

**SENATE BILL NO. 2220
with House Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2220

Introduced by

Senators Erbele, Christmann, Seymour

Representatives Froseth, F. Klein, Onstad

1 A BILL for an Act to amend and reenact sections 36-24-01 and 36-24-10 of the North Dakota
2 Century Code, relating to poultry inspections.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 36-24-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-24-01. Definitions.** In this chapter, unless the context otherwise requires:

- 7 1. "Adulterated" means a whole carcass, part of a carcass, or meat food product:
 - 8 a. That bears or contains a poisonous or harmful substance that may render it
 - 9 injurious to health;
 - 10 b. That bears or contains a chemical pesticide that is unsafe under the federal
 - 11 Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
 - 12 c. That bears or contains a food or color additive that is unsafe under the federal
 - 13 Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
 - 14 d. That contains a filthy, putrid, or decomposed substance or is for any other
 - 15 reason unfit for human food;
 - 16 e. That has been prepared, packed, or held under unsanitary conditions;
 - 17 f. That is wholly or partly the product of an animal that has died in a manner
 - 18 other than slaughter;
 - 19 g. The container of which is wholly or partly composed of a poisonous or harmful
 - 20 substance that may make the contents harmful to health;
 - 21 h. That has been intentionally subjected to radiation, unless the use of the
 - 22 radiation conformed with a regulation or exemption in effect under the federal
 - 23 Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];

- 1 i. That is damaged or inferior and that damage or inferiority has been
2 concealed; or
- 3 j. That has had a substance added to it or mixed or packed with it so as to
4 increase its bulk or weight, or make it appear better than or of greater value
5 than it is.
- 6 2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, ~~ratite~~,
7 horses, equines, ~~and~~ other large domesticated animals, ~~not including~~ and poultry.
- 8 3. "Commissioner" means the agriculture commissioner.
- 9 4. "Container" includes a can, pot, tin, canvas, or other receptacle containing a meat
10 food product.
- 11 5. "Custom processing" means slaughtering, eviscerating, dressing, or processing an
12 animal or processing meat products for the owner of the animal or of the meat
13 products, if all meat products derived from the custom operation are returned to
14 the owner of the animal or of the meat products.
- 15 6. "Intrastate commerce" means commerce within this state.
- 16 7. "Meat food product" means a product usable as human food and made wholly or in
17 part from meat or a portion of an animal carcass. The term does not include any
18 product that contains meat or other portions of the carcasses of animals in a
19 relatively small proportion or which historically have not been considered by
20 consumers as a product of the meat food industry, and which is not represented as
21 a meat food product.
- 22 8. "Poultry" includes domesticated chickens, ducks, geese, pheasants, quail, ratites,
23 and turkeys.
- 24 9. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or
25 otherwise manufactured or processed.

26 **SECTION 2. AMENDMENT.** Section 36-24-10 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **36-24-10. Individual and custom processing.**

- 29 1. This chapter does not apply to an individual processing the individual's own
30 animals and the individual's preparation and transportation in intrastate commerce
31 of the whole carcasses, parts of carcasses, and meat food products provided the

- 1 animals are for the exclusive use of the individual, members of the individual's
2 household, the individual's nonpaying guests, and employees.
- 3 2. This chapter does not apply to the custom processing by a person of animals
4 delivered by the owner for processing, and the preparation or transportation in
5 intrastate commerce of the whole carcasses, parts of carcasses, and meat food
6 products of the animals, provided that the products are to be used exclusively in
7 the household of the animal's owner by the owner and members of the owner's
8 household, nonpaying guests, and employees.
- 9 3. A custom processor may not engage in the business of buying or selling whole
10 carcasses, parts of carcasses, or meat food products of animals, other than
11 poultry, usable as human food unless the whole carcasses, parts of carcasses, or
12 meat food products have been inspected and passed and are identified as
13 inspected and passed by the commissioner or the United States department of
14 agriculture.
- 15 4. The provisions of this chapter requiring inspection of the preparation of poultry
16 carcasses and parts thereof, and poultry food products at establishments
17 conducting those operations do not apply to any retailer with respect to poultry
18 products sold in commerce directly to consumers in an individual retail store,
19 provided that the retailer does not engage in the business of custom slaughter, and
20 provided that the poultry products sold in commerce are derived from poultry
21 inspected and passed by the commissioner or the United States department of
22 agriculture.