

HB 2206

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 2206

(By Delegate Doyle)



Passed February 23, 1999

In Effect Ninety Days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2206

(BY DELEGATE DOYLE)

[Passed February 24, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article two-b, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting the sale of or offering for sale any meat or poultry product on which the processor's expiration date has expired; and prohibiting alteration of expiration dates.

Be it enacted by the Legislature of West Virginia:

That section 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 POULTRY.

§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 state
4 inspection which is not clean and sanitary;

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

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

11 (d) To slaughter for human consumption any animal or
12 poultry tagged or permanently identified as "W.Va. con-
13 demned," or abbreviation thereof;

14 (e) To process, sell or offer for sale for human consumption
15 any carcass, meat product or poultry product which is misla-
16 beled with intent to deceive or which is marked "W.Va.
17 inspected and condemned," or abbreviation thereof;

18 (f) To process in an establishment under state inspection for
19 sale through any commercial outlet or distributor any carcass,
20 meat product or poultry product intended for human consump-
21 tion and derived in whole or in part from any calf, pig, kid,
22 lamb, chicken or turkey which is so immature as to be lacking
23 in nutritional value;

24 (g) To knowingly or intentionally expose any carcass, meat
25 product and poultry product in any establishment under state
26 inspection to insects, live animals or any contamination;

27 (h) To add kangaroo meat, horse meat, mule meat or other
28 equine meat to any animal meat, meat product or poultry
29 product to be sold or offered for sale through commercial
30 outlets or distributors for human consumption;

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

37 (j) To process for human consumption in any establishment
38 subject to state inspection any carcass, meat product and poultry
39 product derived from any animal or poultry which died other
40 than by slaughter;

41 (k) To transport to any commercial outlet or distributor for
42 the purpose of being sold or offered for sale therein, any
43 carcass, meat product or poultry product which is not marked,
44 branded or stamped as having been inspected and passed by the
45 commissioner or by the United States department of agricul-
46 ture;

47 (l) For any commercial outlet or distributor to receive, for
48 the purpose of being sold or offered for sale therein, any
49 carcass, meat product or poultry product which is not marked,
50 branded or stamped as having been inspected and passed by the
51 commissioner or by the United States department of agricul-
52 ture;

53 (m) To slaughter any horse, mule or other equine in any
54 establishment under state inspection in which animals or
55 poultry are slaughtered for human consumption for the purpose
56 of being sold or offered for sale through commercial outlets;

57 (n) To bring any kangaroo meat, horse meat, mule meat or
58 other equine meat into any establishment under state inspection
59 where animal or poultry carcasses, meat products or poultry
60 products are processed for human consumption for the purpose
61 of being sold or offered for sale through commercial outlets;

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

66 (p) For any person to use an establishment number not
67 assigned to him or her or to use an establishment number in
68 connection with operations concerning which a different
69 establishment number was assigned by the commissioner;

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

73 (r) To remove from any room, compartment, equipment or
74 utensil any rejection tag or rejection notice affixed by the
75 commissioner, unless such removal is authorized by him or her;

76 (s) For a licensee to use any container bearing an official
77 inspection mark unless it contains the exact carcass, meat
78 product or poultry product which was in the container at the
79 time such contents were inspected and passed: *Provided*, That
80 such a container may be otherwise used if such official inspec-
81 tion mark thereon is removed, obliterated or destroyed, and
82 such other use is authorized by reasonable rules promulgated by
83 the commissioner;

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

88 (u) For any person, with intent to deceive, to possess, keep
89 or use any label, mark, brand or stamp similar in character or
90 import to an official label, mark, brand or stamp prescribed by
91 the commissioner hereunder or to an official label, mark, brand
92 or stamp used by the United States department of agriculture;

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

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

102 (x) For any person to refuse to permit the commissioner,
103 upon presentation of appropriate credentials, to examine and
104 copy the records described in section five of this article;

105 (y) For a person to prevent or fail to decharacterize or
106 denature carcasses, meat products or poultry products as
107 prescribed by reasonable rules promulgated by the commis-
108 sioner;

109 (z) For a person to transport offal, blood, or inedible and
110 condemned parts of animal and poultry carcasses from slaugh-

111 terhouses, processing plants or other related industries: *Pro-*
112 *vided*, That such products may be transported if placed in
113 suitable containers with tight covers, or watertight tanks so as
114 not to contaminate the public highways or private roadways
115 while going to or from the points of pickup;

116 (aa) For a person to store offal, blood, or inedible and
117 condemned parts of animal and poultry carcasses from slaugh-
118 terhouses, processing plants or other related industries during
119 interim transit movement in refrigerated warehouses, food
120 lockers or other related industries: *Provided*, That such products
121 may be otherwise stored if properly marked "NOT FOR
122 HUMAN FOOD" "FOR ANIMAL FOOD ONLY" and identi-
123 fied as approved products to be used for animal food;

124 (bb) For a person knowingly to deliver a dead or dying
125 animal or poultry to an establishment in this state;

126 (cc) For any person to transport carcasses, meat products
127 and poultry products that are intended for human consumption
128 in a manner which would permit the products to become
129 adulterated;

130 (dd) For any person to forcibly assault, resist, oppose,
131 impede, intimidate or interfere with the commissioner or his or
132 her representative while engaged in or on account of the
133 performances of his or her official duties;

134 (ee) For any person to deliver, with intent to deceive, any
135 graded meat product, poultry product or any other agricultural
136 commodity to a state institution that does not meet the grade
137 specifications for that grade when a specified grade is required
138 in a contract;

139 (ff) To sell any meat product or poultry product for which
140 the processor's expiration date has expired.

141 (gg) To alter, change or cover-up the expiration date of any
142 meat product or poultry product established by the processor.

143 In addition to any other powers conveyed in this article, the
144 commissioner may inspect any meat product, poultry product
145 or any other agricultural commodity sold to a state institution
146 to enforce the provisions of this subdivision.

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



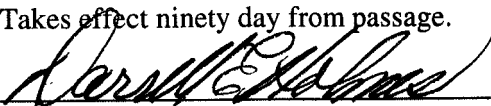
Chairman Senate Committee



Chairman House Committee

Originating in the House.

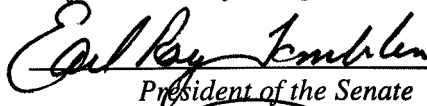
Takes effect ninety day from passage.



Clerk of the Senate



Clerk of the House of Delegates

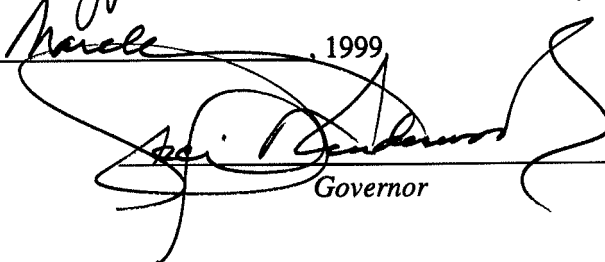


President of the Senate



Speaker of the House of Delegates

The within approved this the 10th
day of March, 1999



Governor

PRESENTED TO THE

GOVERNOR

Date

3/4/99

Time

9.55 am