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**AB-2114 Livestock inspection.** (2017-2018)

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**Assembly Bill No. 2114**

**CHAPTER 211**

An act to amend Sections 19020 and 21281.5 of, and to add Section 21070 to, the Food and Agricultural Code, relating to livestock inspection, and making an appropriation therefor.

[ Approved by Governor August 27, 2018. Filed with Secretary of State August 27, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2114, Bigelow. Livestock inspection.

(1) Existing law, the California Meat and Poultry Supplemental Inspection Act, requires each person to be licensed before operating a meat processing establishment or a custom livestock slaughterhouse and provides for the inspection of those establishments. Existing law exempts from these licensing and inspection requirements certain persons and activities, including owners of livestock who slaughter, on their own premises, livestock of their own raising, as specified, and a mobile slaughter operator who provides services to that owner, where the slaughter occurs on the owner's premises and the meat is thereafter transported for the owner to an establishment for further processing. Existing law requires all fees, charges, and collections collected pursuant to the act to be deposited in the Department of Food and Agriculture Fund to be used for the enforcement of the act. Existing law provides that a violation of these provisions is a misdemeanor.

This bill would include a new exemption for a mobile slaughter operator where the livestock is not of the owner's own raising but the slaughter occurs on the premises of the person who raised the livestock, subject to specified conditions. The bill would provide that this exemption shall not apply to the slaughter of more than 5 head of cattle on a single premises in a calendar month.

(2) Existing law requires any person who desires to use a brand in this state to record the brand with the Bureau of Livestock Identification. Existing law requires cattle to be inspected prior to being moved or transported under certain circumstances, including before cattle are moved out of the state. Existing law authorizes the Secretary of Food and Agriculture to impose a service charge not to exceed \$12 for each site at which an inspection is performed. Existing law also establishes various inspection fees per head of cattle to supplement this site-based charge, as specified. Existing law requires all of these fees to be deposited in the Department of Food and Agriculture Fund. Existing law provides for amounts deposited in the fund pursuant to these provisions to be continuously appropriated.

This bill would increase the authorized site-based service charge for brand inspections to \$25 for an inspection of 29 head of cattle or less at each site or \$15 for an inspection of 30 head of cattle or more at each site. By increasing the amount of an existing fee, the revenue of which is continuously appropriated, the bill would make an appropriation.

(3) Existing law authorizes the Secretary of Food and Agriculture to issue various annual permits, and to charge a fee for those permits, to allow cattle to be transported out of the state without a brand inspection. Existing law provides for permit fees to be deposited in the Department of Food and Agriculture Fund. Existing law provides for amounts deposited in the fund pursuant to

these provisions to be continuously appropriated to cover the cost of issuing or renewing the permits. Existing law provides that a violation of these provisions is a misdemeanor.

This bill would authorize the secretary to issue an additional annual permit. Under the bill, this permit would allow cattle to be transported out of the state without a brand inspection if the cattle are only moved for exhibition purposes and other specified conditions are met. The bill would authorize the Department of Food and Agriculture to charge a fee for the exhibition permit not to exceed \$10 per head of cattle. The bill would also require the department to accept the exhibition permits of other states and allow cattle to return to their state of origin under those permits without an inspection.

By creating a new fee, the revenue of which is continuously appropriated, the bill would make an appropriation. Because the bill would create a new permit that is subject to specified conditions, the violation of which would be a crime, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 19020 of the Food and Agricultural Code is amended to read:

**19020.** This chapter does not apply to any of the following:

(a) Owners who slaughter, on their own premises, livestock of their own raising where the meat is not for sale, but used exclusively by the owners, members of the owner's household, the owner's employees, and nonpaying guests.

(b) A mobile slaughter operator who provides services to an owner as specified in subdivision (a) where the slaughter occurs on the owner's premises and the meat is thereafter transported for the owner to an establishment for further processing.

(c) (1) A mobile slaughter operator who provides services to an owner of livestock, if the slaughter occurs on the premises of a person who raised the livestock and who is not the owner of the livestock, subject to the following conditions:

(A) Before the slaughter, the livestock are inspected pursuant to Section 21051.

(B) After the slaughter, the meat is transported for the owner to an establishment for further processing.

(C) The meat is not for sale, but is used exclusively by the owner, members of the owner's household, the owner's employees, and nonpaying guests.

(D) The person who raised the livestock shall maintain a record of the owner of the livestock and of the total number of animals slaughtered.

(E) If conducting multiple slaughter operations at a premises, a mobile slaughter operator shall maintain a record of the total number of animals slaughtered and the premises where the slaughter occurred.

(F) The mobile slaughter operators shall follow the guidelines published by the Association of Food and Drug Officials in the Guidelines for Exempt Slaughter and Processing Operations publication.

(2) The exemption in paragraph (1) shall not apply to the slaughter of more than five head of cattle on a single premises in a calendar month.

(d) Persons solely engaged in cutting, wrapping, and otherwise processing farm or custom slaughter livestock or the processing and sale of fresh meats derived from United States Department of Agriculture inspected carcasses, except the curing, smoking, and preparing of cooked or smoked sausages or cooked pork products that are not exempted under subdivision (b) of Section 18814.

(e) Livestock slaughter and meat and poultry processing inspected by the United States Department of Agriculture.

**SEC. 2.** Section 21070 is added to the Food and Agricultural Code, to read:

**21070.** (a) The secretary may issue an annual exhibition permit to allow cattle to be transported out of the state during the permit year without the inspection required pursuant to this article, if all of the following conditions are met:

(1) The cattle are inspected before issuance of the permit.

(2) The cattle are only moved for exhibition purposes.

(3) There is no change in ownership of the cattle.

(4) The cattle return to the state of origin.

(5) The cattle have an official form of identification.

(b) The department may charge a fee to cover its costs in issuing and renewing the annual permit. The fee may not exceed ten dollars (\$10) per head.

(c) The department shall accept the exhibition permits of other states and allow cattle to return to their state of origin under those permits without an inspection.

(d) The secretary may, at any time, revoke a permit if the chief determines that this action is necessary to enforce this division.

**SEC. 3.** Section 21281.5 of the Food and Agricultural Code is amended to read:

**21281.5.** In addition to other applicable fees, as provided by this chapter, the secretary may impose a service charge in an amount not to exceed twenty-five dollars (\$25) for inspection of 29 head of cattle or less at each site, or a service charge of fifteen dollars (\$15) for inspection of 30 head of cattle or more at each site.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.