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AB-888 Mobile slaughter operations: livestock. (2021-2022)

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Assembly Bill No. 888

CHAPTER 378

An act to amend Section 19020 of, and to add Sections 19021, 19022, and 19023 to, the Food and Agricultural Code, relating to slaughtered animals.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 888, Levine. Mobile slaughter operations: livestock.

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, for carrying out the purposes of the act. The act requires each person to be licensed before 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 cattle, subject to specified conditions, including the condition that the person who raised the cattle and the mobile slaughter operator maintain records, as provided. A violation of the act is a misdemeanor.

This bill would exempt from the requirements of the act a mobile slaughter operator that provides services to an owner of livestock, defined to mean any cattle, sheep, goat, and swine used for human food, and slaughters multiple livestock from multiple owners under certain specified conditions, including, among others, that the slaughter occurs on the premises of one of the owners of the livestock or on the premises of the producer, as defined, and the producer that has mobile slaughter operations conducted on their premises has registered with the Department of Food and Agriculture, the meat is not for sale, and the premises or the mobile slaughter facility where the slaughter is conducted has an adequate sewer, facilities, and potable water. The bill would require a mobile slaughter operator performing these services to be licensed with the department, as prescribed. The bill would require the department to establish a license fee and a renewal fee to cover costs associated with oversight and inspection of mobile slaughter operators, and would limit the fees to the department's reasonable regulatory costs and not to exceed a specified amount. The bill would require the producer to reregister with the department if the producer moves locations or if the operation changes ownership. The bill would require a mobile slaughter operator of livestock and a producer who produces livestock to maintain records for at least one year, as prescribed, and to exhibit the records on demand of any inspector or peace officer. By expanding the scope and number of possible crimes under the act to certain slaughterers and producers of livestock that fail to comply with the act's provisions, the bill would impose a state-mandated local program.

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: no Fiscal Committee: yes Local Program: yes

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 and slaughters multiple livestock from multiple owners, if the slaughter occurs on the premises of one of the owners of the livestock or on the premises of the producer, subject to the following conditions:

(A) Before the slaughter, if the livestock slaughtered are cattle, 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 producer that has mobile slaughter operations conducted on their premises shall register with the department and maintain records pursuant to this chapter.

(E) The mobile slaughter operator shall be licensed as a custom livestock slaughter operation with the department pursuant to this chapter.

(F) The mobile slaughter operator shall be licensed as a livestock meat inspector with the department pursuant to this chapter and shall complete annual training as provided by the Meat, Poultry and Egg Safety Branch of the department.

(G) The mobile slaughter operator licensed with the department shall maintain records pursuant to this chapter and the records shall be made available, upon request, to a department inspector, investigator, or peace officer.

(H) The premises or the mobile slaughter facility where slaughter is conducted shall have an adequate sewer, facilities, and potable water.

(2) The exemption in paragraph (1) shall apply to the slaughter of more than one head of livestock on a single premises in a calendar year.

(3) Slaughter activities conducted, including the proper disposition of inedible materials, 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 article, the following terms shall apply:

(A) "Livestock" means any cattle, sheep, goat, and swine used for human food.

(B) "Producer" means the person who owned and was responsible for feeding and caring for the livestock before its sale and slaughter on the person's premises.

(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 19021 is added to the Food and Agricultural Code, to read:

19021. (a) A mobile slaughter operator performing the service of slaughtering livestock pursuant to subdivision (c) of Section 19020 shall be licensed with the department as both of the following:

(1) A custom livestock slaughter operation pursuant to Sections 19010 and 19022 and is subject to Section 19023. The department shall establish a license fee and a renewal fee to cover costs associated with oversight and inspection of mobile

slaughter operators. The fees shall not exceed the reasonable regulatory costs of the department and in no event shall be more than five hundred dollars (\$500).

(2) A livestock meat inspector pursuant to Sections 18980 and 19022 and subject to Section 19023.

(b) (1) The producer of the livestock who conducts multiple slaughter operations on their premise pursuant to subdivision (c) of Section 19020 shall be registered with the department pursuant to Section 19022 and is subject to Section 19023. The one-time registration fee shall not exceed the regulatory costs of the department and in no event shall be more than one hundred dollars (\$100).

(2) The producer shall reregister with the department if the producer moves locations or if the operation changes ownership. The reregistration fee shall be the same amount as the registration fee specified in paragraph (1).

SEC. 3. Section 19022 is added to the Food and Agricultural Code, to read:

19022. (a) A mobile slaughter operator performing the service of slaughtering livestock pursuant to subdivision (c) of Section 19020 shall file an application for a license that shows the names and addresses of the owners of the mobile slaughterer and any other information the secretary may require.

(b) The producer shall file a registration with the department that shows the name and address of every location where the slaughter of livestock will occur.

(c) The registration or license shall be filed with the Meat, Poultry and Egg Safety Branch of the department before a mobile slaughter operator may slaughter livestock pursuant to subdivision (c) of Section 19020.

(d) After notice and hearing, the secretary may cancel the registration of any producer or the license of a mobile slaughter operator operating pursuant to subdivision (c) of Section 19020 for failing to comply with this section or Section 19023.

SEC. 4. Section 19023 is added to the Food and Agricultural Code, to read:

19023. (a) A mobile slaughter operator that slaughters livestock pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records expressly for that purpose for at least one year:

(1) The date of slaughter of all livestock.

(2) The name, address, and telephone number of producer of the livestock that are being slaughtered.

(3) The address or other location identifier of where the slaughter occurred.

(4) The number of each livestock slaughtered at the address on the date of slaughter.

(5) All ear tag numbers and all identification markings, if available, on all livestock slaughtered, and, if no identification number or marking is present, record "no identification number or marking."

(6) The name, address, and telephone number of the owner for each livestock slaughtered.

(7) The name and address of the facility that each carcass was transported to for processing.

(b) Every producer that produces livestock that are slaughtered by a mobile slaughter operator pursuant to subdivision (c) of Section 19020 shall keep and maintain all of the following records for at least one year:

(1) The name, address, and telephone number of the buyer.

(2) All ear tag numbers and all other identification markings of all livestock.

(3) The price paid for each livestock.

(4) A purchase receipt for each livestock.

(5) The date of purchase of each livestock.

(6) The date of slaughter of each livestock.

(c) All records maintained pursuant to this section shall be available on the demand of any inspector or peace officer.

SEC. 5. 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.