered, dressed or otherwise processed by a custom
215 slaughterer;

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

218 (tt) "Unwholesome" means any animal, carcass, meat,
219 meat food product or meat by-product which:

220 (i) Is unsound, injurious to health, contains any bio-
221 logical residue not permitted under reasonable rules and
222 regulations promulgated by the commissioner, or is other-
223 wise unfit for human consumption;

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

226 (iii) Was processed, prepared, packed, or held under
227 insanitary conditions so that the same may have become

228 contaminated or may have become injurious to health;

229 or

230 (iv) Was produced in whole or in part from animals

231 which died other than by slaughter.

232 (uu) "Adulterated" means any animal, carcass, meat,

233 meat food product or meat by-product:

234 (i) Which bears or contains any poisonous or dele-

235 terious substance, whether added or natural, that may

236 render it injurious to health or unfit for human consump-

237 tion;

238 (ii) Concerning which a substance has been substi-

239 tuted, wholly or in part;

240 (iii) In which damage or inferiority has been con-

241 cealed in any manner;

242 (iv) Concerning which any casing has been used

243 which contains any dye or artificial coloring not author-

244 ized by reasonable rules and regulations promulgated by

245 the commissioner;

246 (v) From which a valuable constituent has been in

247 whole or in part omitted or abstracted; or

248 (vi) To or with which any substance has been added;

249 mixed or packed for the purpose of increasing its bulk
250 or weight, or so as to reduce its quality or strength, or
251 to make it appear better or of greater value than it is,
252 unless authorized by reasonable rules and regulations
253 promulgated by the commissioner.

254 (vv) "Licensee" means any person licensed under the
255 provisions of this article.

**§19-2B-4. License required for commercial slaughterer, custom
slaughterer, commercial processor, custom processor
or distributor; application for such license; fees;
revocation or suspension; suspension of inspection;
establishment number or numbers.**

1 (a) No commercial slaughterer, custom slaughterer,
2 commercial processor, custom processor or distributor
3 shall operate an establishment unless he shall first have
4 obtained a license from the commissioner so to do, which
5 license remains unsuspended and unrevoked. Applica-
6 tion for such license shall be made on forms prescribed
7 by the commissioner and shall be accompanied by the
8 fee required in this section. When such a person operates
9 as a commercial slaughterer and also operates as a com-
10 mercial processor, whether such operations are located
11 on the same or different premises in this state, each

12 such operation shall be licensed. When such a person
 13 operates two or more slaughterhouses not on the same
 14 premises in this state, or operates two or more processing
 15 plants not on the same premises in this state, a separate
 16 license shall be required for each such slaughterhouse
 17 and each such processing plant. Each license shall
 18 expire on the thirtieth day of June next following its
 19 issuance, and the annual fee for each such license shall be
 20 based upon the average number of animals slaughtered
 21 per year and upon the average finished product pound-
 22 age processed per year, except that the annual fee for
 23 the license of a person who operates solely as a custom
 24 slaughterer shall be ten dollars or as a custom processor
 25 shall be five dollars or as a distributor shall be five
 26 dollars.

27	Average Number of Animals	Annual
28	Class Slaughtered Per Year	Fee
29	Small 1 - 500	\$10.00
30	Medium .501 - 1000	\$25.00
31	Large 1001 - 5000	\$50.00
32	Extra Large Over 5000	\$75.00

33	Average Finished Product	Annual
34 Class	Poundage Processed Per Year	Fee
35 Small	1 - 25,000	\$10.00
36 Medium	25,001 - 250,000	\$25.00
37 Large	250,001 - 1,000,000	\$50.00
38 Extra Large	Over 1,000,000	\$75.00

39 Before issuing any license required by the provisions
40 of this section, the commissioner shall inspect the appli-
41 cant's establishment and if the commissioner is satisfied
42 that the establishment is clean and sanitary, is properly
43 equipped, and is in conformity with the provisions of
44 this article and any reasonable rules and regulations
45 promulgated by the commissioner, and if he is further
46 satisfied that the carcasses, meat, meat food products
47 or meat by-products to be sold or offered for sale there-
48 from through commercial outlets will be wholesome
49 and unadulterated, he shall issue the license. Each
50 license shall specify the location of the establishment
51 at which the licensee shall carry on his operations. The
52 license shall also contain the establishment number
53 assigned by the commissioner.

54. (b) When a licensee changes the location of his
55 establishment, he shall not operate at such new location
56 unless and until his establishment at such new location
57 has been inspected by the commissioner and a new
58 license has been issued, or when a licensee leases, sells,
59 changes name, incorporates or in any other way changes
60 the status of his establishment with relationship to
61 issuance of current license, the new leasor, owner, etc.,
62 shall not operate at the location unless and until the
63 establishment at such location has been inspected and
64 approved by the commissioner and a new license has
65 been issued in accordance with the provisions of sub-
66 section (a) of this section: *Provided*, That a fee shall
67 not be charged for such new license during the license
68 year in which the change in location or change in owner-
69 ship, name or leasing was made.

70 (c) The commissioner may refuse to grant a license
71 or may suspend or revoke a license issued under the
72 provisions of this section whenever he finds that the
73 applicant's or licensee's establishment, as the case may
74 be, is not clean or sanitary, or is not properly equipped,

75 or is not in conformity with the provisions of this article
76 or any reasonable rules and regulations promulgated
77 by the commissioner, or if he finds that the carcasses,
78 meat, meat food products or meat by-products to be
79 sold or offered for sale therefrom through commercial
80 outlets are or will be unwholesome or adulterated. Upon
81 the refusal to grant a license, the commissioner shall
82 furnish a written statement to the applicant specifying
83 the grounds for such refusal. No such revocation or
84 suspension of a license shall be effective until the licensee
85 has received written notice thereof, which notice shall
86 specify the grounds for such revocation or suspension.
87 Whenever there is sufficient cause for the revocation
88 or suspension of a license as hereinabove specified, the
89 commissioner may in lieu of such revocation or sus-
90 pension, suspend inspections at the establishment.
91 Immediately upon suspension of such inspections the
92 commissioner shall give the licensee written notice
93 thereof, and such notice shall contain a recitation of
94 the deficiencies which must be fully and completely
95 corrected before inspections shall be resumed. Upon

96 receipt of a written statement advising that a license
97 has been refused or upon receipt of a written notice
98 of the revocation or suspension of a license, or upon the
99 suspension of inspections at the licensee's establishment,
100 the applicant or licensee, as the case may be, may, in
101 writing, demand a hearing. The commissioner shall hold
102 such a hearing within ten days after receipt of such
103 written demand, in accordance with the provisions of
104 section nine of this article.

**§19-2B-6. Inspection, marking, labeling, branding, etc.; quaran-
tine and segregation; scheduling of operations; dis-
position of carcasses, etc.; reinspection; health ex-
aminations; rejection tags.**

1 (a) The commissioner shall provide ante-mortem
2 inspection of all animals before they are slaughtered
3 for human consumption in any establishment under state
4 inspection.

5 (b) The commissioner shall provide post-mortem
6 inspection of all animals slaughtered for human con-
7 sumption in any establishment under state inspec-
8 tion.

9 (c) All inspections under the provisions of this
10 article shall be performed in accordance with reasonable

11 rules and regulations promulgated by the commissioner.

12 (d) The commissioner shall inspect all establish-
13 ments under state inspection to make certain that they
14 are operating in accordance with the provisions of this
15 article and all reasonable rules and regulations pro-
16 mulgated by the commissioner.

17 (e) When one inspector is assigned to make inspec-
18 tions at two or more establishments where few animals
19 are slaughtered, or where small quantities of carcasses,
20 meat, meat food products or meat by-products are
21 handled, or where the operations at such establishments
22 are sporadic, and such establishments in any of such
23 cases are in reasonably close proximity to one another,
24 the commissioner, giving full consideration to the con-
25 venience of the licensees of such establishments, may
26 by written notice to such licensees specify a reasonable
27 schedule for such operations: *Provided*, That the com-
28 missioner may not require operations other than during
29 normal working hours.

30 (f) Every conveyance used by any establishment
31 under state inspection, and, notwithstanding the pro-

32 provisions of subsection (a) of section seven of this article,
33 every conveyance used by any slaughterhouse, processing
34 plant or distributor operating under federal inspection
35 or approved by the United States department of agri-
36 culture, for the transportation of carcasses, meat, meat
37 food products or meat by-products shall be maintained
38 in a clean and sanitary condition and may be inspected
39 in accordance with the provisions of this article and
40 reasonable rules and regulations promulgated by the
41 commissioner.

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

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

52 (i) Each licensee shall pay for such devices for the

53 affixing of marks, brands or stamps and for such meat
54 labels as may be prescribed for his establishment by
55 the commissioner. Such devices and meat labels shall be
56 under the exclusive control and supervision of the
57 commissioner. The meat label used by any licensee
58 shall be of the form and size prescribed by reasonable
59 rules and regulations promulgated by the commissioner.

60 (j) Each carcass that has been inspected and passed
61 in this state by the commissioner shall be marked at
62 the time of inspection with the inspection legend. Any
63 carcass which is not passed shall be marked conspicuously
64 by the commissioner at the time of inspection in the
65 following manner: "W. Va. Inspected and Condemned,"
66 or any abbreviation thereof.

67 (k) Each primal part of a carcass that has been
68 inspected and passed shall be marked with the inspection
69 legend, and each liver, beef heart and beef tongue that
70 has been inspected and passed shall be branded with
71 the inspection legend at the time of final inspection.
72 Meat that has been boned out, cut from primal parts
73 or otherwise changed so that the inspection legend is

74 no longer plainly visible, and meat food products and
75 meat by-products that are too small to be marked with
76 the inspection legend shall be packed in closed con-
77 tainers to which shall be affixed the meat label indicating
78 that the meat, meat food products or meat by-products
79 contained therein have been inspected and passed. Upon
80 removal of the contents of such containers bearing
81 such label, the label shall be defaced to prevent its
82 reuse.

83 (l) All carcasses, meat, meat food products and meat
84 by-products which have been derived from an animal
85 slaughtered by a custom slaughterer or processed by
86 a custom slaughterer or custom processor shall be
87 marked "W. Va. Custom Slaughtered" in letters not less
88 than three-eighths of an inch in height.

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

93 (n) The commissioner is hereby authorized and em-
94 powered to seize and destroy (i) any animal to be

95 slaughtered in this state and thereafter sold or offered
96 for sale through a commercial outlet or distributor which
97 cannot be made fit for human consumption; (ii) any
98 animal, carcass, meat, meat food product or meat by-
99 product slaughtered or processed in this state in violation
100 of the provisions of this article or any reasonable rules
101 and regulations promulgated by the commissioner (iii)
102 any carcass, meat, meat food product or meat by-
103 product that does not bear an inspection legend or meat
104 label provided for by this article or which has not been
105 inspected and passed under federal inspection or
106 approved by the United States department of agricul-
107 ture and which is intended to be sold or offered for
108 sale through a commercial outlet or distributor; and
109 (iv) any animal, carcass, meat, meat food product or
110 meat by-product which is unwholesome or adulterated.
111 Where appropriate the commissioner may in lieu of
112 destruction as aforesaid denature, decharacterize, muti-
113 late or slash any carcass, meat, meat food product or
114 meat by-product intended to be sold or offered for sale
115 through a commercial outlet or distributor. The com-

116 missioner is also authorized and empowered to seize
117 and retain under a retained tag any animal, carcass,
118 meat, meat food product or meat by-product until the
119 commissioner determines to destroy, denature, dechar-
120 acterize, mutilate, slash or release the same. Whenever
121 the commissioner is authorized or empowered to take
122 any of the actions specified in this subsection, he may
123 order and direct the person having custody or possession
124 of such animal, carcass, meat, meat food product or
125 meat by-product, or the licensee of the establishment
126 in which it is found, to be responsible for the disposition
127 thereof, as well as any necessary storage, handling or
128 other incidentals related thereto. Such disposition shall
129 be carried out only under the direction and supervision
130 of the commissioner.

131 (o) Whenever practicable, the commissioner shall
132 forgo the actions authorized in the immediately pre-
133 ceding subsection and permit reprocessing if such
134 reprocessing will correct or eliminate the conditions
135 which would have justified any of such actions. Any
136 such reprocessing in this state shall be under the super-
137 vision of the commissioner.

138 (p) Whenever the commissioner has good cause to
139 believe that any carcass, meat, meat food product or
140 meat by-product whether fresh, frozen, cured or other-
141 wise prepared, and which is intended to be sold or
142 offered for sale through a commercial outlet or distrib-
143 utor, may be unwholesome or adulterated or otherwise
144 injurious to health, he may inspect or reinspect the
145 same under the provisions of this article and any reason-
146 able rules and regulations promulgated by him, even
147 though such carcass, meat, meat food product or meat
148 by-product may have been previously inspected and
149 passed.

150 (q) No licensee shall employ in any establishment
151 any person who has any communicable disease or in-
152 fected wounds or who is a carrier of any communicable
153 disease. To enforce the provisions of this subsection,
154 the commissioner may require any employee or prospec-
155 tive employee to submit to a health examination by
156 a physician and furnish to the commissioner a certificate
157 from such physician concerning his findings. The cost
158 of conducting such examination and furnishing such

159 certificate shall be borne by the licensee concerned.

160 (r) Whenever the commissioner inspects any room,
161 compartment, equipment or utensil in any establishment
162 subject to state inspection and finds the same not to
163 be clean and sanitary or finds the same to be otherwise
164 unsuitable for the slaughtering or processing operations
165 carried on in such establishment, he shall affix thereto
166 a rejection tag or rejection notice. No such rejected
167 room, compartment, equipment or utensil shall be used
168 until the deficiencies requiring such rejection shall
169 have been fully and completely corrected. No person
170 other than the commissioner shall remove any such re-
171 jection tag or notice.

172 (s) When any animal, carcass, meat, meat food
173 product or meat by-product has been inspected here-
174 under, the appropriate official inspection mark shall be
175 affixed thereto, and no person shall remove the same
176 unless authorized so to do by the commissioner.

§19-2B-7. Exclusion of slaughterhouses and processing plants under the supervision of or approved by the United States department of agriculture; exclusion of farmers.

1 (a) The provisions of this article shall not apply to
2 any slaughterhouse or processing plant operating under
3 the Federal Meat Inspection Act or the Federal Poultry
4 Products Inspection Act, or approved by the United
5 States department of agriculture.

6 (b) For the purposes of this subsection, a farmer is
7 a person who owns or operates a farm or farms in this
8 state and does not engage, directly or indirectly, in the
9 business of buying or selling any animals, other than
10 as a part of his normal farming operations, and does
11 not engage in any business that involves the slaughtering
12 or processing of any animals other than those owned
13 by him, or the buying or selling of any carcasses, meat,
14 meat food products or meat by-products of any animals
15 other than those owned by him. Without being licensed
16 under the provisions of this article, a farmer may
17 slaughter or process or cause to be slaughtered or pro-
18 cessed his own animals on his own premises, on the
19 premises of another person or in the establishment of

20 a West Virginia licensed commercial or custom slaugh-
21 terer or a West Virginia licensed commercial or custom
22 processor, and a farmer shall not sell or trade such
23 animals or the carcasses, meat, meat food products or
24 meat by-products thereof to commercial dealers or dis-
25 tributors.

§19-2B-8. Exemptions.

- 1 (a) The provisions of this article shall not apply to:
 - 2 (i) Any commercial dealer, provided all carcasses,
3 meat, meat food products and meat by-products sold or
4 offered for sale by such dealer were slaughtered and/or
5 processed in commercial establishments under state
6 inspection or have been inspected and passed by the
7 United States department of agriculture or have been
8 approved by the United States department of agricul-
9 ture and shall be identified and labeled as prescribed
10 by reasonable rules and regulations promulgated by the
11 commissioner;
 - 12 (ii) Any educational activities relating to animals,
13 carcasses, meat, meat food products or meat by-products
14 and conducted by 4-H clubs, Future Farmers of America,

15 Future Homemakers of America;

16 (iii) The West Virginia University meat laboratory.

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

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

26 (d) The commissioner may by written order to the
27 person concerned suspend, limit or terminate any ex-
28 emption provided under this section or granted by rules
29 and regulations authorized under subsections (b) and
30 (c) hereof when he determines that such suspension,
31 limitation or termination is necessary to effectuate the
32 purposes of this article: *Provided*, That the person
33 affected by any such suspension, limitation or termination
34 may demand a hearing in writing which shall be held
35 by the commissioner in accordance with the provisions

36 of section nine of this article. The commissioner shall
37 hold such a hearing within ten days after receipt of
38 such written demand.

§19-2B-10. Additional prohibitions.

1 In addition to any other prohibitions contained in this
2 article, it shall be unlawful:

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

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

8 (c) To sell or offer for sale through a commercial
9 outlet or distributor any carcass, meat, meat food product
10 or meat by-product for human consumption which is un-
11 wholesome or adulterated;

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

15 (e) To process, sell or offer for sale for human con-
16 sumption any carcass, meat, meat food product or meat
17 by-product which is mislabeled with intent to deceive or

18 which is marked "W. Va. Inspected and Condemned," or
19 abbreviation thereof;

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

26 (g) To knowingly or intentionally expose any car-
27 cass, meat, meat food product or meat by-product in
28 any establishment under state inspection to insects, live
29 animals or any contamination;

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

35 (i) To remove any hide, skin or any other part of
36 an unborn or stillborn animal in the confines of a room in
37 an establishment where any animals, carcasses, meat, meat
38 food products or meat by-products are slaughtered or

39 processed, as the case may be, or to be sold or offered for
40 sale through a commercial outlet or distributor;

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

45 (k) To transport to any commercial outlet or distrib-
46 utor for the purpose of being sold or offered for sale
47 therein, any carcass, meat, meat food product or meat
48 by-product which is not marked, branded or stamped as
49 having been inspected and passed by the commissioner or
50 by the United States department of agriculture or which
51 has not been approved by the United States department of
52 agriculture;

53 (l) For any commercial outlet or distributor to re-
54 ceive, for the purpose of being sold or offered for sale
55 therein, any carcass, meat, meat food product or meat
56 by-product which is not marked, branded or stamped as
57 having been inspected and passed by the commissioner
58 or by the United States department of agriculture or
59 which has not been approved by the United States de-
60 partment of agriculture;

61 (m) To slaughter any horse, mule or other equine in
62 any establishment under state inspection in which ani-
63 mals are slaughtered for human consumption for the
64 purpose of being sold or offered for sale through com-
65 mercial outlets;

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

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

77 (p) For any person to use an establishment number
78 not assigned to him or to use an establishment number in
79 connection with operations concerning which a different
80 establishment number was assigned by the commis-
81 sioner;

82 (q) To remove from any article any retained tag
83 affixed by the commissioner, unless such removal is au-
84 thorized by him;

85 (r) For a licensee to use any container bearing an
86 official inspection mark unless it contains the exact carcass,
87 meat, meat food product or meat by-product which was
88 in the container at the time such contents were inspected
89 and passed: *Provided*, That such a container may be other-
90 wise used if such official inspection mark thereon is re-
91 moved, obliterated or destroyed, and such other use is
92 authorized by reasonable rules and regulations promul-
93 gated by the commissioner;

94 (s) For any person, other than the commissioner, to
95 process, keep or use, except as authorized by the com-
96 missioner, any meat label or device for the affixing of
97 a mark, brand or stamp prescribed for inspection pur-
98 poses hereunder;

99 (t) For any person, with intent to deceive, to possess,
100 keep or use any meat label, mark, brand or stamp similar
101 in character or import to an official meat label, mark, brand
102 or stamp prescribed by the commissioner hereunder or to

103 an official meat label, mark, brand or stamp used by the
104 United States department of agriculture;

105 (u) To falsely make, falsely issue, falsely publish,
106 alter, forge, simulate or counterfeit any inspection certifi-
107 cate, memorandum, meat label, mark, brand, or stamp,
108 or device for making an inspection mark, brand or stamp,
109 or to possess, keep or use the same, with intent to de-
110 ceive;

111 (v) For any person to refuse to permit the commis-
112 sioner to enter and inspect at any time, upon presenta-
113 tion of appropriate credentials, an establishment under
114 state inspection, or to interfere with any such lawful
115 entry or inspection;

116 (w) For any person to refuse to permit the commis-
117 sioner, upon presentation of appropriate credentials, to
118 examine and copy the records described in section five
119 of this article;

120 (x) For a person to prevent or fail to decharacterize or
121 denature carcasses, meat or meat food products as pre-
122 scribed by reasonable rules and regulations promulgated
123 by the commissioner;

124 (y) For a person to transport offal, blood, or inedible
125 and condemned parts of animal bodies from slaughter-
126 houses, meat processing plants or other related industries:
127 *Provided*, That such products may be transported if
128 placed in suitable containers with tight covers, or water-
129 tight tanks so as not to contaminate the public highways
130 or private roadways while going to or from the points of
131 pickup;

132 (z) For a person to store offal, blood, or inedible and
133 condemned parts of animal bodies from slaughterhouses,
134 meat processing plants or other related industries during
135 interim transit movement in refrigerated warehouses,
136 food lockers or other related industries: *Provided*, That
137 such products may be otherwise stored if properly marked
138 "NOT FOR HUMAN FOOD" "FOR ANIMAL FOOD
139 ONLY" and identified as approved products to be used for
140 animal food;

141 (aa) For a person knowingly to purchase or deliver,
142 or both, a 4-D animal to an establishment in this state;

143 (bb) For any person to transport carcasses, meat, meat
144 food products or meat by-products that are intended for
145 human consumption in a manner which would permit the
146 products to become unwholesome or adulterated.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1968.

Howard Hegen
Clerk of the Senate

C. W. Blankenship
Clerk of the House of Delegates

Howard W. Cassin
President of the Senate

H. Laban White
Speaker of the House of Delegates

The within approved this the 14
day of February, 1968.

Huett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/12/68

Time 3:00 P.M.

RECEIVED

FEB 16 1 01 PM '68

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA