

PENNSYLVANIA MEAT AND POULTRY HYGIENE LAW OF 1968

Act of Jul. 9, 1968, P.L. 304, No. 151

Cl. 31

AN ACT

Providing for the inspection of livestock and poultry slaughtered and the carcasses and parts thereof, meat food products and poultry products processed therefrom, for human consumption, at certain establishments, requiring licenses, making certain acts illegal, providing penalties and making an appropriation.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.--This act shall be known and may be cited as the "Pennsylvania Meat and Poultry Hygiene Law of 1968."

Section 2. Definitions.--(1) "Federal inspection" means the meat and poultry inspection service conducted by the Meat Inspection Division and the Poultry Inspection Division of the Consumer and Marketing Service of the United States Department of Agriculture.

(2) "State inspection" means the meat and poultry inspection service conducted by the Department of Agriculture of the Commonwealth of Pennsylvania.

(3) "Municipal inspection" means the meat and poultry inspection performed by a political subdivision.

(4) "Establishment" means all premises where animals or poultry are slaughtered or otherwise prepared for food purposes, meat and poultry canneries, sausage making, smoking or curing operations and similar places except those places occupied and used for such purposes in the preparation of food for consumption in their own households. It shall not include retail stores if the only processing operation performed in such retail

stores is that of preparing for sale the meat and poultry products which have been inspected under the provisions of this act, except that the secretary may require inspection in retail establishments when he determines that the character or quantity of processing is such that inspection is necessary to protect the public health. The term "retail" refers to sale to the ultimate consumer.

(5) "Animals and livestock" mean cattle, calves, sheep, swine and goats.

(6) "Poultry" means domesticated fowl and rabbits. Fowl includes chickens, turkeys, ducks, geese and other domesticated birds used for human food.

(7) "Carcass" means all parts including viscera of slaughtered animals or poultry that are capable of being used for human food.

(8) (i) "Meat" means the edible part of the muscle of cattle, sheep, swine or goats which is skeletal, or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying or overlying fat and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears; (ii) "Meat by-product" means any edible part other than meat which has been derived from livestock.

(9) The term "meat food product" means any article of food, or any article intended for or capable of use as human food, which is derived or prepared, in whole or in part, from any portion of any livestock, unless exempted by the secretary upon his determination that the article (i) contains only a minimal amount of meat and is not represented as a meat food product or (ii) is for medicinal purposes and is advertised only to the medical profession.

(10) The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the secretary, any edible part of poultry, or any human food product consisting of any edible part of poultry separately or in combination with other ingredients. However, any such human food product may be exempted from this definition by the secretary upon his determination that the product (i) contains only a minimal amount of poultry and is not represented as a poultry product or (ii) is used for medicinal purposes and is advertised only to the medical profession.

(11) "Wholesome" means sound, healthful, clean and otherwise fit for human food.

(12) "Unwholesome" means (i) unsound, diseased, unclean, injurious to health or otherwise unfit for human food; (ii) consisting in whole or in part of any filthy, putrid or decomposed substance; (iii) processed, prepared, packaged or held under unsanitary conditions whereby any animal or poultry carcass or parts thereof, or any meat, meat food product, meat by-product may have become contaminated or whereby such product has been rendered injurious to health; (iv) produced in whole or in part from animals or poultry which show clinical evidence of disease or from animals or poultry which have died otherwise than by slaughter.

(13) "Adulterated" means (i) produced in whole or in part in such manner that products contain any poisonous or deleterious substance which may render them injurious to health; (ii) if any poisonous or deleterious substance is contained

unless such substance is permitted in production or unavoidable under processing practices as may be determined by rules and regulations hereunder prescribed by the Department of Agriculture, or other provisions of law limiting or tolerating the quantity of such added substance or in such product, but any quantity of such added substance which exceeds the limits so established, shall be considered as adulteration and as unwholesome; (iii) if any substance has been substituted wholly or in part therefor, and; (iv) if damage or inferior quality has been concealed in any manner.

(14) "Department" means the Pennsylvania Department of Agriculture.

(15) "Secretary" means the Pennsylvania Secretary of Agriculture or his duly appointed representative who will be responsible for the administering of this act.

(16) "Inspector" means any employe of the department authorized by the secretary to inspect animals and poultry or meat and poultry products. No employe shall be designated as an inspector until he has received training in the inspection of animals and poultry unless in the opinion of the secretary the employe is qualified without the training. Any required training shall be given prior to and periodically during the appointment as an inspector.

(17) "Pennsylvania Inspected and Passed" means that the meat, meat food product, meat by-product, and poultry product so stamped and identified has been inspected and passed under the provisions of this act and the rules and regulations pertaining thereto and at the time of inspection and identification was found to be sound, clean, wholesome and free from disease or adulteration.

(18) "Pennsylvania Retained" means that the meat, meat food product, meat by-product or poultry product so identified is held for further clinical examination by a veterinary inspector to determine its disposal. The term "Pennsylvania Retained" may also be applied to equipment or areas in an establishment which are in an unsatisfactory condition of sanitation or repair, thereby prohibiting use of the retained item until such condition is corrected. When any such equipment or area is in a condition of sanitation or repair that cannot be remedied, it shall be defined as "Pennsylvania Rejected" and thereby prohibited from further use indefinitely.

(19) "Pennsylvania Inspected and Condemned" means that the meat, meat food product, meat by-product or poultry product so identified and marked is unhealthful, diseased, unwholesome or otherwise unfit for human food and shall be disposed of in the manner prescribed by the department.

(20) "Pennsylvania Suspect" means that the animals or poultry so marked and identified are suspected of being affected with a disease or condition which may require its condemnation in whole or in part when slaughtered and subject to further examination by a veterinary inspector to determine its disposal.

(21) A "producer" means a person primarily engaged in raising livestock or poultry and who is not ordinarily engaged in the business of buying, exchanging and selling animals and poultry.

(22) "Political subdivision" includes local health units.

Section 3. Exemptions.--The following establishments shall be exempt from sections 9 and 10 of this act: (a) Those operated by a producer, who slaughters animals or poultry owned by him, and the meat, by-products, meat food products or poultry products derived therefrom are to be sold exclusively at retail by the producer;

(b) Those exclusively engaged in the business of slaughtering, dressing and cutting up animals or poultry which are brought to the establishment by owners of such animals or poultry and the meat, by-products, meat food products or poultry products derived therefrom are returned to the owner for consumption by himself or his household.

Section 4. Licenses.--(a) No person except a producer who slaughters and sells exclusively at retail shall operate an establishment as defined herein without first securing a license from the secretary for each such establishment to be operated.

(b) Applications for licenses shall be in such form as the secretary may prescribe. In case of change of ownership or change of location a new application shall be made. Each license shall bear an identifying number.

(c) The term of the license shall be for two years unless otherwise revoked, terminated or suspended under the provisions of this act.

(d) A twenty-five dollar (\$25) fee shall be charged for the license.

Section 5. Municipal Inspection.--(a) Recognition is hereby extended to the various municipal inspection departments now in existence or which may hereafter be inaugurated within the Commonwealth. This act does not prohibit any political subdivision from enactment and enforcement of regulations or ordinances establishing a system of continuous meat and poultry products inspection, provided such regulations or ordinances establish a system at least equal to Commonwealth inspection. A copy of each such regulation or ordinance, including any amendments thereof made subsequently, shall be forwarded by the political subdivision to the department. If such regulations or ordinances provide a system of inspection at least equal to Commonwealth inspection, the regulation or ordinance shall prevail in lieu of the Commonwealth inspection system. Not less than twice each year the department shall investigate each system of municipal inspection to determine whether such system is being operated in accordance with the provisions of existing regulations or ordinances. If the department finds after investigation that such municipal inspection system is not being enforced within the provisions of existing regulations or ordinances, the secretary shall give written notice of such findings to the chief administrative officer of the political subdivision. If the department thereafter finds, not less than thirty days after the giving of such written notice, that such municipal inspection system is not being conducted in a manner consistent with existing regulations or ordinances, the secretary shall give written notice of such findings to the political subdivision and thereupon all persons and establishments theretofore operating under the municipal system of inspection shall be subject to the Commonwealth inspection system.

(b) When a system of municipal inspection is approved by the secretary, the political subdivision shall use the State inspection stamp but "(Name of political subdivision) Approved" may be added thereto. The secretary in supervising approved municipal inspection systems of establishments shall transmit all orders to such establishments through local authorities.

Section 6. Recognition of Federal Inspection.--The provisions of this act shall not apply to establishments which operate subject to the Federal Meat Inspection Act of March 4, 1907 and amendments thereto, or under the Federal Poultry Inspection Act of August 28, 1957, except that such establishment must be licensed as provided in section 4.

Section 7. Cooperative Agreements.--The secretary is authorized to enter into cooperative agreements with the Secretary, United States Department of Agriculture to enhance the effectiveness of this act including agreements to accept such Federal funds as are provided and offered to the Commonwealth and its political subdivisions for the administration of this act.

Section 8. Sanitation, Facilities, and Practices.--(a) Each official establishment at which livestock or poultry are slaughtered or livestock or poultry carcasses or parts thereof, meat food products, meat by-products or poultry products are processed for intrastate commerce shall be inspected to insure that it has such premises, facilities, and equipment, and be operated in accordance with such sanitary practices, as are required by rules or regulations prescribed by the secretary for the purpose of preventing the entry into and movement in such commerce of carcasses, parts thereof, meat food products, meat by-products and poultry products which are unwholesome or adulterated. No livestock or poultry carcasses or parts thereof, meat food product or poultry products shall be admitted into any official establishment unless they have been prepared only under inspection pursuant to this act or the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, or their admission is permitted by rules or regulations prescribed by the secretary under this act.

(b) If, upon examination, it is found that any establishment, or any part of an establishment, or any equipment, is in an unclean or insanitary condition or is being conducted or used in such a manner as to make it probable that the meat or meat-food products therein or produced therein may be rendered unwholesome, or is being conducted or used in violation of this act, the agent making such examination shall report the unlawful condition to the department, and shall at the same time notify in writing, the owner, lessee, or manager of the establishment. Upon receipt of such report, the department, by its executive officer, or otherwise as it may direct, shall notify the proper owner, lessee, or manager of the result of the examination, and direct that the unlawful condition be remedied within the time specified in the notice: Provided, That the time so specified shall be not less than twenty-four hours, unless the unlawful condition mentioned in said notice is of such character and nature as, in the opinion of the department, its executive officer, or its agent, can be removed immediately. If, upon the expiration of the time specified in the notice, the condition so reported to exist shall not have been remedied, the department may order the license suspended or revoked and the establishment closed. It is unlawful to operate an establishment, or any part thereof, which has been closed and the license suspended or revoked by the department, until the unlawful condition reported to exist has been remedied to the satisfaction of the department.

Section 9. Ante Mortem Inspection.--The department shall, wherever slaughter operations are conducted at an establishment except as exempted by section 3, cause ante mortem inspection of all animals and poultry to be made by inspectors where and to the extent it determines necessary. The owner or operator of any such establishment shall furnish satisfactory facilities and assistance as may be required by the secretary to facilitate such ante mortem inspection. Facilities shall also be furnished for holding animals or poultry for further clinical examination. Such animals or poultry held for reinspection shall be identified as "Pennsylvania Suspect" in a manner determined by

the secretary. Following such reinspection as conducted by a licensed and approved veterinarian, and finding that the animals or poultry show no symptoms of disease or other abnormal conditions, the animals or poultry may be released for slaughter. Upon reinspection and finding symptoms of disease or other abnormal conditions which would render the animals or poultry unfit for human food, the animals or poultry shall be tagged or permanently identified as "Pennsylvania Inspected and Condemned" and unfit for human food and shall be disposed of in a manner as prescribed by the secretary. No owner or person shall be required to hold animals or poultry for a longer period than seventy-two hours.

Section 10. Post-Mortem Inspection.--The secretary shall provide post-mortem inspection of all animals or poultry for human food in any establishment in the Commonwealth except as exempted by sections 3, 5 and 6 of this act. Under no circumstances shall the carcass of animals or poultry which have died otherwise than by slaughter be brought into any room in which meat or poultry products are processed, handled or stored. The head, tongue, tail, viscera and other parts, and blood used in the preparation of meat or poultry products or medicinal products shall be retained in such a manner as to preserve their identity until after the post-mortem examination has been completed. Carcasses and parts thereof found to be sound, healthful and wholesome after inspection and otherwise fit for human food shall be passed and may be marked in the following manner, "Pennsylvania Inspected and Passed," or with the inspection legend of an approved municipal inspection department added thereto. These marks may also include any number given the establishment by the department. Each carcass or part thereof which is found on post-mortem inspection to be unsound, unhealthful, unwholesome or otherwise unfit for human food, shall be marked conspicuously by the inspector at the time of inspection with the words, "Pennsylvania Inspected and Condemned," or with the condemned brand of an approved municipal inspection department added thereto, and such carcasses or parts thereof shall be rendered unfit for human consumption under the supervision of the inspector in a manner approved by the secretary. All unborn or still-born animals shall be condemned and no hide, skin or any other part thereof shall be removed within a room where edible meat or poultry products are handled or prepared. Final dispositions as to wholesomeness of diseased carcasses or parts shall be made by a licensed veterinarian.

Section 11. Time of Operation.--The secretary and the owner or operator or each licensed establishment shall agree upon a schedule for conducting such operations. The owner or operator of each licensed establishment shall keep the secretary informed in advance of intended days.

Section 12. Reinspection.--All meat, meat food products, meat by-products or poultry products in channels of trade or in establishments whether fresh, frozen, smoked, cured, pickled, or otherwise prepared, even though previously inspected and passed, shall be subject to reinspection by inspectors of the department as often as may be necessary in order to determine whether such products are maintained in a healthful wholesome condition and fit for human food. If, upon reinspection, any such product is found to have become unsound, unhealthy or unwholesome or in any way unfit for human food, it shall be condemned, but when such products are found to be affected by an unsound or unwholesome condition that can be satisfactorily removed by methods approved by the secretary, such products may be so reconditioned under the direction of an inspector. If,

upon final inspection, the product is found to be sound and wholesome, it shall be approved for human food; otherwise it shall be condemned.

Section 13. Inspection Legend.--(a) It is unlawful for any person except employes of the United States Department of Agriculture, the department, or an authorized municipal inspection department, to possess use or keep an inspection stamp, mark or brand provided or used for stamping, marking, branding, or otherwise identifying, carcasses of meat, meat food, meat by-products or poultry products, or to possess use or keep any stamp, mark or brand having thereon a device, words or insignia the same or similar in character or import to the stamps, marks or brands provided or used by the United States Department of Agriculture, the Pennsylvania Department of Agriculture or any approved municipal inspection department for stamping, marking, branding or otherwise identifying the carcasses of meat or poultry or meat, meat food products, meat by-products and poultry products or parts thereof intended for human food.

(b) Each carcass that has been inspected and passed shall be marked at the time of the inspection with the inspection legend. Each primal part of a carcass shall be marked and each beef heart, beef tongue and beef liver that has been inspected and passed shall be branded with the inspection legend before it leaves the establishment. Meat that has been boned out, cut from primal parts or otherwise changed so that the inspection legend is no longer plainly visible, meat that is too small to be marked with the inspection legend and poultry, shall be packaged in closed containers to which shall be affixed the legend indicating that the meat or poultry has been inspected and passed. Upon removal of the meat or poultry from the containers bearing such inspection legend the legend shall be defaced to prevent its reissue.

Section 14. Access to Premises.--No person shall deny access to any authorized inspectors, upon the presentation of proper identification, at any time to establishments and to all parts of such premises for the purpose of making inspections under this act.

Section 15. Seizure and Penalty.--(a) The secretary is hereby authorized to prohibit the entrance into channels of trade of any meat or poultry products found to be unwholesome, improperly labeled, or otherwise not in accordance with the provisions of this act, or the rules and regulations established hereunder. Any meat or poultry product found in channels of trade by an inspector which is not in compliance with the provisions of this act shall be subject to seizure and confiscation by the department. In addition to the seizure and confiscation, any person having in his possession meat or poultry which is not in compliance with the provisions of this act shall be guilty of a misdemeanor and subject to the penalties provided for in section 19 thereof.

(b) Seized and confiscated meat and poultry products shall be condemned unless it is of such character that it can be made to conform with the provisions of this act by methods approved by the secretary. Condemned meat or poultry products shall be effectively destroyed for human purposes by the owner of the meat or poultry product under the supervision of an inspector in such manner as the secretary may prescribe.

Section 16. Labeling and Marking.--(a) Each shipping container of any meat, meat food product, or meat by-product inspected under the authority of this act and found to be wholesome and not adulterated, at the time such product leaves

an establishment, shall bear, in distinctly legible form, the official inspection mark and the approved plant number of the establishment in which the contents were processed. Each immediate container of any meat, meat food product or meat by-product inspected under the authority of this act and found to be wholesome and not adulterated shall bear at the time such product leaves the establishment, in addition to the official inspection mark, in distinctly legible form, the name of the product, a statement of ingredients if fabricated from two or more ingredients, the net weight or other appropriate measure of the contents, the name and address of the processor and the approved plant number of the establishment in which the contents were processed. The name and address of the distributor may be used in lieu of the name and address of the processor if the approved plant number is used to identify the establishment in which the article was prepared and packed. Each livestock carcass and each primal part of such a carcass shall bear the official inspection mark and approved plant number of the establishment. The secretary may by rules or regulations require additional marks or label information to appear on livestock carcasses or parts thereof, meat food products or meat by-products when they leave an establishment or at the time of their transportation or sale in this State, and he may permit reasonable variations and grant exemptions from the marking and labeling requirements of this paragraph in any manner not in conflict with the purposes of this act. Marks and labels required under this paragraph shall be applied only by, or under the supervision of, an inspector.

(b) The use of any written, printed or graphic matter upon or accompanying any livestock carcass, or part thereof, meat food product or meat by-product inspected or required to be inspected pursuant to the provisions of this act, or the container thereof, which is false or misleading in any particular is prohibited. No livestock carcasses or parts thereof, meat food products or meat by-products inspected or required to be inspected pursuant to the provisions of this act shall be sold or offered for sale by any person, firm, or corporation under any false or deceptive name; but established trade names which are usual to such articles and which are not false or deceptive and which shall be approved by the secretary are permitted. If the secretary has reason to believe that any label in use or prepared for use is false or misleading in any particular, he may direct that the use of the label be withheld unless it is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the secretary, he may request a hearing, but the use of the label shall, if the secretary so directs be withheld pending hearing and final determination by the secretary.

Section 17. Submission of Plans; New Establishments, Alterations or Additions.--(a) A floor plan of each establishment shall be submitted to the secretary in such a manner as he may prescribe.

(b) Any person creating a new establishment within the Commonwealth, or any person making alterations or additions to an existing establishment which alterations or additions exceed ten percent of the assessed value of the existing establishment, shall before creating the new establishment or making the alterations or additions, submit plans to the secretary for his approval.

Section 18. Rules and Regulations.--The secretary shall make such rules and regulations, including suspension or

revocation of licenses, as may be necessary for the effective administration of this act. Such rules and regulations shall conform to rules and regulations established by the United States Department of Agriculture governing meat and poultry inspection as nearly as possible, but need not be limited by them.

Section 19. Penalties.--(a) Any person violating any of the provisions of this act or the rules, regulations or orders properly issued thereunder, upon conviction thereof, in a summary proceeding, shall be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) and costs of prosecution, and in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not more than thirty days, and for a second and subsequent offense shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or to undergo imprisonment not exceeding one year, or both, in the discretion of the court. All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund.

(b) The secretary is also authorized to refuse issuance of a license or to suspend or revoke a license for violations by any establishment of the provisions of this act or the rules and regulations issued hereunder.

Section 20. Injunction.--The Attorney General, at the request of the Secretary of Agriculture, may in the name of the Commonwealth institute proceedings for the purpose of enjoining any person from violating any provision of this act,

(20 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 21. Repeal.--The act of May 28, 1915 (P.L.587), entitled, as amended "An act to protect the public health by regulating and licensing the manufacture, preparation, handling, storage, sale, transportation and possession of meat, meat food products and poultry; and prescribing the powers and duties of the Department of Agriculture incidental thereto," is repealed.

Section 22. Severability Clause.--If any section, paragraph or sentence of this act or its application to any person or in particular circumstances is for any reason held to be invalid, such decision shall not affect the validity of remaining portions of this act or its application to other persons or by other circumstances.

Section 23. Saving Clause.--Nothing contained in this act shall be construed to repeal the act of May 23, 1945 (P.L.926), entitled, "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," nor to affect the powers and duties of the Pennsylvania Department of Health.

Section 24. Effective Date.--This act shall take effect July 1, 1968. The secretary may declare certain sections to be effective prior to that date if he feels that such action will enhance the orderly application of the provisions of this act. Establishments licensed on the date this act becomes effective shall be granted reasonable time for compliance with its provisions and regulations promulgated thereunder as may be determined by the secretary.

Section 25. The sum of two hundred fifty thousand dollars (\$250,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Agriculture for the period beginning July 1, 1968 and ending June 30, 1969 for the purposes of carrying out the provisions of this act.