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AB-1801 Cattle: inspections. (2019-2020)

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Date Published: 09/23/2019 09:00 PM

Assembly Bill No. 1801

CHAPTER 324

An act to amend Sections 19020, 21283, 21283.5, 21285, 21288, 21288.5, 21563, 21563.5, and 65071 of, and to repeal Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of, the Food and Agricultural Code, relating to cattle, and making an appropriation therefor.

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, Committee on Agriculture. Cattle: inspections.

(1) The California Meat and Poultry Supplemental Inspection Act authorizes the Secretary of Food and Agriculture to adopt, by regulation, standards and requirements relating to inspection, sanitation, facilities, equipment, reinspection, preparation, processing, buying, selling, and transporting, among other acts, of livestock and poultry. The act requires each person to be licensed prior to operating a meat processing establishment or a custom livestock slaughterhouse. The act does not apply in specified circumstances, including to a mobile slaughter operator who provides services to an owner of livestock, subject to specified conditions, including the condition that the person who raised the livestock and the mobile slaughter operator maintain records, as provided. The act defines livestock to include any cattle, sheep, swine, goat, and, in certain circumstances, fallow deer. A violation of the act is a misdemeanor.

This bill would instead provide that the act does not apply to a mobile slaughter operator who provides services to an owner of cattle if the slaughter occurs on the premises of a person who raised the cattle and who is not the owner of the cattle. The bill would define "person who raised the cattle" for these purposes. The bill would require the person who raised the cattle and the mobile slaughter operator to maintain the records mentioned above for a period of one year and would require those records to be made available upon request to a department inspector, investigator, or peace officer. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) 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 provides that inspection of cattle consists of the examination of the cattle for all brands and marks, and, in the case of unbranded cattle, for natural marks, sex, and breed, and includes the issuance of a certificate of inspection. Existing law authorizes the Secretary of Food and Agriculture to impose a prescribed service charge 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, generally of \$1.25 per animal, with certain exceptions.

This bill would increase various inspection fees per head of cattle to \$1.50, with certain exceptions, as specified.

(3) Existing law requires that the inspection of carcasses with the hide on and of hides to be made in the same manner as the inspection of cattle, as specified. Under existing law, all brand inspection fees for hides or carcasses are due and payable at the time of the inspection. Existing law generally requires a brand inspection fee to be paid at the point of inspection in the amount of

\$1.70 for each carcass or hide that is inspected and \$1.70 for each carcass or hide inspected originating in those counties or geographical areas where a point- of-origin inspection is maintained.

This bill would increase these fees to \$2.00 for each carcass or hide that is inspected.

(4) Existing law requires all of the above-described fees to be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated, as prescribed.

By increasing the amount of existing fees, the revenue from which is continuously appropriated, the bill would make an appropriation.

(5) Existing law generally requires female cattle of the beef breeds, as defined, that are over 12 months of age and sold within the state to bear evidence of official calfhood brucellosis vaccination, as specified.

This bill would repeal these provisions.

(6) The California Cattle Council Law requires the payment of an assessment of \$1 per head to be paid on each sale of cattle and calves to carry out the law's provisions, except as specified. That law excludes, among other things, from that assessment any cattle or calves that are transported for purposes other than for sale or slaughter and without a change of ownership, and any cattle or calves weighing less than 200 pounds.

This bill would also exclude from this \$1 per head assessment any cattle or calves originating outside the state transported solely to a stockyard or slaughter facility to be sold or slaughtered within 30 calendar days of arrival and any cattle or calves sold within 10 days of being purchased where the seller can demonstrate the assessment has been paid within the past 10 days.

(7) 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

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

SECTION 1. Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the Food and Agricultural Code is repealed.

SEC. 2. 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 cattle, if the slaughter occurs on the premises of a person who raised the cattle and who is not the owner of the cattle, subject to the following conditions:

(A) Before the slaughter, the cattle 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 cattle shall maintain a record, for a period of one year, of the owner of the cattle and of the total number of cattle slaughtered. The records shall be made available, upon request, to a department inspector, investigator, or peace officer.

(E) If conducting multiple slaughter operations at a premises, a mobile slaughter operator shall maintain, for a period of one year, a record of the total number of cattle slaughtered and the premises where the slaughter occurred. The records shall be made available, upon request, to a department inspector, investigator, or peace officer.

(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.

(3) Slaughter activities conducted pursuant to the exemption in paragraph (1) shall comply with all other applicable state and federal environmental and zoning laws.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Person who raised the cattle" means the person who owned and was responsible for feeding and caring for the cattle prior to its sale and slaughter on the person's premises.

(B) "Raised" means the feeding and caring of cattle for a period of 30 calendar days or more prior to the sale and slaughter of that cattle.

(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. 3. Section 21283 of the Food and Agricultural Code is amended to read:

21283. (a) Unless otherwise provided in this article, inspection fees shall be paid at the point of inspection.

(b) The fee for inspection is one dollar and fifty cents (\$1.50) for each animal that is inspected, except as follows:

(1) The fee for inspection at a registered feedlot, as defined in Section 20015, is seventy-five cents (\$0.75) for each animal that is inspected.

(2) The fee for inspecting an animal that originated in another state and was shipped into this state for feeding direct to a registered feedlot is fifty cents (\$0.50) for each animal that is inspected.

(3) The fee for inspecting an animal that was inspected at a posted stockyard, or posted saleyard, in this state, and shipped direct to a registered feedlot, is fifty cents (\$0.50) for each animal that is inspected.

SEC. 4. Section 21283.5 of the Food and Agricultural Code is amended to read:

21283.5. Except as otherwise provided in this article, on all private treaty transaction inspections, as defined in Section 20026, regardless of destination, the fee of one dollar and fifty cents (\$1.50) shall be paid at the point of inspection for each animal that is inspected.

SEC. 5. Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is one dollar and fifty cents (\$1.50) for the inspection before sale of each animal at a public saleyard that is posted by the Secretary of Agriculture of the United States or at a public saleyard if the animal originated in another state and it was shipped to this state, consigned to that public stockyard or public saleyard.

SEC. 6. Section 21288 of the Food and Agricultural Code is amended to read:

21288. In a modified point-of-origin inspection area, as provided in Section 21111, the fee for the inspection of cattle, other than suckling calves that are accompanying their mothers, is one dollar and fifty cents (\$1.50) per head if the cattle are transported out of the area for purposes other than sale or slaughter and no change of ownership is involved.

SEC. 7. Section 21288.5 of the Food and Agricultural Code is amended to read:

21288.5. For cattle, other than suckling calves accompanying their mothers, transported out of the state for purposes other than sale or slaughter and where no change of ownership is involved, the inspection fee is one dollar and fifty cents (\$1.50) per head.

SEC. 8. Section 21563 of the Food and Agricultural Code is amended to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is two dollars (\$2) for each carcass or hide that is inspected.

SEC. 9. Section 21563.5 of the Food and Agricultural Code is amended to read:

21563.5. The fee for the inspection of each carcass or hide shall be two dollars (\$2) for each carcass and hide originating in those counties or geographical areas where a point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of Chapter 6.

SEC. 10. Section 65071 of the Food and Agricultural Code is amended to read:

65071. (a) In order to carry out the programs and administer the activities that are conducted pursuant to this chapter, an assessment of one dollar (\$1) per head shall be paid on each sale of cattle and calves. The assessment shall be charged on all cattle and calves, except the following:

(1) Hides, skins, or the offal of animals.

(2) Any cattle or calves that are transported for purposes other than for sale or slaughter and without a change of ownership.

(3) Any cattle or calves custom slaughtered exclusively for the owner, members of the owner's household, or the owner's nonpaying guests or employees.

(4) Any cattle or calves weighing less than 200 pounds.

(5) Any cattle or calves originating outside the state transported solely to a stockyard or slaughter facility to be sold or slaughtered within 30 calendar days of arrival.

(6) Any cattle or calves sold within 10 days of being purchased where the seller can demonstrate the assessment has been paid within the past 10 days.

(b) The assessment charged pursuant to this chapter shall not be charged or collected more than once from each owner upon the same animal.

SEC. 11. 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.