

Senate Bill 100

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Chapter 582

AN ACT to amend 66.052 (1) and 97.55 (3); and to create 97.20 of the statutes, relating to establishing state meat and poultry inspection, granting rule-making authority, making an appropriation and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 2. 66.052 (1) of the statutes is amended to read:

66.052 (1) Any city council or village board may direct the location, management and construction of, and license (annually or otherwise), regulate or prohibit any industry, thing or place where any nauseous, offensive or unwholesome business ~~may be~~ is carried on, within the city or village or within 4 miles of the boundaries, except that the Milwaukee, Menominee and Kinnickinnic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with said rivers, together with the lands adjacent to said rivers and canals or within 100 yards thereof, ~~shall be~~ *are* deemed ~~to be~~ within the jurisdiction of the city of Milwaukee. Any town board as to the area within the town not ~~now or hereafter~~ licensed, regulated or prohibited by any city or village pursuant to ~~the provisions of~~ this section, shall have the same powers as provided in this section for cities and villages. Any such business conducted in violation of any city, village or town ordinance permitted to be

enacted under ~~the provisions~~ of this section is declared to be a public nuisance and an action for the abatement or removal thereof or to obtain an injunction to prevent the same may be authorized to be brought and maintained by the city council or village or town board in the name of this state on the relation of such city, village or town as provided in ss. 280.01, 280.02 and 280.07, or as provided in s. 146.125. ~~The provisions of s. Sections 97.07 and 97.20 shall not be construed as any limitation upon~~ *limit* the powers granted by this section. ~~The provisions of s. Section 95.72 shall not be construed as any limitation upon~~ *limit* the powers granted by this section to cities or villages but powers granted to towns by this section shall be limited by ~~the provisions of s. 95.72 and any orders, and rules and regulations promulgated thereunder.~~

SECTION 3. 97.20 of the statutes is created to read:

97.20 COMPULSORY INSPECTION OF ANIMALS, POULTRY AND CARCASSES. (1) DEFINITIONS. In this section:

- (a) "Animal" means cattle, sheep, swine, goats and horses.
- (b) "Poultry" means any domesticated fowl, including but not limited to chickens, turkeys, geese, ducks, pigeons or guineas, but shall not include commercially produced game birds.
- (c) "Carcass" means all parts, including the viscera, of slaughtered animals and poultry that are capable of being used for human food.
- (d) "Establishment" means a plant or premises where animals or poultry are slaughtered for human consumption, or a plant or premises where meat or poultry products or meat food products are processed for sale, but shall not include:
  1. Establishments subject to the federal meat inspection act (21 U.S.C. 71 et seq.) or the federal poultry products inspection act (21 U.S.C. 451 et seq.).
  2. Establishments subject to county or municipal meat and poultry inspection if such inspection is conducted pursuant to ordinances and regulations which are substantially equivalent to this section and which are enforced with equal effectiveness, and the inspection service is specifically approved by the department; however, sub. (2) shall apply to establishments subject to county or municipal meat and poultry inspection.
  3. Establishments where animals or poultry are slaughtered as a custom service for the owners thereof and no other slaughtering is done.
  4. Premises where animals or poultry are slaughtered by the producer or owner thereof for his own consumption.
- (e) "Meat products" and "poultry products" means the carcasses or edible parts of carcasses of animals and poultry.
- (f) "Meat food product" means any article intended for use as human food which is derived or prepared in whole or in substantial and definite part from meat products or poultry products.
- (g) "Wholesome" means sound, healthful, clean and otherwise fit for human food.
- (h) "Unwholesome" means:
  1. Unsound, injurious to health or otherwise rendered unfit for human food.
  2. Consisting in whole or in part of any filthy, putrid or decomposed substance.
  3. Processed, prepared, packed or held under unsanitary conditions whereby a carcass or parts thereof, or any meat or poultry product, may have become contaminated with filth or become injurious to human health.
  4. Produced in whole or in part from diseased animals or poultry, except when such disease does not ordinarily render the carcasses of such animals or poultry unfit for human consumption, or from animals or poultry which have died otherwise than by slaughter.

(i) "Official inspection mark" means the symbol formulated under the rules of the department to state that the meat, poultry or product was inspected pursuant to such rules.

(j) "Veterinarian" means a licensed veterinarian who is qualified on the basis of training and experience, as determined by the department, to properly perform both ante-mortem and post-mortem inspections of meat and poultry.

(2) LICENSE. No person shall operate an establishment as defined in sub. (1) (d) without an annual license issued by the department for each such establishment. Licenses shall expire on June 30 of each year. No license shall be issued unless the applicant has complied with the requirements of this section. The annual fee is \$100. The fee for the initial license period expiring on June 30 immediately following the effective date of this section shall be computed at one-half the annual fee, or \$50. No person shall be required to obtain a license under s. 97.06 or 97.07, or a license as a processor under s. 99.10, for operation of any establishment licensed under this section.

(3) STATE INSPECTION. (a) *Ante-mortem examination.* For the purpose of preventing the sale and use in this state of meat products and poultry products which are unwholesome or otherwise unfit for human food, the department shall cause to be made, by inspectors who may be veterinarians on either a full or part-time basis under supervision of the department, examination and inspection of all animals and poultry (except as provided in par. (d)) before they are slaughtered in any establishment. All animals and poultry found on such inspection to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other animals and poultry, and when so slaughtered the carcasses thereof shall be subject to careful examination, inspection and disposition, in accordance with rules issued by the department.

(b) *Post-mortem examination.* For the same purpose the department shall cause to be made, by inspectors (who may be veterinarians on either a full or part-time basis) under supervision of the department, a post-mortem examination and inspection of the carcasses and parts thereof of all animals and poultry (except as provided in par. (d)) slaughtered at any establishment. The carcasses and parts thereof of all such animals and poultry found to be wholesome and fit for human food shall be marked, stamped, tagged or labeled by inspectors as "Wis. inspected and passed". Inspectors shall mark, stamp, tag or label as "Wis. inspected and condemned" all carcasses and parts thereof of such animals and poultry found to be unwholesome or otherwise unfit for human food, and all carcasses and parts thereof so inspected and condemned shall be destroyed, in accordance with rules issued by the department. Inspection marks, stamps, tags and labels shall be prescribed by the department and shall include thereon the identification number of the establishment assigned by the department.

(c) *Re-examinations.* After a first inspection inspectors shall, when deemed advisable, reinspect such carcasses or parts thereof to determine whether the same have become unwholesome or in any other way unfit for human food. If any carcass or part thereof, upon a re-examination, is found to be unwholesome or otherwise unfit for human food, it shall be destroyed, in accordance with rules issued by the department.

(d) This subsection shall not apply to animals and poultry slaughtered as a custom service for the owners thereof, unless department inspection is specifically requested by such owners. The rules of the department shall make provision for the furnishing of such inspection service and for the identification of all animals and poultry custom slaughtered for the owners thereof without department inspection.

(e) The department shall make periodic inspections of construction, operation, facilities, equipment, labeling, sanitation and wholesomeness of meat and poultry products, and meat food products at establishments not engaged in slaughtering. Inspection of such products and plant operations shall cover such operations as the cutting and boning of carcasses, curing and smoking of meats, grinding and fabrication and the manufacture of sausage and lard.

(f) In addition to label requirements otherwise provided by law, meat food products shall bear a label, stamp, mark or tag including thereon the official inspection mark and identification number of the establishment where processed.

(4) RULES. The department shall issue reasonable rules requiring or prescribing:

(a) The ante-mortem and post-mortem inspection of all animals and poultry killed or dressed for human consumption at any establishment.

(b) The inspection and marking of carcasses or parts thereof intended for human consumption, and prohibiting the unauthorized use of any official inspection mark or simulation or counterfeit thereof.

(c) The use of the official inspection mark by county and municipal inspection services approved by the department.

(d) The seizure and destruction for human consumption of any animal or poultry or carcasses or parts thereof which have not been inspected or passed, or any food derived therefrom.

(e) The hours and days in each week when slaughtering may be conducted in any establishment, the schedules so fixed, however, to be as nearly as possible in accord with existing industry standards of establishments subject to inspection.

(f) Special agreements with the department whereby the operator of any establishment may make arrangements to defray the additional cost for salaries and expenses of department inspectors whenever slaughtering or carcass preparation is conducted at an establishment under state inspection at hours considered overtime for state employes, or beyond hours or days limited under par. (e), or on holidays for state employes under s. 16.275 (6).

(g) Specifications and standards for location, construction, operation, facilities, equipment and sanitation of establishments subject to this section, the same to be substantially the same as those required for slaughterhouses under s. 97.07.

(h) Any other rules reasonably necessary to the administration and enforcement of this section.

(5) COUNTY AND MUNICIPAL INSPECTIONS. (a) The department may enter into co-operative agreements with counties and municipalities for inspection and enforcement services required by this section and by approved meat and poultry inspection ordinances and regulations. Employes of counties and municipalities while performing such inspection and enforcement work shall have the same enforcement authority, within such counties or municipalities, as that granted to the department and its authorized agents.

(b) No county or municipality may collect any fees or charges for meat or poultry inspection or enforcement from any licensee under this section, except for overtime inspection work. Such charges for overtime shall be on the same basis as and shall not exceed charges for overtime work prescribed by this section.

(6) PROHIBITIONS. (a) No person shall slaughter any animals or poultry for the purpose of selling the meat products or poultry products thereof for human food, or sell, offer for sale or have in his possession

with intent to sell, such meat products or poultry products for human food, unless such animals and poultry and the carcasses thereof have been first inspected and approved as provided by: 1. this section and the rules issued thereunder, or 2. the federal meat inspection act or under the federal poultry products inspection act, or 3. county or municipal ordinances or regulations which are substantially equivalent to this section and which are enforced with equal effectiveness, if the inspection service is specifically approved by the department.

(b) No person shall sell, offer for sale or have in possession with intent to sell any meat or poultry products, or meat food products unless they have been processed in accordance with this section, the federal meat inspection act, or county or municipal ordinances approved by the department.

(c) This section shall not apply to persons processing meat or poultry products, or meat food products for sale directly to consumers at retail on the premises where such products were processed.

(d) No county or municipality shall prohibit the sale of any meat products or poultry products if such meat products or poultry products are inspected and passed by the department, or by the U.S. department of agriculture, or by a county or municipal inspection service approved by the department, provided such meat products and poultry products are wholesome and not misbranded at the time of sale.

(7) RIGHT OF ACCESS. No person shall prevent or attempt to prevent an inspector or other officer or agent of the department from entering, at any time, any establishment or any other place where meat products or poultry products, or foods derived therefrom, are processed, sold or held for sale, for the purpose of any examination, inquiry or inspection in connection with the administration and enforcement of this section.

(8) EXEMPTION. This section shall not apply to owners of poultry with respect to poultry produced on the owner's farm and sold direct to the ultimate consumer. Such person shall not be exempt from this section if he is regularly engaged in the business of buying or trading poultry, or in selling poultry products.

(9) PENALTY. (a) Any person violating this section or any rules issued thereunder shall be fined not less than \$100 nor more than \$1,000 or imprisoned in the county jail not to exceed one year or both.

(b) The department may deny, revoke or suspend the license of any person for substantial or repeated violations of this section.

(10) ADVISORY COMMITTEE. The director shall appoint a meat inspection advisory committee to consist of not less than 7 members to advise on the administration of this section. The department shall pay the travel expenses of such members at the same rate as paid to state employes.

SECTION 4. 97.55 (3) of the statutes is amended to read:

97.55 (3) ~~The provisions of Subsection (1) shall not apply to meat from animals affected by any disease which does not ordinarily render such meat unfit for human consumption, provided the animals so affected have been slaughtered under the supervision of a veterinary meat inspector at a slaughtering establishment approved by the department to receive such animals in establishments where meat inspection is maintained under s. 97.20 or the federal meat inspection act.~~

SECTION 4m. The appropriation in section 20.140 (1) (a) of the statutes, as affected by the laws of 1965, is increased by \$20,269 for the fiscal year 1966-67 for general program operations under the food and trade regulation program of the department of agriculture.

SECTION 5. EFFECTUATING PROVISIONS. (1) SECTION 4m of this act shall take effect January 1, 1967.

(2) All other SECTIONS of this act shall take effect January 1, 1968, but shall not take effect as to poultry and poultry products until January 1, 1969; provided the state department of agriculture issues rules pursuant to section 97.20 (4) of the statutes any time after passage and publication of this act but no rules shall take effect prior to January 1, 1968, and, except for access rights, licensing requirements and inspection procedures, no penalties shall be enforced for violation of this act or rules thereunder occurring prior to the expiration of the 6th month after the effective date of this act. If the director finds that conditions exist requiring an additional period of time for the staying of enforcement provisions in order to effect the orderly administration of this act, the director may, on the basis of such findings and after notice to persons licensed hereunder, extend the stay of enforcement and penalty provisions for an additional period not to exceed 6 months, provided such extension may be restricted to certain types of violations or specific portions of the act or rules only.

(3) Upon passage and publication of this act, the state department of agriculture shall proceed to employ and train the necessary personnel for the purpose of carrying out its functions under section 97.20 of the statutes, and shall proceed to investigate and study the slaughtering and meat processing industry and, in consultation with such industry, prepare proposed rules pertaining to meat and poultry inspection and sanitary standards for inspected establishments as provided in section 97.20 (4) of the statutes. The said department shall take all other action necessary to prepare for its meat and poultry inspection and enforcement duties under section 97.20 of the statutes.

Approved June 24, 1966.

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