

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 786

(By Mr. HAYSE AND MR. OURS)



PASSED FEBRUARY 18, 1971

In Effect FROM Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-2-71

786

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AN ACT to amend and reenact sections two, four, six, seven, eight, ten and eleven, article two-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 slaughters, custom slaughterers, commercial processors, custom processors or distributors, and to the inspection of slaughterhouses and processing plants; and providing exclusions, exemptions, prohibitions and penalties.

*Be it enacted by the Legislature of West Virginia:*

That sections two, four, six, seven, eight, ten and eleven

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 ANIMALS, 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 autho-
- 7 rized 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 American
- 12 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 American
- 16 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 es-  
26 tablishments 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 adulterated and shall be disposed of in the manner  
36 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 mark-  
42 ed and identified is suspected of being affected with a  
43 disease or condition which may require its condemnation,  
44 in whole or in part, when slaughtered, and is subject to  
45 further examination by a contract veterinarian or vet-  
46 erinary 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 acutal-  
55 ly prepared on a farm;

56 (n) "Federal inspection" means the meat and poultry  
57 inspection service conducted or approved by the meat in-  
58 spection division and the poultry inspection division of

59 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" means  
64 the act of Congress approved August twenty-eighth, one  
65 thousand nine hundred fifty-seven, as amended;

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

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

75 (s) "Official inspection mark" means any symbol  
76 prescribed by the commissioner for the purpose of identi-  
77 fying the inspection status of any article so inspected;

78 (t) "Establishment number" means an official num-  
79 ber assigned by the commissioner to each establishment

80 and included on the inspection legend and meat label to  
81 identify all inspected and passed carcasses, meat, meat  
82 food products and meat by-products handled in that es-  
83 tablishment;

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

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

89 (w) "Animals" mean cattle, swine, sheep and goats;

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

93 (y) "Meat" means the edible part of the muscle of  
94 animals, which is skeletal or which is found in the  
95 tongue, in the diaphragm, in the heart or in the esophagus  
96 with or without the accompanying or overlying fat, and  
97 the portions of bone, skin, sinew nerve and blood vessels  
98 which normally accompany the muscle tissue and which  
99 are not separated from it in the process of dressing; it

100 does not include the muscle found in the lips, snout or  
101 ears;

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

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

114 (bb) "Denature" means the uniform application of  
115 sufficient quantities of crude carbolic acid, cresylic disin-  
116 fectant, or any other agent approved by the commissioner  
117 upon and into the freely slashed flesh of any carcass or  
118 product condemned;

119 (cc) "Decharacterization" means the uniform applica-  
120 tion of sufficient quantities of dye, charcoal, malodorous

121 fish oil, or any other agent approved by the commissioner,  
122 upon and into the freely slashed flesh of carcasses or  
123 meat not being rendered, so as to unequivocally pre-  
124 clude its use for human food;

125 (dd) "Inedible" means meat, meat food products and  
126 meat by-products derived from 4-D or condemned ani-  
127 mals, or animals which the meat, meat food products or  
128 meat by-products are otherwise unsuitable for human  
129 consumption and shall include meat, meat food products  
130 or meat by-products regardless of origin, which have de-  
131 teriorated so far as to be unfit for human consumption;

132 (ee) "4-D animal" means an animal that is dead,  
133 dying, down or diseased on arrival at the slaughterhouse;

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

141 (gg) "Custom slaughterer" means a person engaged

142 for profit in this state in the business of slaughtering or  
143 dressing animals for human consumption which are not to  
144 be sold or offered for sale through a commercial outlet,  
145 commercial establishment, distributor, or to an individual,  
146 and shall include the boning or cutting up of carcasses of  
147 such animals and the grinding, chopping and mixing of  
148 the carcasses thereof;

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

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

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

169 (kk) "Commercial processor" means a processor for  
170 commercial outlets or distributors and shall include the  
171 business of custom processing;

172 (ll) "Custom processor" means a processor in which  
173 the meat, meat food products, or meat by-products deriv-  
174 ed through processing cannot be sold or offered for sale  
175 through a commercial outlet, commercial establishment,  
176 distributor, or to an individual;

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

182 (nn) "Establishment" means any slaughterhouse, pro-

183 censing plant or distributor in this state;

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

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

196 (qq) "Commercial dealer" means any person who  
197 operates one or more commercial outlets and who sells or  
198 offers for sale thereat any carcasses, meat, meat food pro-  
199 ducts or meat by-products for human consumption, and  
200 who does not can, cook, cure, dry, smoke, or render any  
201 carcass, meat, meat food products or meat by-products at  
202 such outlets and who conducts no slaughtering or prepar-  
203 ing of carcasses, meat, meat food products or meat by-

204 products at such outlets other than boning or cutting up  
205 of carcasses, and other than grinding, chopping and mix-  
206 ing operations at such outlets with respect to trim or meat  
207 derived only from such boning or cutting up operations;

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

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

216 (tt) "Adulterated" means and shall apply to any car-  
217 cass, part thereof, meat or meat food product under one  
218 or more of the following circumstances:

219 (i) if it bears or contains any poisonous or dele-  
220 terious substance which may render it injurious to health;  
221 but in case the substance is not an added substance, such  
222 article shall not be considered adulterated under this  
223 clause if the quantity of such substance in or on such ar-  
224 ticle does not ordinarily render it injurious to health;

225           (ii) (a) if it bears or contains (by reason of ad-  
226 ministration of any substance to the live animal or other-  
227 wise) any added poisonous or added deleterious substance  
228 (other than one which is (1) a pesticide chemical in or on  
229 a raw agricultural commodity; (2) a food additive; or (3)  
230 a color additive) which may, in the judgment of the  
231 commissioners make such article unfit for human food;

232           (b) if it is, in whole or in part, a raw agricul-  
233 tural commodity and such commodity bears or contains a  
234 pesticide chemical which is unsafe within the meaning of  
235 the Federal Food, Drug and Cosmetic Act;

236           (c) if it bears or contains any food additive  
237 which is unsafe within the meaning of the Federal Food,  
238 Drug and Cosmetic Act;

239           (d) if it bears or contains any color additive  
240 which is unsafe within the meaning of the Federal Food,  
241 Drug and Cosmetic Act: *Provided*, That an article which  
242 is not adulterated under clause (b), (c), or (d) shall  
243 nevertheless be deemed adulterated if use of the pesticide  
244 chemical, food additive, or color additive in or on such

245 article is prohibited by regulations in establishments at  
246 which inspection is maintained;

247 (iii) if it consists in whole or in part of any  
248 filthy, putrid, or decomposed substance or is for any other  
249 reason unsound, unhealthful, unwholesome, or otherwise  
250 unfit for human food;

251 (iv) if it has been prepared, packed, or held  
252 under insanitary conditions whereby it may have become  
253 contaminated with filth, or whereby it may have been  
254 rendered injurious to health;

255 (v) if it is, in whole or in part, the product of  
256 an animal which has died otherwise than by slaughter;

257 (vi) if its container is composed, in whole or in  
258 part, of any poisonous or deleterious substance which may  
259 render the contents injurious to health;

260 (vii) if it has been intentionally subjected to  
261 radiation, unless the use of the radiation was in conform-  
262 mity with a regulation or exemption in effect pursuant to  
263 the Federal Food, Drug and Cosmetic Act;

264 (viii) if any valuable constituent has been in  
265 whole or in part omitted or abstracted therefrom; or if

266 any substance has been substituted, wholly or in part  
267 therefore; or if damage or inferiority has been concealed  
268 in any manner; or if any substance has been added there-  
269 to or mixed or packed therewith so as to increase its bulk  
270 or weight, or reduce its quality or strength, or make it  
271 appear better or of greater value than it is;

272 (ix) if it is margarine containing animal fat and  
273 any of the raw material used therein consisted in whole  
274 or in part of any filthy, putrid, or decomposed substance.

275 (uu) "Antemortem" means before death;

276 (vv) "Postmortem" means after death;

277 (ww) "Reinspection" means inspection of the prepara-  
278 tion of animal products and poultry products, as well as a  
279 reexamination of articles previously inspected;

280 (xx) "Licensee" means any person licensed under the  
281 provisions of this article.

**]19-2B-4. License required for commercial slaughterer, custom  
slaughterer, commercial processor, custom pro-  
cessor or distributor; application for license; fees;  
refusal, 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 fee  
8 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 process-  
15 ing plants not on the same premises in this state, a  
16 separate license shall be required for each such slaugh-  
17 terhouse and each such processing plant. Each license  
18 shall expire on the thirtieth day of June next following  
19 its issuance, and the annual fee for each such license  
20 shall be based upon the average number of animals  
21 slaughtered per year and upon the average finished  
22 product poundage processed per year, as set forth in  
23 the following table, except that the annual fee for

24 the license of a person who operates solely as a custom  
 25 slaughterer shall be ten dollars or as a custom pro-  
 26 cessor shall be five dollars or as a distributor shall be  
 27 five dollars.

29	<b>Average Number of Animals</b>		<b>Annual</b>
28	<b>Class</b>	<b>Slaughtered Per Year</b>	<b>Fee</b>
30	Small	1 - 500	\$10.00
31	Medium	501 - 1000	\$25.00
32	Large	1001 - 5000	\$50.00
33	Extra Large	Over 5000	\$75.00
34	<b>Average Finished Product</b>		<b>Annual</b>
35	<b>Class</b>	<b>Poundage Processed Per Year</b>	<b>Fee</b>
36	Small	1 - 25,000	\$10.00
37	Medium	25,001 - 250,000	\$25.00
38	Large	250,001 - 1,000,000	\$50.00
39	Extra Large	Over 1,000,000	\$75.00

40 Before issuing any license required by the provisions of  
 41 this section, the commissioner shall inspect the appli-  
 42 cant's establishment and if the commissioner is satisfied  
 43 that the establishment is clean and sanitary, is properly  
 44 equipped, and is in conformity with the provisions of

45 this article and any reasonable rules and regulations  
46 promulgated by the commissioner, and if he is further  
47 satisfied that the carcasses, meat, meat food products  
48 or meat by-products to be sold or offered for sale there-  
49 from through commercial outlets will be wholesome  
50 and unadulterated, he shall issue the license. Each  
51 license shall specify the location of the establishment  
52 at which the licensee shall carry on his operations. The  
53 license shall also contain the establishment number as-  
54 signed by the commissioner.

55 (b) When a licensee changes the location of his  
56 establishment, he shall not operate at such new location  
57 unless and until his establishment at such new location  
58 has been inspected by the commissioner and a new  
59 license has been issued, or when a licensee leases, sells,  
60 changes name, incorporates or in any other way changes  
61 the status of his establishment with relationship to issu-  
62 ance of current license, the new lessee, owner, etc.,  
63 shall not operate at the location unless and until the  
64 establishment at such location has been inspected and

65 approved by the commissioner and a new license has  
66 been issued in accordance with the provisions of sub-  
67 section (a) of this section: *Provided*, That a fee shall  
68 not be charged for such new license during the license  
69 year in which the change in location or change in owner-  
70 ship, name or leasing was made.

71 (c) The commissioner may refuse to grant a license  
72 or may suspend or revoke a license issued under the  
73 provisions of this section whenever he finds that the  
74 applicant's or licensee's establishment, as the case may  
75 be, is not clean or sanitary, or is not properly equipped,  
76 or is not in conformity with the provisions of this article  
77 or any reasonable rules and regulations promulgated  
78 by the commissioner, or if he finds that the carcasses,  
79 meat, meat food products or meat by-products to be  
80 sold or offered for sale therefrom through commercial  
81 outlets are or will be adulterated. Upon the refusal to  
82 grant a license, the commissioner shall furnish a written  
83 statement to the applicant specifying the grounds for  
84 such refusal. No such revocation or suspension of a

85 license shall be effective until the licensee has received  
86 written notice thereof, which notice shall specify the  
87 grounds for such revocation or suspension. Whenever  
88 there is sufficient cause for the revocation or suspension  
89 of a license as hereinabove specified, the commissioner  
90 may in lieu of such revocation or suspension, suspend  
91 inspections at the establishment. Immediately upon sus-  
92 pension of such inspections the commissioner shall give  
93 the licensee written notice thereof, and such notice shall  
94 contain a recitation of the deficiencies which must be  
95 fully and completely corrected before inspections shall  
96 be resumed. Upon receipt of a written statement ad-  
97 vising that a license has been refused or upon receipt  
98 of a written notice of the revocation or suspension of a  
99 license, or upon the suspension of inspections at the  
100 licensee's establishment, the applicant or licensee, as the  
101 case may be, may, in writing, demand a hearing. The  
102 commissioner shall hold such a hearing within ten days  
103 after receipt of such written demand, in accordance with  
104 the provisions of section nine of this article.

**§19-2B-6. Inspection, marking, labeling, branding, etc., quarantine, segregation; scheduling of operations; disposition of carcasses, etc.; reinspection; health examinations; rejection tags.**

1     (a) The commissioner shall provide antemortem and  
2 postmortem inspection of all animals which are to be  
3 sold or offered for sale through a commercial outlet,  
4 establishment or distributor.

5     (b) The commissioner shall provide reinspection of  
6 carcasses, meat, meat food products and meat by-products  
7 during further preparation and processing which have  
8 previously been inspected.

9     (c) All inspections under the provisions of this article  
10 shall be performed in accordance with reasonable rules  
11 and regulations promulgated by the commissioner.

12     (d) The commissioner shall inspect all establishments  
13 under state inspection to make certain that they are  
14 operating in accordance with the provisions of this article  
15 and all reasonable rules and regulations promulgated by  
16 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 reasonable close proximity to one another,  
24 the commissioner, giving full consideration to the con-  
25 venience of the licensees of such establishments, may by  
26 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 provi-  
32 sions of subsection (a) of section seven of this article,  
33 every conveyance used by any slaughterhouse, process-  
34 ing plant or distributor operating under federal inspec-  
35 tion or approved by the United States department of  
36 agriculture, for the transportation of carcasses, meat,  
37 meat food products or meat by-products shall be main-  
38 tained in a clean and sanitary condition and may be  
39 inspected in accordance with the provisions of this ar-

40 ticle and reasonable rules and regulations promulgated  
41 by the 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 iden-  
50 tity until after the postmortem inspection has been com-  
51 pleted.

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  
56 be under the exclusive control and supervision of the  
57 commissioner. The meat label used by any licensee shall  
58 be of the form and size prescribed by reasonable rules  
59 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 conspicu-  
64 ously by the commissioner at the time of inspection in  
65 the following manner: "W. Va. inspected and con-  
66 demned," or any abbreviation thereof.

67 (k) Each primal part of a carcass that has been in-  
68 spected 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 such  
81 label, the label shall be defaced to prevent its reuse.

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

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

92 (n) The commissioner is hereby authorized and em-  
93 powered to seize and destroy (i) any animal to be  
94 slaughtered in this state and thereafter sold or offered  
95 for sale through a commercial outlet or distributor which  
96 cannot be made fit for human consumption; (ii) any  
97 animal, carcass, meat, meat food product or meat by-  
98 product slaughtered or processed in this state in violation  
99 of the provisions of this article or any reasonable rules  
100 and regulations promulgated by the commissioner; (iii)  
101 any carcass, meat, meat food product or meat by-product  
102 that does not bear an inspection legend or meat label

103 provided for by this article or which has not been in-  
104 spected and passed under federal inspection or approved  
105 by the United States department of agriculture and  
106 which is intended to be sold or offered for sale  
107 through a commercial outlet or distributor; and (iv)  
108 any animal, carcass, meat, meat food product or meat  
109 by-product which is adulterated. Where appropriate  
110 the commissioner may in lieu of destruction as afore-  
111 said denature, decharacterize, mutilate or slash any  
112 carcass, meat, meat food product or meat by-product  
113 intended to be sold or offered for sale through a com-  
114 mercial outlet or distributor. The commissioner is also  
115 authorized and empowered to seize and retain under a  
116 retained tag any animal, carcass, meat, meat food pro-  
117 duct or meat by-product until the commissioner deter-  
118 mines to destroy, denature, decharacterize, mutilate,  
119 slash or release the same. Whenever the commissioner  
120 is authorized or empowered to take any of the actions  
121 specified in this subsection, he may order and direct the  
122 person having custody or possession of such animal,  
123 carcass, meat, meat food product or meat by-product,

124 or the licensee of the establishment in which it is found,  
125 to be responsible for the disposition thereof, as well  
126 as any necessary storage, handling or other incidentals  
127 related thereto. Such disposition shall be carried out  
128 only under the direction and supervision of the com-  
129 missioner.

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

137 (p) Whenever the commissioner has good cause to  
138 believe that any carcass, meat, meat food product or  
139 meat by-product whether fresh, frozen, cured or other-  
140 wise prepared, and which is intended to be sold or offered  
141 for sale through a commercial outlet or distributor, may  
142 be adulterated or otherwise injurious to health, he may  
143 inspect or reinspect the same under the provisions of  
144 this article and any reasonable rules and regulations

145 promulgated by him, even though such carcass, meat,  
146 meat food product or meat by-product may have been  
147 previously inspected and passed.

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

158 (r) Whenever the commissioner inspects any room,  
159 compartment, equipment or utensil in any establish-  
160 ment subject to state inspection and finds the same not  
161 to be clean and sanitary or finds the same to be other-  
162 wise unsuitable for the slaughtering or processing op-  
163 erations carried on in such establishment, he shall affix  
164 thereto a rejection tag or rejection notice. No such  
165 rejected room, compartment, equipment or utensil shall

166 be used until the deficiencies requiring such rejection  
167 shall have been fully and completely corrected and the  
168 rejection tag or rejection notice has been removed. No  
169 person other than the commissioner shall remove any  
170 such rejection tag or notice.

171 (s) When any animal, carcass, meat, meat food pro-  
172 duct or meat by-product has been inspected hereunder,  
173 the appropriate official inspection mark shall be affixed  
174 thereto, and no person shall remove the same unless  
175 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.**

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

**§19-2B-8. Exemptions.**

1 (a) In order to accomplish the objectives of this  
2 article, the commissioner may by reasonable rules and  
3 regulations exempt from inspection:

4 (i) Any commercial dealer, provided all car-

5 carcasses, meat, meat food products and meat by-products  
6 sold or offered for sale by such dealer were slaughtered  
7 and/or processed in commercial establishments under  
8 state inspection or have been inspected and passed by  
9 the United States department of agriculture or have been  
10 approved by the United States department of agriculture  
11 and shall be prepared, identified, labeled and sold in  
12 normal retail quantities as prescribed by reasonable rules  
13 and regulations promulgated by the commissioner;

14 (ii) The slaughtering by any person of animals  
15 of his own raising, and the preparation by him of the  
16 carcasses, meat, meat food products and meat by-products  
17 of such animals exclusively for use by him and mem-  
18 bers of his household and his nonpaying guests and  
19 employees; or custom slaughtered animals, by a custom  
20 slaughterer, delivered by the owner thereof for such  
21 slaughter and the preparation by such slaughterer or  
22 custom processor of the carcasses, meat, meat food pro-  
23 ducts and meat by-products of such animals, exclusively  
24 for use, in the household of such owner, by him and  
25 members of his household and his nonpaying guests

26 and employees: *Provided*, That the custom slaughterer  
27 or custom processor is not handling adulterated car-  
28 casses, meat, meat food products and meat by-products;  
29 maintains identity of carcasses, meat, meat food products  
30 and meat by-products; and maintains acceptable sani-  
31 tation and operational controls as prescribed by reason-  
32 able rules and regulations promulgated by the commis-  
33 sioner;

34 (iii) Antemortem and postmortem inspection of  
35 a licensed customed slaughterer;

36 (iv) Any other operations which the commis-  
37 sioner may determine would best be exempted to further  
38 the purposes of this article, to the extent such exemptions  
39 conform to the Federal Meat Inspection Act and the  
40 Federal Poultry Products Inspection Act as amended  
41 from time to time and the regulations thereunder;

42 (b) Any institution operated by the state requiring  
43 inspection under this article shall be exempt from the  
44 licensing fee as required by section four of said article;

**§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  
4 under state inspection which is not clean and sanitary;

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

8 (c) To sell or offer for sale through a commercial  
9 outlet or distributor any carcass, meat, meat food pro-  
10 duct or meat by-product for human consumption which  
11 is 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 in-  
21 spection for sale through any commercial outlet or dis-  
22 tributor any carcass, meat, meat food product or meat  
23 by-product intended for human consumption and derived

24 in whole or in part from any calf, pig, kid or lamb  
25 which is so immature as to be lacking in nutritional  
26 value;

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

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

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

42 (j) To process for human consumption in any es-  
43 tablishment subject to state inspection any carcass, meat,  
44 meat food product or meat by-product derived from any

45 animal which died other than by slaughter;

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

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

62 (m) To slaughter any horse, mule or other equine  
63 in any establishment under state inspection in which  
64 animals are slaughtered for human consumption for  
65 the purpose of being sold or offered for sale through

66 commercial outlets;

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

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

78 (p) For any person to use an establishment number  
79 not assigned to him or to use an establishment number  
80 in connection with operations concerning which a dif-  
81 ferent establishment number was assigned by the com-  
82 missioner;

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

86 (r) For a licensee to use any container bearing an

87 official inspection mark unless it contains the exact  
88 carcass, meat, meat food product or meat by-product  
89 which was in the container at the time such contents  
90 were inspected and passed: *Provided*, That such a con-  
91 tainer may be otherwise used if such official inspection  
92 mark thereon is removed, obliterated or destroyed, and  
93 such other use is authorized by reasonable rules and  
94 regulations promulgated by the commissioner;

95 (s) For any person, other than the commissioner,  
96 to possess, keep or use, except as authorized by the  
97 commissioner, any meat label or device for the affixing  
98 of a mark, brand or stamp prescribed for inspection  
99 purposes hereunder;

100 (t) For any person, with intent to deceive, to pos-  
101 sess, keep or use any meat label, mark, brand or stamp  
102 similar in character or import to an official meat label,  
103 mark, brand or stamp prescribed by the commissioner  
104 hereunder or to an official meat label, mark, brand or  
105 stamp used by the United States department of agricul-  
106 ture;

107 (u) To falsely make, falsely issue, falsely publish,  
108 alter, forge, simulate or counterfeit any inspection cer-

109 tificate, memorandum, meat label, mark, brand, or stamp,  
110 or device for making an inspection mark, brand or  
111 stamp, or to possess, keep or use the same, with intent  
112 to deceive;

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

118 (w) For any person to refuse to permit the com-  
119 missioner, upon presentation of appropriate credentials,  
120 to examine and copy the records described in section five  
121 of this article;

122 (x) For a person to prevent or fail to decharacterize  
123 or denature carcasses, meat or meat food products as  
124 prescribed by reasonable rules and regulations promul-  
125 gated by the commissioner;

126 (y) For a person to transport offal, blood, or inedible  
127 and condemned parts of animal bodies from slaughter-  
128 houses, meat processing plants or other related industries:  
129 *Provided*, That such products may be transported if  
130 placed in suitable containers with tight covers, or water-

131 tight tanks so as not to contaminate the public high-  
132 ways or private roadways while going to or from the  
133 points of pickup;

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

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

145 (bb) For any person to transport carcasses, meat,  
146 meat food products or meat by-products that are in-  
147 tended for human consumption in a manner which would  
148 permit the products to become adulterated;

149 (cc) For any person who forcibly assaults, resists,  
150 opposes, impedes, intimidates, or interferes with the  
151 commissioner or his representative while engaged in or  
152 on account of the performances of his official duties;

**§19-2B-11. Penalties.**

1 Any person who shall violate any of the provisions  
2 of this article shall be guilty of a misdemeanor, and,  
3 upon conviction thereof, shall for the first offense be  
4 fined not less than fifty nor more than five hundred  
5 dollars and upon conviction of each subsequent offense  
6 shall be fined not less than one hundred nor more than  
7 one thousand dollars.

*OK  
C.C. [unclear]  
WJ  
6/8*

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

*Samuel M. Beane*  
Chairman Senate Committee

*Phyllis Ruetledge*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Howard Meyer*  
Clerk of the Senate

*V. A. Blankenship*  
Clerk of the House of Delegates

*E. Hancock*  
President of the Senate

*Ivor F. Boarsby*  
Speaker House of Delegates

The within *approved* this the *1<sup>st</sup>*  
day of *March*, 1971.

*Archa. Moore, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/24/71

Time 1:45 p.m.

RECEIVED

MAR 2 12 44 PM '71

RECEIVED  
STATE OF VIRGINIA