SENATE DOCKET, NO. 2473 FILED ON: 2/19/2021

SENATE . . . . . No. 1532

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote domestic meat and poultry production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Bruce E. Tarr	*First Essex and Middlesex*	
Steven S. Howitt	*4th Bristol*	*2/26/2021*
David F. DeCoste	*5th Plymouth*	*3/1/2021*
Susan Williams Gifford	*2nd Plymouth*	*3/1/2021*
Michael O. Moore	*Second Worcester*	*3/5/2021*
Joan B. Lovely	*Second Essex*	*3/19/2021*
Marcos A. Devers	*16th Essex*	*3/22/2021*
Mathew J. Muratore	*1st Plymouth*	*3/22/2021*
Susannah M. Whipps	*2nd Franklin*	*3/30/2021*
Norman J. Orrall	*12th Bristol*	*3/31/2021*
Kip A. Diggs	*2nd Barnstable*	*4/1/2021*

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SENATE . . . . . No. 1532

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1532) of Bruce E. Tarr, Steven S. Howitt, David F. DeCoste, Susan Williams Gifford and other members of the General Court for legislation to promote domestic meat and poultry production. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to promote domestic meat and poultry production.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Duties. The commissioners shall:

A. Require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in the Commonwealth, except those exempted under 105 CMR 500.030 and 105 CMR 500.031.

B. Require the identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, as "Massachusetts Inspected and Passed" if the products are not found upon inspection to be adulterated and "Massachusetts Inspected and Condemned" if they are found upon inspection to be adulterated and the destruction for food purposes of all the condemned products under the supervision of an inspector;

C. Prohibit the entry into licensed facilities of livestock products and poultry products not prepared under federal inspection or inspection pursuant to this chapter and further limit the entry of these articles and other materials into licensed establishments under conditions that the commissioner determines necessary to carry out the purposes of this chapter;

D. Require that when livestock products and poultry products leave licensed facilities they bear directly on the products or on their containers, or both, as the commissioners may require, all information required under 105 CMR 500.030 and 105 CMR 500.031 and require approval of all labeling and containers to be used for the products when sold or transported in intrastate or interstate commerce to ensure that they comply with the requirements of this chapter;

E. Investigate the sanitary conditions of each licensed facility under paragraph A and withdraw or otherwise refuse to provide inspection service at a licensed facility where the sanitary conditions are such as to render adulterated the livestock products or poultry products prepared or handled there;

F. Establish standards relating to sanitation for all establishments required to have inspection under paragraph A or required to be licensed under 105 CMR 500.030 and 105 CMR 500.031; and

G. Require that persons licensed under this chapter keep records; fully and correctly disclose all transactions involved in their business; and afford to the commissioners and the commissioners' representatives, including representatives of other governmental agencies designated by the commissioner, access to their places of business and opportunity, at all

reasonable times, to examine the facilities, inventory and records, to copy the records and to take reasonable samples of the inventory upon the payment of the fair market value.

SECTION 2. Powers. The commissioners may:

A. Remove inspectors from a licensed facility that fails to destroy condemned products as required by section 1, paragraph B;

B. Refuse to provide inspection service under this chapter with respect to a licensed facility for reasons specified in the Federal Meat Inspection Act, Section 4011 or the Federal Poultry Products Inspection Act, Section 182 or for any other violation of this chapter or the rules adopted under it;

C. Order labeling and containers to be withheld from use if the commissioners determine that the labeling is false or misleading or the containers are of a misleading size or form;

D. Require that the slaughter and preparation of equines be conducted in establishments separate from establishments where other livestock are slaughtered or their products are prepared;

E. Authorize inspection to continue at a licensed facility on state holidays or beyond the regular work shift or workweek for state inspectors as long as the necessary inspectors are available and the licensed facility pays all overtime salaries for inspections necessary to keep the plant open and other expenses caused by the overtime employment. Funds reimbursed under this chapter must be deposited into the General Fund as undedicated revenue;

F. Adopt by reference, or otherwise, provisions of the rules under the federal acts with changes as the commissioners determine appropriate to make those provisions applicable to

operations and transactions subject to this chapter that have the same effect as if adopted under this chapter. The commissioners may adopt other rules of practice providing an opportunity for hearing in connection with the issuance of orders under paragraph A, B or C or section 1, paragraph E and establishing a procedure for proceedings in these cases. This paragraph does not preclude a requirement that a label or container be withheld from use or a refusal of inspection under paragraph A or C or section 1, paragraph E pending issuance of a final order in a proceeding;

G. Appoint and prescribe the duties of a director, inspectors and other personnel that the commissioner determines necessary to carry out the purposes of this chapter;

H. Cooperate with the Secretary of Agriculture of the United States in administration of this chapter to carry out the purposes of this chapter, accept federal assistance for that purpose and spend public funds of this Commonwealth appropriated for administration of this chapter to pay the Commonwealth's proportionate share of the estimated total cost of the cooperative program;

I. Serve as the representative of the Governor for consultation with the Secretary of Agriculture under the Federal Meat Inspection Act, Section 301, Subsection (c)3 and the Federal Poultry Products Inspection Act, Section 5, Subsection (c)4 unless the Governor selects another representative;

J. Exempt the operations of a facility from inspection or other requirements of this chapter if and to the extent the operations would be exempt from the corresponding requirements under the federal acts if the operations were conducted specifically in or for interstate commerce

or if the Commonwealth were designated under the federal acts as one in which the federal requirements apply to intrastate commerce;

K. Require a retail vendor that affixes labels with a date to meat, meat food products or poultry products to clearly and conspicuously post its policy concerning date of sale labeling to enable consumers to understand the policy;

L. Exempt a livestock producer that sells directly to consumers or inspected slaughterhouses in carcass form from the licensing requirements of 105 CMR 500.030 and 105 CMR 500.031. To be eligible for this exemption, the livestock must be slaughtered under inspection and the producer shall relinquish control of the carcass at the slaughterhouse. Payment for the carcasses is based on hanging weight rather than live weight. This exemption does not apply to retail operations or poultry;

M. Establish the sizes and style of type to be used for labeling information required under this chapter and definitions and standards of identity or composition or standards of fill of container consistent with federal standards when the commissioners determine the action appropriate for the protection of the public;

N. Establish conditions for storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing or transporting these products in or for intrastate commerce to ensure that these products are not adulterated or misbranded when delivered to the consumer; and

O. Establish the method for providing voluntary inspection and withdrawal of inspection of exotic animals, wild game, domesticated deer and domestic rabbits. These rules may also provide for the inspection of meat and meat food products derived from those animals.