

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

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:

1 SECTION 1. Duties. The commissioners shall:

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

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

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

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

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

26 F. Establish standards relating to sanitation for all establishments required to have
27 inspection under paragraph A or required to be licensed under 105 CMR 500.030 and 105 CMR
28 500.031; and

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

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

35 SECTION 2. Powers. The commissioners may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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