

HB 2441

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2441

(By Delegate **S** Williams, Beach, Facemyer, Seacrist,
Everson, Henderson and Stalnaker _____)



Passed _____ April 10, _____ 1997

In Effect _____ Ninety Days From _____ Passage

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SECRETARY OF STATE

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H. B. 2441

(BY DELEGATES WILLIAMS, BEACH, FACEMYER,
SEACRIST, EVERSON, HENDERSON AND STALNAKER)

[Passed April 10, 1997; 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 authorizing the commissioner of agriculture to inspect any meat product, poultry product or any other agricultural commodity sold to a state institution; and prohibitions.

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
4 state inspection which is not clean and sanitary;
- 5 (b) To slaughter any adulterated animal or poultry
6 intended to be sold or offered for sale through a
7 commercial outlet or distributor;
- 8 (c) To sell or offer for sale through a commercial
9 outlet or distributor any carcass, meat product or poultry
10 product for human consumption which is adulterated;

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

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

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

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

29 (h) To add kangaroo meat, horse meat, mule meat or
30 other equine meat to any animal meat, meat product or
31 poultry product and to be sold or offered for sale through
32 commercial outlets or distributors for human con-
33 sumption;

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

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

44 (k) To transport to any commercial outlet or
45 distributor for the purpose of being sold or offered for
46 sale therein, any carcass, meat product or poultry product
47 which is not marked, branded or stamped as having been
48 inspected and passed by the commissioner or by the

49 United States department of agriculture;

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

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

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

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

71 (p) For any person to use an establishment number
72 not assigned to him or her or to use an establishment
73 number in connection with operations concerning which a
74 different establishment number was assigned by the
75 commissioner;

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

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

83 (s) For a licensee to use any container bearing an
84 official inspection mark unless it contains the exact
85 carcass, meat product or poultry product which was in the

86 container at the time such contents were inspected and
87 passed: *Provided*, That such a container may be otherwise
88 used if such official inspection mark thereon is removed,
89 obliterated or destroyed, and such other use is authorized
90 by reasonable rules promulgated by the commissioner;

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

96 (u) For any person, with intent to deceive, to possess,
97 keep or use any label, mark, brand or stamp similar in
98 character or import to an official label, mark, brand or
99 stamp prescribed by the commissioner hereunder or to an
100 official label, mark, brand or stamp used by the United
101 States department of agriculture;

102 (v) To falsely make, falsely issue, falsely publish, alter,
103 forge, simulate or counterfeit any inspection certificate,
104 memorandum, label, mark, brand, or stamp, or device for
105 making an inspection mark, brand or stamp, or to possess,
106 keep or use the same, with intent to deceive;

107 (w) For any person to refuse to permit the
108 commissioner to enter and inspect at any time, upon
109 presentation of appropriate credentials, an establishment
110 under state inspection, or to interfere with any such lawful
111 entry or inspection;

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

116 (y) For a person to prevent or fail to decharacterize or
117 denature carcasses, meat products or poultry products as
118 prescribed by reasonable rules promulgated by the
119 commissioner;

120 (z) For a person to transport offal, blood, or inedible
121 and condemned parts of animal and poultry carcasses
122 from slaughterhouses, processing plants or other related
123 industries: *Provided*, That such products may be trans-

124 ported if placed in suitable containers with tight covers, or
125 watertight tanks so as not to contaminate the public
126 highways or private roadways while going to or from the
127 points of pickup;

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

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

139 (cc) For any person to transport carcasses, meat
140 products and poultry products that are intended for
141 human consumption in a manner which would permit the
142 products to become adulterated;

143 (dd) For any person who forcibly assaults, resists,
144 opposes, impedes, intimidates, or interferes with the
145 commissioner or his or her representative while engaged
146 in or on account of the performances of his or her official
147 duties;

148 (ee) For any person to deliver, with intent to deceive,
149 any graded meat product, poultry product or any other
150 agricultural commodity to a state institution that does not
151 meet the grade specifications for that grade when a
152 specified grade is required in a contract. In addition to
153 any other powers conveyed in this article, the
154 commissioner may inspect any meat product, poultry
155 product or any other agricultural commodity sold to a
156 state institution to enforce the provisions of this
157 subdivision.

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker of the House of Delegates

The within is approved this the 5th
day of May, 1997.

[Handwritten Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 4/21/97

Time 11:44 am