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S.9

Introduced by Senators Starr, Rodgers, and Westman

Referred to Committee on Agriculture

Date: January 10, 2017

Subject: Agriculture; preparation of poultry products; inspection

Statement of purpose of bill as introduced: This bill proposes to increase the threshold from 1,000 to 8,000 birds under which inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own farm.

An act relating to the preparation of poultry products

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 6 V.S.A. § 3312 is amended to read:~~

~~§ 3312. INSPECTION; EXCEPTIONS~~

~~(a) Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the secretary Secretary to deter their use for~~

1 ~~human food. These licensed establishments shall be subject to periodic review.~~

2 (b) Inspection shall not be required for the slaughter or preparation of
3 poultry products of the producer's own raising on the producer's own farm
4 premises, whether or not they are intended for use as human food if:

5 (1) ~~Fewer~~ No more than 4,000 8,000 birds are slaughtered annually; ~~and~~

6 (2) No birds are offered for sale or transportation in interstate
7 commerce; ~~and~~

8 (3) The poultry products are only sold, as whole birds only, from the
9 farm, at a farmers' market, or to a food restaurant licensed by the
10 ~~commissioner of health~~ Commissioner of Health, or are for personal use;

11 (4) the producer's facility is not used to slaughter or process poultry by
12 any other person or business;

13 (5) the producer does not purchase birds for resale that have been
14 processed under the exemption under this section;

15 (6) the poultry are healthy when slaughtered; and

16 (7) slaughter and processing are conducted using sanitary standards,
17 practices, and procedures to produce poultry products that are not adulterated.

18 (c) All poultry sold at a farmers' market or to a restaurant pursuant to the
19 exemption in subsection (b) of this section shall be labeled with the following
20 information:

21 ~~(1) Name of farm and name of producer,~~

1 (2) Address of farm, including zip code;

2 (3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This
3 statement shall be prominently displayed with such conspicuousness (as
4 compared with other words or statements, designs, or devices in the labeling)
5 as to render it likely to be read and understood under customary conditions of
6 purchase and use.

7 (4) Safe handling and cooking instructions as follows:

8 "SAFE HANDLING INSTRUCTIONS:

9 Keep refrigerated or frozen. Thaw in refrigerator or microwave.

10 Keep raw poultry separate from other foods.

11 Wash working surfaces, including cutting boards, utensils, and hands
12 after touching raw poultry.

13 Cook thoroughly to an internal temperature of at least 165 degrees
14 Fahrenheit maintained for at least 15 seconds.

15 Keep hot foods hot. Refrigerate leftovers immediately or discard."

16 (d) Any menu item that includes poultry that is exempt under this section
17 shall clearly state the name of the farm from which the poultry was purchased
18 and shall prominently display the words "poultry processed on the farm and
19 not inspected" on the menu in proximity to the menu item. Poultry sold to
20 food restaurants under the exemption in this section shall include a label
21 alerting the purchaser to these labeling requirements.

1 ~~(e) The poultry producer, upon first selling poultry to a food restaurant,~~
2 must procure a signed statement from the food restaurant stating that the food
3 restaurant is aware that the poultry is exempted from inspection under
4 subsection (b) of this section, and that the menu of the food restaurant must
5 have the information required by subsection (d) of this section. The poultry
6 producer must keep the signed statement on file as long as the producer is
7 selling poultry to the food restaurant under this section. The poultry producer
8 must have a signed statement on file from each food restaurant to which
9 poultry is sold under this section and an exact copy of each statement,
10 including the name of the producer and the name of the purchasing restaurant
11 shall be forwarded to the ~~department of health~~ Department of Health.

12 Sec. 2. EFFECTIVE DATE

13 ~~This act shall take effect on passage.~~

Sec. 1. FINDINGS

The General Assembly finds and declares that:

(1) federal law allows a poultry producer to slaughter up to 20,000 birds annually and to sell those birds in the State without State inspection of each act of slaughter;

(2) State law currently does not allow a poultry producer to conduct slaughter under the federal 20,000 bird exception, instead requiring all producers that slaughter more than 1,000 birds a year to meet strict standards for slaughter facilities and conduct;

(3) small farmers in the State need to diversify revenue streams in order to compete, and many farmers slaughter poultry as one part of their revenue stream;

(4) the State should allow farmers to slaughter poultry under the federal 20,000 bird exception to inspection if certain sanitary standards

are satisfied; and

(5) the Secretary of Agriculture, Food and Markets should develop education and outreach materials to inform farmers in the State of the requirements for slaughter under an exception to inspection and how a farmer can access technical and financial assistance from the State to meet the required sanitary standards for slaughter under an exception to inspection.

Sec. 2. 6 V.S.A. § 3312 is amended to read:

§ 3312. INSPECTION; EXCEPTIONS

(a) Not intended for human food. Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by rules of the ~~secretary~~ Secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) 1,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own ~~farm~~ premises, whether or not they are intended for use as human food if:

(1) Fewer than 1,000 birds are slaughtered annually; ~~and~~

(2) No ~~birds~~ poultry products are offered for sale or transportation in interstate commerce; and

(3) The poultry products are only sold, as whole birds only, from the farm, at a farmers' market, or to a food restaurant licensed by the ~~commissioner of health~~ Commissioner of Health, or are for personal use.

(c) 5,000 bird exemption.

(1) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if all of the following conditions are satisfied:

(A) No more than 5,000 birds are slaughtered annually.

(B) No poultry products are offered for sale or transportation in interstate commerce.

(C) The poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant

licensed by the Commissioner of Health, or are for personal use.

(D) The producer's facility is not used to slaughter or process poultry by any other person or business.

(E) The producer does not purchase birds for resale that have been processed under the exemption under this section.

(F) The poultry are healthy when slaughtered.

(G) The poultry are slaughtered and otherwise processed and handled under sanitary standards, practices, and procedures that result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by the producer.

~~(2) As used in this subsection "sanitary standards, practices, and procedures" means:~~

~~(A) the poultry are slaughtered in a building that is soundly constructed, kept in good repair, and of sufficient size;~~

~~(B) all food-contact surfaces and nonfood-contact surfaces in the building are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;~~

~~(C) the building and the grounds around it are constructed and maintained to prevent the entrance of vermin, including flies, rats, and mice;~~

~~(D)(i) sewage shall be disposed of in a sewage system separate from other drainage lines; or~~

~~(ii) sewage is disposed of through other means to prevent backup into the area where the product is processed, handled, or stored, including through on-farm composting under the Required Agricultural Practices;~~

~~(E) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;~~

~~(F) equipment and utensils used for processing or handling edible products or ingredients are of a material that is cleanable and sanitizable to ensure that their use will not cause adulteration of the product during processing, handling, or storage;~~

~~(G) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions; and~~

~~(H) a person working in contact with the product, food-contact surfaces, and product packaging material shall maintain hygienic practices~~

~~and while working shall wear clothing that is cleanable or disposable.~~

(2) As used in this subsection, “sanitary standards, practices, and procedures” means:

(A) the poultry are slaughtered in a facility that is soundly constructed, kept in good repair, and of sufficient size;

(B) rooms or compartments in which an edible product is processed, handled, or stored shall be separated from areas used for slaughter, provided that a producer may use heavy duty plastic sheeting as a means of separation when such sheeting prevents the creation of insanitary conditions;

(C) all food-contact surfaces and nonfood-contact surfaces in the facility are cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of the products;

(D) pest control shall be adequate to prevent the harborage of pests on the grounds and within the facility;

(E) substances used for sanitation and pest control shall be safe and effective under the conditions of use, and shall not be applied or stored in a manner that will result in the contamination of edible products;

(F)(i) sewage from human waste shall be disposed of in a sewage system separate from other drainage lines; or

(ii) sewage is disposed of through other means to prevent the creation of insanitary conditions or the backup into the area where the product is processed, handled, or stored, including disposal of process wastewater through on-farm composting under the Required Agricultural Practices;

(G) a supply of potable water of suitable temperature is provided in all areas where required for processing the product, cleaning rooms, cleaning equipment, cleaning utensils, and cleaning packaging materials;

(H) equipment and utensils used for processing or handling edible product are of a material that is cleanable and sanitizable;

(I) receptacles used for storing inedible material are of such material and construction that their use will not result in adulteration of any edible product or create insanitary conditions;

(J) a person working in contact with the poultry products, food-contact surfaces, and product-packaging material shall maintain hygienic practices; and

(K) clothing worn by persons who handle poultry products shall be of material that is cleanable or disposable, and garments shall be cleaned or

changed as often as necessary to prevent adulteration of poultry products or the creation of insanitary conditions.

(d) 20,000 bird exemption. Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own premises, whether or not they are intended for use as human food if:

(1) no more than 20,000 birds are slaughtered annually;

(2) no birds are offered for sale or transportation in interstate commerce;

(3) the poultry products are only sold, as whole birds, from the farm, at a farmers' market, directly to household consumers, or to a food restaurant licensed by the Commissioner of Health, or are for personal use;

(4) the producer's facility is not used to slaughter or process poultry by any other person or business;

(5) the producer does not purchase birds for resale that have been processed under the exemption under this section;

(6) the poultry are healthy when slaughtered; and

(7) the poultry are slaughtered and otherwise processed and handled according to the sanitary performance standards of 9 C.F.R. §§ 416.1–416.17.

(e) Required label. All poultry sold from the farm, at a farmers' market, or to a food restaurant pursuant to the exemption in subsection (b), (c), or (d) of this section shall be labeled with the following information:

(1) Name of farm and name of producer;

(2) Address of farm, including zip code;

(3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.

(4) Safe handling and cooking instructions as follows:

"SAFE HANDLING INSTRUCTIONS:

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw poultry separate from other foods.

Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.

Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.

Keep hot foods hot. Refrigerate leftovers immediately or discard.”

(d)(f) Menu items; label. Any menu item that includes poultry that is exempt under this section shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words “poultry processed on the farm and not inspected” on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this section shall include a label alerting the purchaser to these labeling requirements.

(e)(g) Food restaurant; signed statement. The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection (b), (c), or (d) of this section, and that the menu of the food restaurant must have the information required by subsection ~~(d)~~(e) of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the ~~department of health~~ Department of Health.

(h) Approved label. Prior to selling poultry products slaughtered pursuant to the exemption in subsection (c) or (d) of this section, a poultry producer shall submit to the Secretary for approval a copy of the label that the poultry producer proposes to use for compliance with the requirements of subsection (e) of this section.

Sec. 3. 6 V.S.A. § 3302(6) is amended to read:

(6) “Commercial slaughterhouse” means any person engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under subsections 3312(b), (c), and (d) of this title.

*Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS;
EDUCATION AND OUTREACH; TECHNICAL AND FINANCIAL
ASSISTANCE; POULTRY PRODUCERS*

The Secretary of Agriculture, Food and Markets shall conduct outreach and education for poultry producers seeking to slaughter poultry under an exception under 6 V.S.A. § 3312 to State inspection of slaughter. The education and outreach shall specify the requirements for operation under an

exception to inspection, including the sanitary standards that must be satisfied for each exception. The education and outreach shall also provide information on how a poultry producer can access financial or technical assistance for complying with sanitary standards required under 6 V.S.A. § 3312. Any education or outreach material shall provide a contact or reference to provide additional information regarding slaughter under an exception to inspection. The Secretary of Agriculture, Food and Markets shall post to the Agency of Agriculture, Food and Markets website any education or outreach materials produced under this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.