WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 786

(By Mr. HANSE and MR. O'QUIN)

PASSED FEBRUARY 18, 1971

In Effect From ___________________________ Passage

786

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


1 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 conducted 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 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 so entitled, approved March four, one thousand nine hundred seven, as amended by the Wholesome Meat Act;

(p) "Federal Poultry Products Inspection Act" means the act of Congress approved August twenty-eighth, one thousand nine hundred fifty-seven, as amended;

(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 product or meat by-product contained therein have been inspected and passed in this state under the provisions of this article;

(s) "Official inspection mark" means any symbol prescribed by the commissioner for the purpose of identifying 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 es-

tablishment;

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

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

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

(y) "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;

(z) "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 organotherapeutic 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;

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

(bb) "Denature" means the uniform application of sufficient quantities of crude carbolic acid, cresylic disinfectant, or any other agent approved by the commissioner upon and into the freely slashed flesh of any carcass or product condemned;

(cc) "Decharacterization" means the uniform application of sufficient quantities of dye, charcoal, malodorous
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fish oil, or any other agent approved by the commissioner, upon and into the freely slashed flesh of carcasses or meat not being rendered, so as to unequivocally preclude its use for human food;

(dd) "Inedible" means meat, meat food products and meat by-products derived from 4-D or condemned animals, or animals which the meat, meat food products or meat by-products are otherwise unsuitable for human consumption and shall include meat, meat food products or meat by-products regardless of origin, which have deteriorated so far as to be unfit for human consumption;

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

(ff) "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 or establishment, and shall include a person who, in addition to such commercial slaughtering, also engages in the business of a custom slaughterer;

(gg) "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,
commercial establishment, distributor, or to an individual,
and shall include the boning or cutting up of carcasses of
such animals and the grinding, chopping and mixing of
the carcasses thereof;
(hh) "Slaughterhouse" shall include but not be lim-
ited to all buildings, structures and facilities used in the
slaughtering or dressing of animals for human consump-
tion;
(ii) "Distributor" means a person engaged for profit in
this state in the business where carcasses, meat, meat food
products or meat by-products are received from state or
federally inspected establishments, or approved by the
United States department of agriculture, and who stores
and distributes to commercial outlets, processors or indi-
viduals, and who conducts no processing other than
wrapping and/or cutting of carcasses or its parts into
quarters or wholesale cuts;
(jj) "Processor" means a person who engages for profit in this state in the business of packing or packaging carcases, meat, meat food products or meat by-products for human consumption or a person engaged for profit in the business of curing, salting, smoking, processing or other preparing of carcases, meat, meat food products or meat by-products for human consumption;

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

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

(mm) "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;

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

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

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

(qq) “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
205 of carcasses, and other than grinding, chopping and mixing
206 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;
(ii) (a) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is (1) a pesticide chemical in or on a raw agricultural commodity; (2) a food additive; or (3) a color additive) which may, in the judgment of the commissioners make such article unfit for human food;

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

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

(d) if it bears or contains any color additive which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act: Provided, That an article which is not adulterated under clause (b), (c), or (d) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such
article is prohibited by regulations in establishments at
which inspection is maintained;

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

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

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

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

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

(viii) if any valuable constituent has been in
whole or in part omitted or abstracted therefrom; or if
any substance has been substituted, wholly or in part
therefore; or if damage or inferiority has been concealed
in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk
or weight, or reduce its quality or strength, or make it appear better or of greater value than it is;
(ix) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.
(uu) “Antemortem” means before death;
(vv) “Postmortem” means after death;
(ww) “Reinspection” means inspection of the preparation of animal products and poultry products, as well as a reexamination of articles previously inspected;
(xx) “Licensee” means any person licensed under the provisions of this article.

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

(a) No commercial slaughterer, custom slaughterer,
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 commercial 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 based upon the average number of animals slaughtered per year and upon the average finished product poundage processed per year, as set forth in the following table, except that the annual fee for
the license of a person who operates solely as a custom slaughterer shall be ten dollars or as a custom processor shall be five dollars or as a distributor shall be five dollars.

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Animals</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class</strong></td>
<td><strong>Slaughtered Per Year</strong></td>
<td><strong>$</strong></td>
</tr>
<tr>
<td>Small</td>
<td>1 - 500</td>
<td>10.00</td>
</tr>
<tr>
<td>Medium</td>
<td>501 - 1000</td>
<td>25.00</td>
</tr>
<tr>
<td>Large</td>
<td>1001 - 5000</td>
<td>50.00</td>
</tr>
<tr>
<td>Extra Large</td>
<td>Over 5000</td>
<td>75.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Average Finished Product</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class</strong></td>
<td><strong>Poundage Processed Per Year</strong></td>
<td><strong>$</strong></td>
</tr>
<tr>
<td>Small</td>
<td>1 - 25,000</td>
<td>10.00</td>
</tr>
<tr>
<td>Medium</td>
<td>25,001 - 250,000</td>
<td>25.00</td>
</tr>
<tr>
<td>Large</td>
<td>250,001 - 1,000,000</td>
<td>50.00</td>
</tr>
<tr>
<td>Extra Large</td>
<td>Over 1,000,000</td>
<td>75.00</td>
</tr>
</tbody>
</table>

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 there-
from 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 as-
signed 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, or when a licensee leases, sells,
changes name, incorporates or in any other way changes
the status of his establishment with relationship to issu-
ance of current license, the new lessee, owner, etc.,
shall not operate at the location unless and until the
establishment at such location has been inspected and
approved by the commissioner and a new license has
been issued in accordance with the provisions of sub-
section (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 or change in owner-
ship, name or leasing 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 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 sus-
pension 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 ad-
vising 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.
§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 postmortem inspection of all animals which are to be sold or offered for sale through a commercial outlet, establishment or distributor.

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

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

4. (d) The commissioner shall inspect all establishments under state inspection to make certain that they are operating in accordance with the provisions of this article and all reasonable rules and regulations promulgated by the commissioner.

5. (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 reasonable 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, processing plant or distributor 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 ar-
ticle 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 iden-
tity until after the postmortem inspection has been com-
pleted.

(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 conspicu-
ously by the commissioner at the time of inspection in
the following manner: “W. Va. inspected and con-
demned,” or any abbreviation thereof.

(k) Each primal part of a carcass that has been in-
spected 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 con-
tainers 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.
All carcasses, meat, meat food products and meat by-products which have been derived from an animal slaughtered by a custom slaughterer or processed by a custom slaughterer or custom processor shall be marked "W. Va. custom slaughtered" in letters not less than three-eights of an inch in height.

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

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 or distributor 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 in-
spected 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 or distributor; and (iv)
any animal, carcass, meat, meat food product or meat
by-product which is adulterated. Where appropriate
the commissioner may in lieu of destruction as afore-
said 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 com-
mercial outlet or distributor. The commissioner is also
authorized and empowered to seize and retain under a
retained tag any animal, carcass, meat, meat food pro-
duct or meat by-product until the commissioner deter-
mines 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, handling or other incidentals related thereto. Such disposition shall be carried out only under the direction and supervision of the commissioner.

(o) Whenever practicable, the commissioner shall forgo the actions authorized in the immediately preceding subsection and permit reprocessing if such reprocessing will correct or eliminate the conditions which would have justified any of such actions. Any such reprocessing in this state shall be under the supervision of the commissioner.

(p) Whenever the commissioner has good cause to believe that any carcass, meat, meat food product or meat by-product whether fresh, frozen, cured or otherwise prepared, and which is intended to be sold or offered for sale through a commercial outlet or distributor, may be adulterated or otherwise injurious to health, he may inspect or reinspect the same under the provisions of this article and any reasonable rules and regulations
promulgated by him, even though such carcass, meat, meat food product or meat by-product may have been 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 and the rejection tag or rejection notice has been removed. No person other than the commissioner shall remove any such rejection tag or notice.

(s) 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.

§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 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.


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

1 (i) Any commercial dealer, provided all car-
casses, meat, meat food products and meat by-products
sold or offered for sale by such dealer were slaughtered
and/or processed in commercial establishments under
state inspection or have been inspected and passed by
the United States department of agriculture or have been
approved by the United States department of agriculture
and shall be prepared, identified, labeled and sold in
normal retail quantities as prescribed by reasonable rules
and regulations promulgated by the commissioner;
(ii) The slaughtering by any person of animals
of his own raising, and the preparation by him of the
carcasses, meat, meat food products and meat by-products
of such animals exclusively for use by him and mem-
bers of his household and his nonpaying guests and
employees; or custom slaughtered animals, by a custom
slaughterer, delivered by the owner thereof for such
slaughter and the preparation by such slaughterer or
custom processor of the carcasses, meat, meat food pro-
ducts and meat by-products of such animals, exclusively
for use, in the household of such owner, by him and
members of his household and his nonpaying guests
and employees: Provided, That the custom slaughterer or custom processor is not handling adulterated car-
casses, meat, meat food products and meat by-products;
maintains identity of carcasses, meat, meat food products and meat by-products; and maintains acceptable san-
tation and operational controls as prescribed by reason-
able rules and regulations promulgated by the commis-
sioner;
(iii) Antemortem and postmortem inspection of a licensed customed slaughterer;
(iv) Any other operations which the commis-
sioner may determine would best be exempted to further the purposes of this article, to the extent such exemptions conform to the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act as amended from time to time and the regulations thereunder;
(b) Any institution operated by the state requiring inspection under this article shall be exempt from the 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 article, it shall be unlawful:
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(a) For any person to operate any establishment under state inspection which is not clean and sanitary;
(b) To slaughter any adulterated animal intended to be sold or offered for sale through a commercial outlet or distributor;
(c) To sell or offer for sale through a commercial outlet or distributor any carcass, meat, meat food product or meat by-product for human consumption which is 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 consumption 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 inspection for sale through any commercial outlet or distributor 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 carcase, meat, meat food product or meat by-product in any establishment 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 or distributors 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, or to be sold or offered for sale through a commercial outlet or distributor;

(j) To process for human consumption in any establishment subject to state inspection any carcase, 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 or distributor for the purpose 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 department of agriculture or which has not been approved by the United States department of agriculture;

(l) For any commercial outlet or distributor to receive, for the purpose 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 department of agriculture or which has not been approved by the United States department of agriculture;

(m) 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;

(n) 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;

(o) 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;

(p) 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;

(q) To remove from any article any retained tag affixed by the commissioner, unless such removal is authorized by him;

(r) For a licensee to use any container bearing an
official inspection mark unless it contains the exact
carcass, meat, meat food product or meat by-product
which was in the container at the time such contents
were inspected and passed: *Provided*, That such a con-
tainer 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 promulgated by the commissioner;

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

(t) For any person, with intent to deceive, to pos-
sess, 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
hereunder or to an official meat label, mark, brand or
stamp used by the United States department of agricul-
ture;

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

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

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

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

(y) For a person to transport offal, blood, or inedible
and condemned parts of animal bodies from slaughter-
houses, meat processing plants or other related industries:

Provided, That such products may be transported if
placed in suitable containers with tight covers, or water-
tight tanks so as not to contaminate the public highways or private roadways while going to or from the points of pickup;

(z) For a person to store offal, blood, or inedible and condemned parts of animal bodies from slaughterhouses, meat processing plants or other related industries during interim transit movement in refrigerated warehouses, food lockers or other related industries:

Provided, That such products may be otherwise stored if properly marked "NOT FOR HUMAN FOOD" "FOR ANIMAL FOOD ONLY" and identified as approved products to be used for animal food;

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

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

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

1 Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and,
2 upon conviction thereof, shall for the first offense be fined not less than fifty nor more than five hundred dollars and upon conviction of each subsequent offense shall be fined not less than one hundred nor more than one thousand dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 12th day of March, 1971.

[Signature]
Governor