
 **The National Agricultural Law Center** 
DIVISION OF AGRICULTURE
RESEARCH & EXTENSION
University of Arkansas System *The nation's leading source of agricultural and food law research and information*

Focus on Food:
Legislation That Would Change Meat Processing



Elizabeth Rumley & Rusty Rumley
Senior Staff Attorneys


NationalAgLawCenter.org | nataglaw@uark.edu | (479)575-7646

About the Center

- Since 1987, the National Agricultural Law Center is the nation's leading source for agricultural and food law research and information.
 - The Center is a unit of the University of Arkansas System Division of Agriculture
 - In close partnership with the USDA Agricultural Research Service, National Agricultural Library
- Objective, non-partisan research and information regarding laws and regulations affecting agriculture

www.nationalaglawcenter.org

  **USDA National Agricultural Library**
UNITED STATES DEPARTMENT OF AGRICULTURE

 **DIVISION OF AGRICULTURE**
RESEARCH & EXTENSION
University of Arkansas System

Outline:

- ✓ Authorizing Statutes & General Requirements
- Regulatory Agencies
- Types of Inspected Plants
- Proposed Changes (Federal)
- Proposed Changes (State)



Meat & Poultry Inspection

Meat Inspection	Poultry Inspection
<p><i>Authorizing Statute:</i> Federal Meat Inspection Act, 21 USC 601 et seq <i>Implementing regulations:</i> 9 CFR 300 et seq</p>	<p><i>Authorizing Statute:</i> Poultry Products Inspection Act, 21 USC 451 et seq <i>Implementing regulations:</i> 9 CFR 381 et seq</p>
<p><i>Animals covered:</i> cattle, sheep, swine, goat, horse, mule, or other equine</p>	<p><i>Animals covered:</i> chickens, turkeys, ducks, geese, ratites and squab</p>

- Function: Ensure that products are safe, wholesome, and correctly labeled
- Goal: Create products suitable for commercial distribution for human consumption.
- Standards for:
 - Inspections at federally-inspected establishments
 - Implementing HACCP requirements: sanitation/facility/operational standards to control pathogen contamination
 - Ensuring state inspection programs meet appropriate standards
 - Confirming products imported to the United States are produced under standards equivalent to U.S. inspection standards
 - Reinspection



General Requirements

- Inspectors present at all times during operation.
 - Inspect every animal (livestock and poultry) both before and after slaughter for signs of disease or health problems
 - Continuously staff processing lines during operation
 - Ensure humane handling/slaughter through:
 - Compliance with the HMSA/regulations (livestock)
 - Compliance with good commercial practices (poultry)
- Sanitation requirements
 - Hazard Analysis and Critical Control Point (HACCP) plan
 - Microbial sampling and testing (E. coli and salmonella)
- Recordkeeping
 - Establish compliance with humane handling/good commercial practices
 - Provide record of HACCP/SOP and other requirements
- Enforcement
 - Surveillance/regulatory action
 - Up to/including suspending facility operations



Outline:

- ✓ Authorizing Statutes & General Requirements
- ✓ Regulatory Agencies
- Types of Inspected Plants
- Proposed Changes (Federal)
- Proposed Changes (State)



USDA- FSIS

- Primary responsibility for implementation/enforcement:
 - United States Department of Agriculture/Food Safety and Inspection Service
 - Office of Field Operations
- Financing:
 - Congressional appropriations
 - User fees for overtime/holiday inspection
 - Other than user fees, no charge to plants for inspection services!
- Specifics (FY 2021)
 - [6458](#) federally inspected facilities in 50 States, Puerto Rico, Guam, and the Virgin Islands
 - 670 beef plants
 - 611 pork plants
 - 252 chicken plants
 - 112 turkey plants



State Meat and Poultry Inspection Program

- Delegation of authority in both [FMIA](#) & [PPIA](#) to state agencies in states with mandatory state meat/poultry inspection laws
- Inspection requirements must be “at least equal to” federal requirements
- Potential markets: Products inspected under a state program may only be sold/distributed within the state in which they were processed

KEY DEFINITION AND STATE MPI PROGRAM REQUIREMENT
“At Least Equal To”

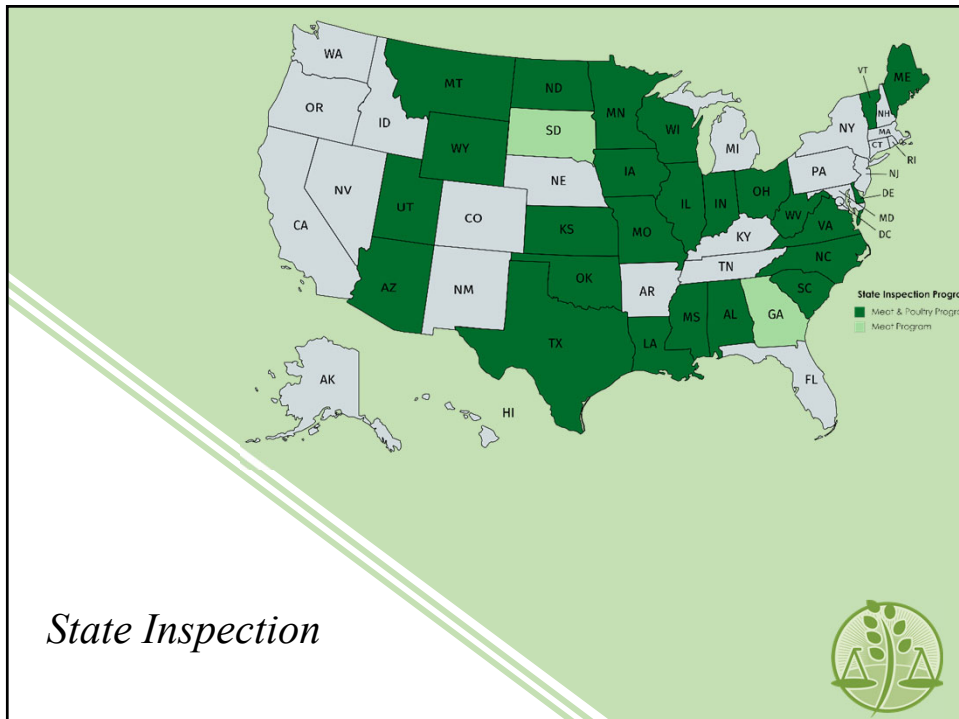
The “at least equal to” standard requires State MPI programs operate in a manner that is not less effective than those standards adopted for the Federal inspection program.

The standard does not require the States operate their MPI programs in a manner that is the same as or identical to FSIS’s inspection program, nor does it prohibit the State MPI programs from establishing safeguards they believe to be more effective than those employed by FSIS.



State Meat and Poultry Inspection Program

- Procedural: Cooperative agreement between state/FSIS, reviewed at least annually for compliance
- Financing: State program/agency; hires state inspectors who are paid with state funds
 - FSIS provides up to 50% of the State's operating funds
- Specifics (as of FY19)
 - 27 states have MPI programs
 - Provide inspections at 1,358 “small” or “very small” facilities
 - “Small” = 10-499 employees
 - “Very small” = >10 employees or less than \$2.5m in annual sales



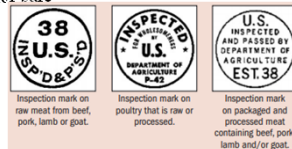
Outline:

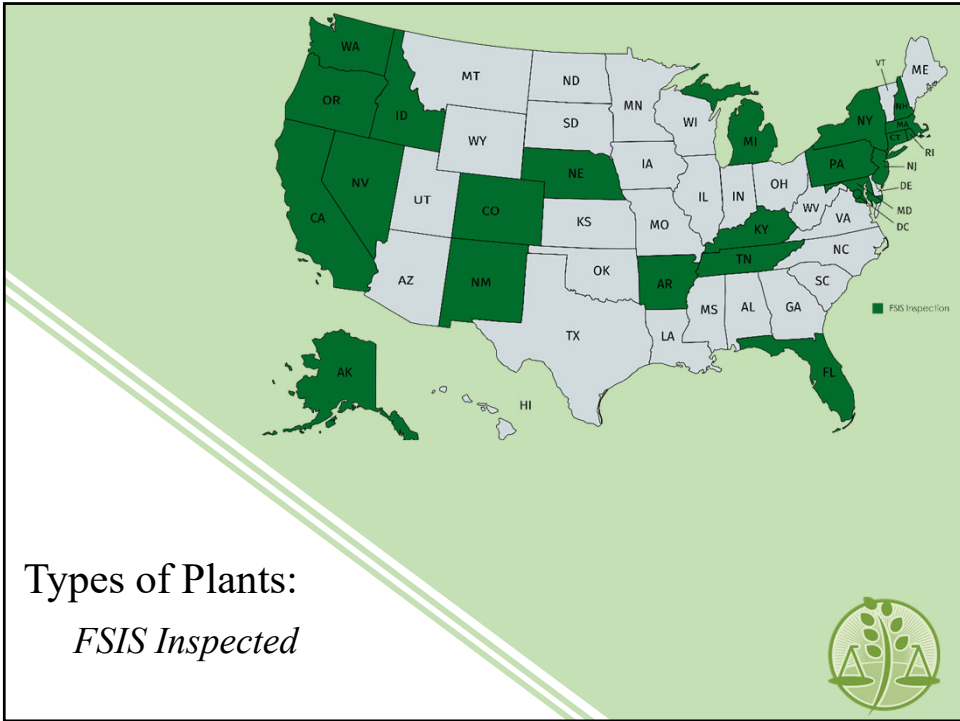
- ✓ Authorizing Statutes & General Requirements
- ✓ Regulatory Agencies
- ✓ Types of Inspected Plants
- Proposed Changes (Federal)
- Proposed Changes (State)



Inspected: FSIS

- Effect:
 - FSIS/Federally-inspected meat and poultry products may be sold in interstate/international commerce
- Eligible establishments:
 - Meet appropriate facility/food safety standards AND
 - Designation
 - In a state with a MPI: specifically request federal inspection OR
 - In “designated” state: any plant interested in producing products for sale
- Oversight: FSIS Office of Field Operations
- Expenses:
 - Inspectors employed by/paid with federal funds
 - Plants may be responsible for overtime/holiday pay as a user fee
- Requirements
 - Federal inspector present at all times while plant is in operation
 - Inspection requirements are federal requirements
 - Federal stamp of inspection

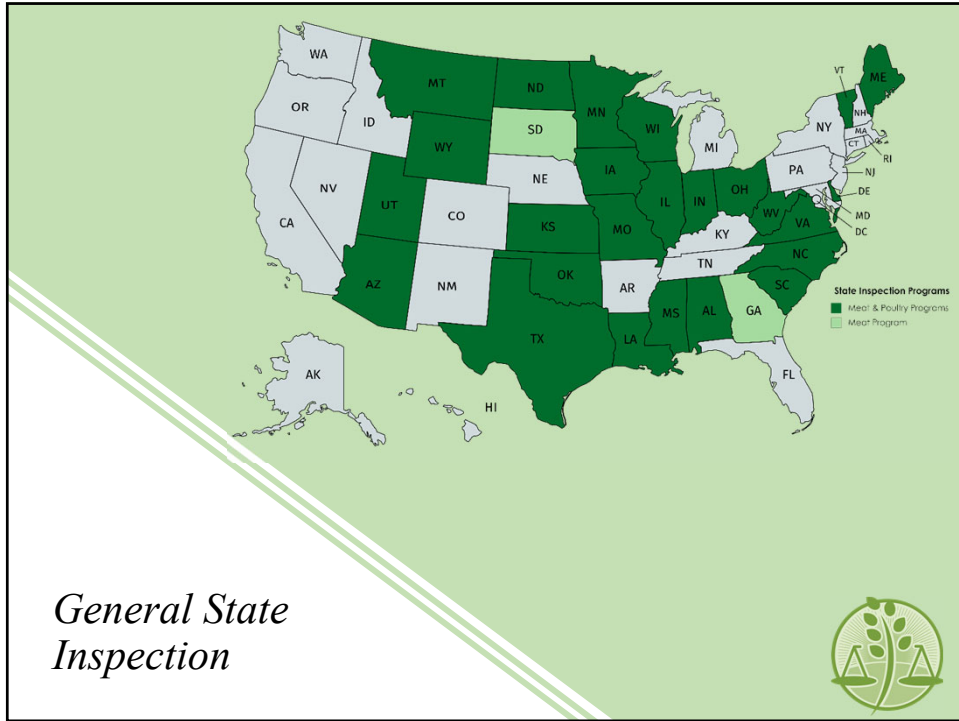




General State Inspected (“MPI”)

- Effect:
 - State-inspected meat and poultry products may be sold in intrastate commerce
- Eligible establishments:
 - Meet appropriate facility/food safety standards
 - Request state inspection in a state with a MPI program
- Oversight: State officials
- Expenses:
 - Inspectors employed by/paid with state funds, 50% federal reimbursement
- Requirements
 - State enters into cooperative agreement with FSIS creating MPI program
 - Inspection must meet “at least equal to” standard vs federal requirements
 - State inspector present at all times while plant is in operation
 - State stamp of inspection

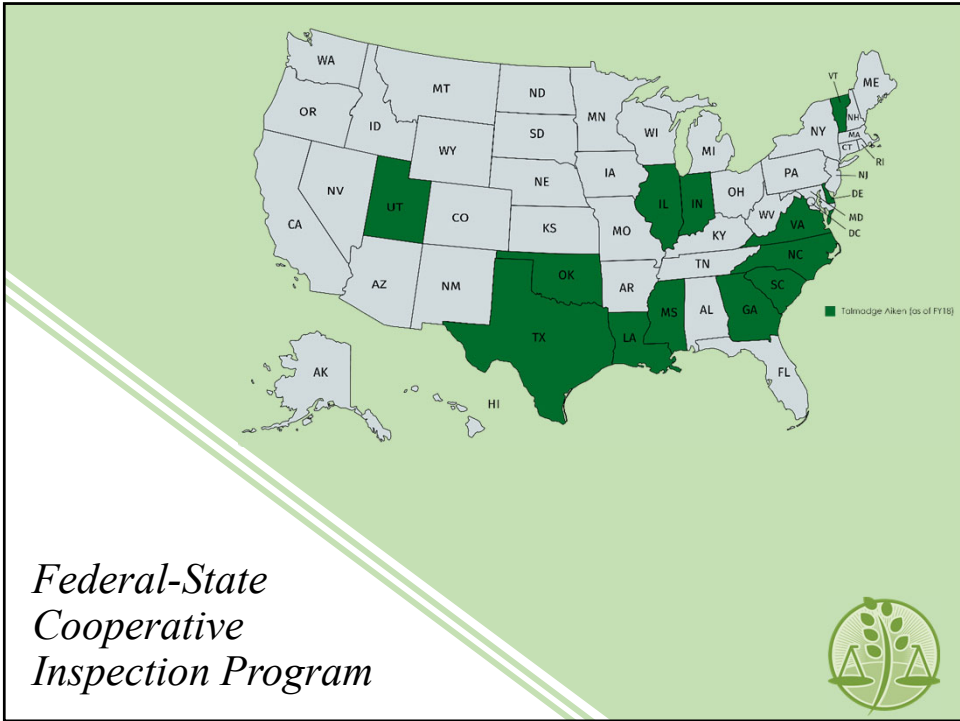




Federal-State Cooperative Inspection Program

- AKA “Talmadge-Aiken” or “cross-utilization agreement” plants
 - Originally separate programs, in 2004 FSIS began recognizing no substantive difference in inspection oversight and standards between the two.
- Effect:
 - Under federal inspection, but operating with state inspection personnel.
 - Products may be sold in interstate commerce
- Eligible establishments:
 - Meet appropriate facility/food safety standards
 - Request federal inspection in a state with a MPI program, FSIS assigns it to state inspector
 - [Contact information](#) (Office of Field Operations)
- Expenses:
 - Inspectors employed by state/paid with state funds, 100% federal reimbursement
- Requirements
 - State enters into additional cooperative agreement with FSIS
 - Inspection requirements are federal requirements
 - Inspector present at all times while plant is in operation
 - Federal stamp of inspection
- As of FY 2019, there were 412 Talmadge Aiken facilities within MPI states

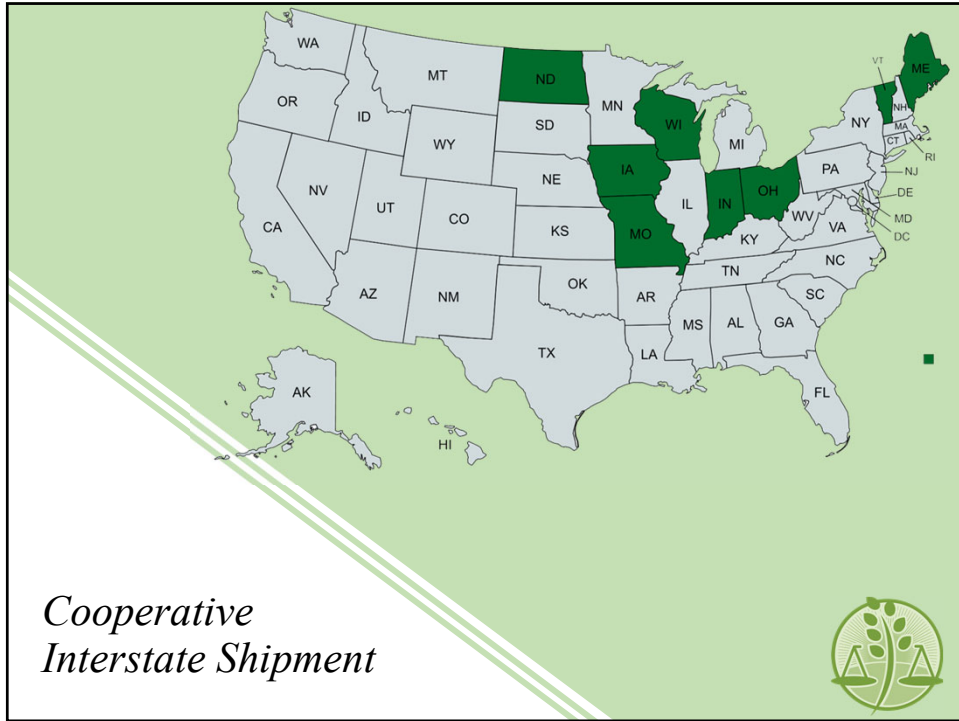




Cooperative Interstate Shipment

- Effect :
 - Participating facilities may ship state-inspected meat and poultry products in interstate/international commerce
- Eligible establishments:
 - Located in a state with a MPI program
 - 25 or fewer employees (on average)
 - Does not already ship in interstate commerce
 - Meet appropriate facility/food safety standards
- Expenses:
 - State inspectors/state funds, 60% federal reimbursement
- Requirements
 - State enters into additional cooperative agreement with FSIS
 - Inspection must meet “same as” standard to federal requirements
 - Federally employed coordinator supervises and oversees training/inspection of state inspectors
 - Establishments themselves apply and are approved to participate
 - Federal stamp of inspection with “SE” and state abbreviation
- [More general information](#)





Comparison Chart

	Agency Contact	Inspection Requirements	Inspector Employer	Inspector Funding Source	Available Markets	Potential Facility Size
FSIS	FSIS Office of Field Operations	Federal requirements	Federal	Federal *User fees for overtime/holiday	Interstate International	Any
MPI	State program	"At least equal to"	State	50% state, 50% federal	Intrastate	Any
TA	FSIS Office of Field Operations	Federal requirements	State, on behalf of FSIS	Federal *User fees for overtime/holiday	Interstate International	Any
CIS	State program	"Same as"	State	40% state, 60% federal	Interstate International	Under 25 employees



Outline:

- ✓ Authorizing Statutes & General Requirements
- ✓ Regulatory Agencies
- ✓ Types of Inspected Plants
- ✓ Proposed Changes (Federal)
- Proposed Changes (State)



Requiring Assistance to Meat Processors for Upgrading Plants Act (“RAMP-UP Act”)

- Proposed in 2020 (116th Congress)
- Sponsors:
 - [S. 4298](#) Sen Jerry Moran (R-KS) and Sen. Amy Klobuchar (D-MN)
 - [H.R. 7490](#) Rep. Collin Peterson (D-MN) and Rep. Frank Lucas (R-OK)
- Specific Language:
 - “The Secretary shall make grants to meat and poultry processing facilities for purposes of funding planning activities, facility upgrades, or other necessary improvements required to become a Federally-inspected establishment under either the Federal Meat Inspection Act or the Poultry Products Inspection Act.”
 - “The Secretary shall also work with States to report on possible improvements to the Cooperative Interstate Shipment program”
- Status:
 - Modified version included in Dec 2020 COVID stimulus/appropriations
 - \$60 million appropriated/\$200,000 per facility
 - Administered by AMS



American Rescue Plan Act of 2021

- 3/2021 COVID stimulus
- Appropriation of \$4 billion to USDA
 - "...to make grants and loans for small or mid-sized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to COVID-19, including for measures to protect workers against COVID-19; and
 - to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency."
- Overtime: \$100 million to reduce the cost of overtime fees
 - Reduce by 75% for very small plants (>10 employees or less than \$2.5m in annual sales)
 - Reduce by 30% for small plants (10-499 employees)
 - Planned to run from 2021 through 2030



S: New Markets for State-Inspected Meat and Poultry Act of 2021 H: The Expanding Markets for State-Inspected Meat Processors Act of 2021

- Sponsor:
 - [S. 107](#) Sen. Mike Rounds (R-SD)
 - As of 4/6/2021: 11 cosponsors, referred to ag committee
 - [H.R. 1998](#) Rep Liz Cheney (R-WY)
 - As of 4/6/2021: 1 cosponsor, referred to ag committee
- Specific Language:
 - (I) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may allow the shipment in interstate commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program...
 - (II) ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.—Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce."
- Practical effect:
 - Allow meat/poultry slaughtered/processed at *state inspected facility* (ie: by an approved state program following "at least equal to" standard) to be sold across state lines.
- Introduced in previous Congressional session, didn't pass.



Direct Interstate Retail Exemption for Certain Transactions (“DIRECT Act”)

- Sponsor:
 - [H.R. 547](#) Rep Dusty Johnson (R-SD) and Henry Cuellar (D-TX)
 - As of 4/6/2021: 11 cosponsors, referred to ag committee
- Specific Language:
 - “...any retail store, restaurant, or similar retail-type establishment may sell over the internet and ship by carrier in commerce (other than for export to a foreign country) any State-inspected meat or meat food product, provided that the State-inspected meat or meat food product is shipped directly to household consumers and in normal retail quantities.”
 - Retail quantities = 300 lbs of beef, 100 lbs of pork, 27.5 lbs of lamb ([9 CFR 303.1](#))
- Practical effect:
 - Allow processors/butchers/other retailers to sell retail quantities (300 lbs of beef, 100 lbs of pork, 27.5 lbs of lamb) of state-inspected meat online to consumers across state lines.



Strengthening Local Processing Act of 2021

- Previously introduced. Re-introduced this session
- Sponsor:
 - [S. 370](#) Sen. John Thune (R-SD)
 - As of 4/6/2021: 7 cosponsors, referred to ag committee
 - [H.R. 1258](#) Rep Chellie Pingree (D-ME)
 - As of 4/6/2021: 5 cosponsors, referred to subcommittee on livestock and foreign ag
- Practical Effect:
 - Provide HACCP and other plan templates for smaller/very small establishments
 - Increase federal share for expenses of state and CIS inspection
 - Allow larger plants to join Cooperative Interstate Shipment program
 - Outreach to encourage states/plants to join CIS program
 - Grant funding for processing facilities and career training



Processing Revival and Interstate Meat Exemption Act (“PRIME Act”)

- Introduced in 5 previous Congressional sessions.
 - **Not currently active**
- Sponsors in 116th Congress: Sen. Angus King (I-ME), Rep. Thomas Massie (R-KY)
- Specific Language:
 - (A) the slaughtering and preparation carried out at such custom slaughter facility is carried out in accordance with the law of the State in which the custom slaughter facility is located; and
 - (B) the animals are so slaughtered and the carcasses, parts thereof, meat and meat food products of such animals are so prepared exclusively for distribution to—
 - (i) household consumers within the State; and
 - (ii) restaurants, hotels, boarding houses, grocery stores, or other establishments located in such State that—
 - (I) are involved in the preparation of meals served directly to consumers; or
 - (II) offer meat and meat food products for sale directly to consumers in the State.



Custom Slaughter

- Generally:
 - Very limited requirements apply when a facility slaughters and processes livestock/poultry for the owner’s private use
 - aka “custom exempt”
 - Lower facilities/sanitation/planning requirements
- Requirements:
 - Slaughter/processing of the livestock/poultry is performed by a custom exempt facility acting on behalf of the owner of the animal
 - Facility providing a service, not producing/selling a product
 - Only the owner, members of their household, nonpaying guests and household employees can use the products.
 - Products may not be sold or donated
 - Products must be stamped/marked “Not for Sale” (livestock) or have the owner’s name/address/exempt statement
- Practical effect of PRIME Act:
 - Allow meat slaughtered/processed at *custom exempt facility* (i.e. to be sold to consumers and businesses (restaurants, grocery stores etc) within the state.
 - Questions about effect on international trade



Comparison Chart

	Inspection Requirements	Inspector Employer	Inspector Funding Source	Available Markets	Potential Facility Size
FSIS	Federal requirements	Federal	Federal *User fees for overtime/holiday	Interstate International	Any
MPI	"At least equal to"	State	50% state, 50% federal	Intrastate	Any
TA	Federal requirements	State, on behalf of FSIS	Federal *User fees for overtime/holiday	Interstate International	Any
CIS	"Same as"	State	40% state, 60% federal	Interstate International	Under 25 employees
*New Markets	"At least equal to"	State	50% state, 50% federal (presumably)	Interstate International	Any
*DIRECT	"At least equal to"	State	50% state, 50% federal (presumably)	Interstate consumers via internet	Any
*PRIME	No continuous inspection; custom exempt requirements only	No inspector	No inspector	Intrastate	Any

Outline:

- ✓ Authorizing Statutes & General Requirements
- ✓ Regulatory Agencies
- ✓ Types of Inspected Plants
- ✓ Proposed Changes (Federal)
- ✓ Proposed Changes (State)



Creation of State Meat Inspection Programs

State	Bill	Status	Content
Arkansas	HB 1315	Adopted	Create state meat inspection program (no mention of poultry). Proposed appropriation of 750k (AR SB 164)
Massachusetts	SD 1705	Pending	Create state meat inspection program (no mention of poultry)
Washington	S.B. 5045	Pending	<i>Original bill:</i> "It is the purpose of this section to provide a meat and poultry inspection program in the state" <i>Current version:</i> "Assist in developing infrastructure including ...slaughter facilities inspected by the department under a cooperative agreement with the United States department of agriculture as appropriate to increase direct marketing opportunities for farms"
Washington	H.B. 1102	Pending	Create state meat inspection program (no mention of poultry)
Oregon	H.B. 4152	Adopted	2020: Create state meat inspection program (no mention of poultry). Proposed appropriation of 700k (HB 3158)
New Mexico	H.B. 246	Dead	Creates a "New Mexico department of agriculture," which is given authority over meat inspection
New Mexico	H.B. 33	Dead	Gives the New Mexico Livestock Board authority to establish rules and conduct inspections for meat/poultry
Nebraska	LB 235	Pending	Create state meat inspection program (no mention of poultry); join Cooperative Interstate Shipment Program

	State *	Custom *	TA *	CIS **	State Funds ***	Fed. Funds ***	Other Funds ***
Alabama	19	23	21		4,291,196	4,291,196	
Arizona	25	48					
Delaware	1	5	9		240,000	240,000	
Georgia	34	72	59		1,575,583	1,575,583	
Illinois	13	36	60		6,992,000	6,992,000	
Indiana	75	39	10	14	1,496,206	1,496,206	
Iowa	68	78		0	2,055,228	2,055,228	
Kansas	52	33			1,434,042	1,319,954	21,256
Louisiana	46	25	2		2,000,000	2,000,000	
Maine	5	87		3	417,456	379,088	
Minnesota	54	231			1,600,000	1,600,000	
Mississippi	16	10	21		1,036,589	1,090,189	
Missouri	37	160		1	43,158	43,158	
Montana	40	122			1,531,204	1,486,923	
North Carolina	54	21	108		4,327,226	4,327,226	
North Dakota	10	78		4			
Ohio	181	82	12	26	4,567,547	5,194,424	
Oklahoma	21	55	7				
South Carolina	55	15	8		1,350,619	1,674,924	
South Dakota	37	43			433,831	433,831	
Texas	220	153	15				
Utah	16	69	14		2,399,000		
Vermont	11	30	14		597,913	884,297	1,537,333
Virginia	9	50	39		4,083,362		
West Virginia	22	22			709,098	722,641	
Wisconsin	226	51	13	18	4,259,405	5,078,508	145,228
Wyoming	11	27					

*: As of FY 2019
 **: As of May 2020
 ***: For FY 2018

State
Inspection/Funding:

Interstate Cooperative Meatpacking Compact

- Proposals:
 - South Dakota [H.B. 1219](#) (Failed)
 - Montana [H.B. 336](#) (Pending)
- Effect:
 - Allow the shipment & sale of *state inspected* meat/poultry products to and between the cooperating states
- Consequences if passed, per letter from FSIS to each state:
 - Violate FMIA and PPIA
 - State inspection service would no longer meet the “equal or better” regulation
 - State inspection/custom exempt oversight would no longer be permitted.
 - Require federal inspection in order to produce meat for sale.
 - Require federal oversight in order to engage in custom exempt slaughter.
 - Federal funding for meat inspections within those states would be withdrawn
- Unknown: Articles say that 8-9 states have proposed these bills
 - [“Similar legislation is also making its way through the law-making process in eight other Midwestern states”](#)
 - [“\[T\]he bill would create an agreement between Montana, Idaho, Wyoming, North and South Dakota, Iowa and Nebraska to allow state inspected meat to be sold in any of the other states without federal regulations.”](#)
 - [“The nine states discussing this compact”](#)



*Note on Preemption

- Supremacy Clause: “the Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”
 - Effect: Federal law supersedes/preempts conflicting state laws
- Types of preemption:
 - Express preemption- federal law expressly states that it is intended to preempt state law
 - Field preemption- when the federal law is so broad it leaves no room for a state to regulate
 - Conflict preemption- when compliance with both federal and state regulations is impossible

Useful resource: [Federal Preemption: A Legal Primer](#), Congressional Research Service R45825



Note on Preemption: Language and Interpretation

- **Federal Meat Inspection Act**
 - “Requirements within the scope of this [Act] with respect to premises, facilities and operations of any establishment at which inspection is provided under . . . this [Act] which are in addition to, or different than those made under this [Act] may not be imposed by any State.”
- **Poultry Products Inspection Act**
 - “Requirements within the scope of this [Act] with respect to premises, facilities and operations of any official establishment which are in addition to, or different than those made under this chapter may not be imposed by any State...”
- **National Meat Assn. v. Harris**, 565 U.S. 452 (2012)
 - “The FMIA’s preemption clause, §678, precludes states from imposing requirements that are “within the scope” of the FMIA, relate to slaughterhouse “premises, facilities and operations,” and are “in addition to, or different than those made under” the FMIA.”
 - The FMIA’s preemption clause sweeps widely ... The clause prevents a State from imposing any additional or different—even if nonconflicting—requirements that fall within the FMIA’s scope and concern slaughterhouse facilities or operations.



Note on Preemption: State-Inspected Programs

- **DEVELOPMENT AND ADMINISTRATION OF STATE MEAT INSPECTION PROGRAM EQUAL TO SUBCHAPTER I ANTE AND POST MORTEM INSPECTION, REINSPECTION, AND SANITATION REQUIREMENTS**

The Secretary is authorized, whenever he determines that it would effectuate the purposes of this chapter, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under subchapter I of this chapter, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

21 U.S.C. §661



Note on Preemption: State-Inspected Programs

- **DEVELOPMENT AND ADMINISTRATION OF STATE MEAT INSPECTION PROGRAM EQUAL TO SUBCHAPTER I ANTE AND POST MORTEM INSPECTION, REINSPECTION, AND SANITATION REQUIREMENTS**

The Secretary is authorized, whenever he determines that it would effectuate the purposes of this chapter, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under subchapter I of this chapter, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

21 U.S.C. §661



Note on Preemption: State-Inspected Programs

- **DEVELOPMENT AND ADMINISTRATION OF STATE MEAT INSPECTION PROGRAM EQUAL TO SUBCHAPTER I ANTE AND POST MORTEM INSPECTION, REINSPECTION, AND SANITATION REQUIREMENTS**

The Secretary is authorized, whenever he determines that it would effectuate the purposes of this chapter, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under subchapter I of this chapter, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

21 U.S.C. §661



Custom Exempt Sale: Proposals

State	Bill	Status	Content
Maine	S.P. 201	Pending	Allow custom slaughterhouses to produce meat to be sold commercially
Indiana	H.B. 1540	Pending	All meat products from a custom exempt slaughter establishment are eligible for sale by the owner of the slaughtered or processed livestock or poultry: (1) through any market venue, including a retail establishment, farmers market, farm consignment store, and roadside stand; and (2) directly to the consumer. Label of non-inspection required
Montana	S.B. 279	Dead	Same requirements for custom slaughter as for "a person who slaughters livestock or poultry or prepares or processes livestock or poultry products for an individual or a local retail meat establishment, if the carcasses, parts, or meat food products prepared for sale are: (i) plainly marked as "Local Montana Product" immediately after being slaughtered or prepared and remain plainly marked; and (ii) prepared and packaged in a sanitary manner and in a sanitary facility."
Texas	H.B. 2213	Pending	No continuous inspection required for exotic animals exclusively for donation by a hunter to a nonprofit food bank.

21 U.S. Code § 623 - Exemptions from inspection requirements

The provisions of this subchapter requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for commerce shall not apply to ... the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food 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;



Custom Exempt Sale: Proposals

State	Bill	Status	Content
Maine	S.P. 201	Pending	Allow custom slaughterhouses to produce meat to be sold commercially
Indiana	H.B. 1540	Pending	All meat products from a custom exempt slaughter establishment are eligible for sale by the owner of the slaughtered or processed livestock or poultry: (1) through any market venue, including a retail establishment, farmers market, farm consignment store, and roadside stand; and (2) directly to the consumer. Label of non-inspection required
Montana	S.B. 279	Dead	Same requirements for custom slaughter as for "a person who slaughters livestock or poultry or prepares or processes livestock or poultry products for an individual or a local retail meat establishment, if the carcasses, parts, or meat food products prepared for sale are: (i) plainly marked as "Local Montana Product" immediately after being slaughtered or prepared and remain plainly marked; and (ii) prepared and packaged in a sanitary manner and in a sanitary facility."
Texas	H.B. 2213	Pending	No continuous inspection required for exotic animals exclusively for donation by a hunter to a nonprofit food bank.

21 U.S. Code § 623 - Exemptions from inspection requirements

The provisions of this subchapter requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for commerce shall not apply to ... the custom slaughter by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the carcasses, parts thereof, meat and meat food 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;



Animal Share: For Producers/Consumers

Preparing to Buy a Quarter of Beef

How much meat is a quarter of a beef?

Meat from a typical quarter of a beef with a live weight of 1300 lbs:

- 7 lb eye steaks
- 1 Shank steaks
- 3 sirloin steaks
- 3 sirloin tip steaks
- 3 Round steaks
- 6 steaks
- 15 to 60 lbs ground beef

Cuts and quantities of meat will depend on the animal and processor.

How much cooler/freezer space do you need?

Live weight: 1300 lbs

1/4 = ~142 lbs

4.5 cu. ft. of chest freezer space
OR
5.5 cu. ft. of upright freezer space

What costs should you expect?

The cost of the animal is split between four parties. Each party is responsible for individual processing costs.

- Producer sells the animal or portions of the animal to consumer(s) while it is still alive
 - Ex: 1/4 beef, 1/2 pig
- After animal is completely sold, the producer acts as an agent to arrange transportation to the custom exempt facility
- Each individual consumer/owner is responsible for choosing how their portion of the animal should be processed
- Costs: Consumer/owner is responsible for paying:
 - Producer (for the animal)
 - Custom exempt facility (for processing)
- **Wyoming Stat. 11-49-104** (passed March, 2020)
 - In practice: expands definition of “owner” to include herd shares/smaller portions of the animal
 - “Animal share” means an ownership interest in an animal or herd of animals created by a written contract between an informed end consumer and a farmer or rancher that includes a bill of sale to the consumer for an ownership interest in the animal or herd and a boarding provision under which the consumer boards the animal or herd with the farmer or rancher for care and processing and the consumer is entitled to receive a share of meat from the animal or herd”
 - First of its kind*



“Animal Share”: Proposals

State	Bill	Status	Content
Texas	SB 857	Pending	No inspection required if “animal share” is established before slaughter.
Colorado	S.B. 79	Conference Committee	No inspection required if “animal share” is established before slaughter. “Animal share” includes at least 1% of the meat of a live animal
Colorado	H.B.1062	“Postpone indefinitely”	No inspection required if “animal share” is established before slaughter.
Nebraska	L.B. 324	Enrollment/Review for Engrossment	No inspection required if “animal share” is established before slaughter, because it is not “the sale of meat products”
Arkansas	H.B. 1681	“Reported correctly engrossed”	No inspection required if “animal share” is established before slaughter.
Iowa	H.F. 319	Pending	No inspection required if “commodity share” is established before slaughter.
Iowa	H.F. 567	Pending	No inspection required if “commodity share” is established before slaughter.
New Mexico	S.B. 118	Died	No inspection required if “animal share” is established before slaughter.
Oregon	H.B. 2258	Pending	No inspection required if “animal share” is established before slaughter.
Minnesota	S.F. 1941	Pending	State and local food safety licensing, permitting, certification, inspection, packaging, and labeling requirements do not apply to the direct sale of homemade food. In terms of meat products, this only includes (1) live animals intended for slaughter; or (2) portions of animals sold for future delivery if the animals are processed by the informed end user or a processor licensed by the commissioner or the United States Department of Agriculture.



Elizabeth Rumley

(479) 387-2331

erumley@uark.edu

www.nationalaglawcenter.org

