

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 586

BY SENATOR SYPOLT

[Originating in the Committee on Agriculture and
Rural Development; reported on March 23, 2017]

1 A BILL to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating
2 to inspection of meat and poultry; clarifying licenses; making custom and distributor
3 license a triennial license; increasing fees; and making technical corrections.

Be it enacted by the Legislature of West Virginia:

1 That §19-2B-4 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 2B. INSPECTION OF MEAT AND POULTRY.

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

1 (a) ~~No~~ A commercial slaughterer, custom slaughterer, commercial processor, custom
2 processor or distributor shall not operate an establishment unless he or she ~~shall first have~~
3 ~~obtained~~ first obtains a license from the commissioner, ~~which license remains unsuspended and~~
4 ~~unrevoked~~. Application for ~~such~~ the license shall be made on forms prescribed by the
5 commissioner and shall be accompanied by the fee required in this section.

6 (b) When ~~such~~ a person operates as a commercial slaughterer and also operates as a
7 commercial processor, whether ~~such~~ the operations are located on the same or different premises
8 in this state, each ~~such~~ operation shall be licensed. When ~~such~~ a person operates two or more
9 slaughterhouses ~~not on the same~~ on different premises in this state, or operates two or more
10 processing plants ~~not on the same~~ on different premises in this state, a separate license ~~shall be~~
11 is required for each ~~such~~ slaughterhouse and each ~~such~~ processing plant. Each commercial
12 license shall expire on June 30 next following its issuance, and the annual fee for each ~~such~~
13 license shall be based upon the average number of animals slaughtered per year and upon the
14 average finished product poundage processed per year, as set forth in the following table: ~~except~~
15 ~~that the annual fee for the license of a person who operates solely as a custom slaughterer shall~~

16 ~~be \$10 is \$30 or as a custom processor shall be \$5 or as a distributor shall be \$5.~~

17 **COMMERCIAL SLAUGHTERER**

| 18 | | Average Number of Animals | Annual <u>License</u> |
|----|-------------|---------------------------|---------------------------------|
| 19 | Class | Slaughtered Per Year | Fee |
| 20 | Small | 1-500 | \$10.00 <u>\$25</u> |
| 21 | Medium | 501-1000 | \$25.00 <u>\$50</u> |
| 22 | Large | 1001-5000 | \$50.00 <u>\$75</u> |
| 23 | Extra Large | Over 5000 | \$75.00 <u>\$100</u> |

25 **COMMERCIAL PROCESSOR**

| 26 | | Average Finished Product | Annual <u>License</u> |
|----|-------------|-----------------------------|---------------------------------|
| 27 | Class | Poundage Processed Per Year | Fee |
| 28 | Small | 1-25,000 | \$10.00 <u>\$25</u> |
| 29 | Medium | 25,001-250,000 | \$25.00 <u>\$50</u> |
| 30 | Large | 250,001-1,000,000 | \$50.00 <u>\$75</u> |
| 31 | Extra Large | Over 1,000,000 | \$75.00 <u>\$100</u> |

32 (c) Each custom slaughterer, custom processor or distributor license shall be a triennial
 33 license and shall expire on June 30 of the third year of the license. The fees for each license are
 34 set forth in the following table:

35 **CUSTOM SLAUGHTERER, CUSTOM PROCESSOR AND DISTRIBUTOR**

| 36 | | <u>Triennial (3 year) License</u> |
|----|---|-----------------------------------|
| 37 | | <u>Fee</u> |
| 38 | <u>Custom Slaughterer</u> | <u>\$75</u> |
| 39 | <u>Custom Processor</u> | <u>\$75</u> |
| 40 | <u>Custom Slaughterer and Processor</u> | <u>\$150</u> |
| 41 | <u>Distributor</u> | <u>\$75</u> |

42

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

52 (d)(1) The commissioner shall inspect an applicant's establishment prior to issuing a
53 license. The establishment must be clean and sanitary, properly equipped and in conformity with
54 all applicable rules and laws. Further, the carcasses, meat and poultry products offered for sale
55 must be wholesome and unadulterated. If the applicant meets these requirements, a license will
56 be issued for that establishment, including an establishment number issued by the commissioner.

57 (2) If an establishment changes its location, name, ownership or any other aspect of its business
58 status, a new inspection will be required prior to the issuance of a new license for the
59 establishment.

60 ~~(b) When a licensee changes the location of his or her establishment, he or she shall not~~
61 ~~operate at such new location unless and until his or her establishment at such new location has~~
62 ~~been inspected by the commissioner and a new license has been issued, or when a licensee~~
63 ~~leases, sells, changes name, incorporates or in any other way changes the status of his or her~~
64 ~~establishment with relationship to issuance of current license, the new lessee, owner, etc., shall~~
65 ~~not operate at the location unless and until the establishment at such location has been inspected~~
66 ~~and approved by the commissioner and a new license has been issued in accordance with the~~
67 ~~provisions of subsection (a) of this section: *Provided*, That a fee shall not be charged for such~~

68 ~~new license during the license year in which the change in location or change in ownership, name~~
69 ~~or leasing was made.~~

70 ~~(e) (e) The commissioner may refuse to grant a license or may suspend or revoke a license~~
71 ~~issued under the provisions of this section whenever if he or she finds that the applicant's or~~
72 ~~licensee's establishment, as the case may be, is not clean or sanitary; or is not properly equipped~~
73 ~~or is not in conformity with the provisions of this article or any reasonable rules promulgated by~~
74 ~~the commissioner, or if he or she finds that the carcasses, meat products or poultry products to~~
75 ~~be sold or offered for sale therefrom through commercial outlets are or will be adulterated. all~~
76 ~~applicable rules and laws; or that the carcasses, meat and poultry products offered for sale are~~
77 ~~unwholesome or adulterated.~~

78 ~~(f) Upon the refusal to grant a license, the~~ The commissioner shall furnish a written
79 statement to the applicant or licensee specifying the grounds for ~~such~~ the refusal, ~~No such~~
80 ~~revocation or suspension of a license shall be, at which time the~~ revocation or suspension
81 ~~becomes effective until the licensee has received written notice thereof which notice shall specify~~
82 ~~the grounds for such revocation or suspension.~~

83 ~~(g) Whenever there is sufficient cause for the revocation or suspension of a license as~~
84 ~~hereinabove specified in this section, the commissioner may, in lieu of such~~ the revocation or
85 suspension, suspend inspections at the establishment. Immediately upon suspension of ~~such~~ the
86 inspections, the commissioner shall give the licensee written notice ~~thereof~~ of the suspension of
87 inspections and state ~~and such notice shall contain a recitation of the deficiencies which~~ that must
88 be ~~fully and completely~~ corrected before inspections ~~shall be~~ are resumed.

89 ~~Upon receipt of a written statement advising that a license has been refused, or upon~~
90 ~~receipt of a written notice of the revocation or suspension of a license, or upon the suspension of~~
91 ~~inspections at the licensee's establishment, the~~ (h) An applicant or licensee, ~~as the case may be,~~
92 may, in writing, demand a hearing upon receiving written notice of an application being refused,
93 or the revocation or suspension of a license. The commissioner shall hold ~~such~~ a hearing within

- 94 ten days after receipt of ~~such~~ the written demand in accordance with the provisions of section
95 nine of this article.

NOTE: The purpose of this bill is to change the annual fees for custom slaughters, custom processors or distributors to triennial fees.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.