

2015 DRAFTING REQUEST

Bill

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May Contact: By/Representing: **Cheryl Daniels**
Subject: **Agriculture - food safety** Drafter: **mpfotenh**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Cheryl.Daniels@wisconsin.gov**
Carbon copy (CC) to: **keeley.moll@wisconsin.gov**
mary.pfotenhauer@legis.wisconsin.gov
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Meat and poultry inspection

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 3/2/2015		_____			
/P1	mpfotenh 3/19/2015	jdyer 3/20/2015	_____	lparisi 3/9/2015		
/P2	mpfotenh	jdyer	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	4/1/2015	4/2/2015	_____	3/20/2015		
/P3	mpfotenh 4/10/2015	jdyer 4/10/2015	_____ _____	mbarman 4/2/2015		State
/P4	mpfotenh 9/24/2015	anienaja 9/25/2015	_____ _____	sbasford 4/10/2015		State
/1			_____ _____	srose 9/25/2015	sbasford 9/25/2015	State

FE Sent For:

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Wisconsin Department of Agriculture, Trade and Consumer Protection

PROPOSAL FOR LEGISLATIVE ACTION

Date: February 13, 2015

Working Title of Act: Modernizing State Meat and Poultry Inspection

Statute Sections affected by action: Compulsory inspection of animals, poultry and carcasses, s. 97.42, Wis. Stats.; Labeling of horsemeat, s. 97.45, Wis. Stats.

Plain-language description of what action does:

This proposed action will make overdue statutory changes to fully align the state meat inspection program with federal regulations as required for the USDA's Cooperative Interstate Shipment (CIS) program. Wisconsin is one of just four states participating in the CIS program, which allows interstate sales of state-inspected meat and poultry products. The CIS program allows Wisconsin's small and very small state-inspected meat and poultry establishments to expand the markets for their unique products to other states.

The proposed statutory changes would also simplify the regulatory oversight necessary for slaughtering, processing, and interstate shipment of products prepared from newly popular animal species such as bison, alpacas, llamas, and rabbits. A streamlined process would be created for such species to be designated by rule for processing under regular state inspection, *i.e.* with no hourly fees, rather than the currently-required voluntary inspection and hourly inspection fees. Chapter 97 would also be revised to clarify requirements for Wisconsin's voluntary reimbursable inspection program. The voluntary reimbursable inspection program is a slaughter inspection program for species of animals and poultry, proposed to be designated as "captive game animals" and "captive game birds", which are not required to be inspected either by the department or by the USDA under the Federal Meat Inspection Act (FMIA) or the Poultry Products Inspection Act (PPIA). Although not covered by mandatory inspection requirements, captive game animals and captive game birds must be inspected to be sold in commerce.

The proposed action would further help Wisconsin retail food establishments by (a) pegging the amount of inspection-exempt wholesale meat and poultry sales allowed for retail food establishments to the amount published annually by USDA (currently this limit is locked in the past under statute), (b) allowing meat and poultry licensing fees to be established by rule, consistent with other food-related licensing, and thereby better ensuring the availability of resources for state inspection that must accompany industry expansion, and (c) creating a license exemption for processors of meat or poultry pizzas shipped hot for sale by a non-profit organization, and central commissaries which make meat or poultry items that are shipped for meal sales at restaurants owned by the same company.

The proposed action would establish a new fee structure for meat establishment licenses. Currently, all state licensed meat establishments pay the same license fee regardless of the size of the establishment or the amount of time required to inspect the plant. The new fee structure would be based on establishment activities, with fees varying depending on whether the plant does only slaughter, only post-slaughter processing, or both slaughter and processing. For those establishments doing less complex work, fees may decrease. The license fee for more complex establishments would not exceed

the current level. Fees would be established through the department's rulemaking process after close consultation with industry.

The proposed action would repeal obsolete references to county and local meat inspection and repeal a section regarding labeling of horsemeat that is redundant with existing federal and state food labeling laws.

Finally, the proposed action would reduce the use of multiple similar-sounding terms. For example, the term "meat products" would replace the listing of carcasses, parts of carcasses, and meat food products. The term "mobile processors" would replace the currently delineated "mobile slaughterer" and "mobile processor." The lengthy definition of "unwholesome" would be replaced by a citation of the USDA regulatory definition of "adulterated."

Relationship of this action to any relevant federal laws or regulations: USDA is responsible for regulating all meat and poultry inspection in the United States (as codified in the Federal Meat Inspection Act and the Poultry Products Inspection Act). State meat inspection programs operate under a cooperative agreement with USDA. USDA provides 50 percent of the funding for the existing Wisconsin state meat inspection program and 60 percent funding for Wisconsin's CIS program.

Fiscal effect on WDATCP: These actions are not expected to have an appreciable fiscal impact on DATCP.

Non-government stakeholders (list) and how they are affected by the action: Processors of bison, rabbits, alpacas, and llamas will not have to pay hourly inspection fees. There would be lower costs of processing other "new" species that might be designated as livestock by the department in the future. Changes to the retail-exemption limits will allow retail food establishments to increase their sales of uncooked, uncured meat products to restaurants, institutions, and retail food establishments without having to operate under an additional meat establishment license.

Supporters of the action: Producers of bison, rabbits, alpacas, and llamas will support the action because it reduces the costs of processing these livestock. Retail food establishments will support the action because it will allow them to increase the volume of uncooked uncured meat and poultry products they can sell wholesale to restaurants, institutions, and retail food establishments. The new fee structure for meat establishment licenses will be more equitable for smaller establishments, with meat establishments that require less oversight paying less than larger establishments engaged in complex activities.

Opponents of the action: No organized opposition to this action is anticipated.

Statutory changes:

97.42 Compulsory inspection of animals ~~livestock~~, meat and poultry products and carcasses.

(1) Definitions. In this section:

~~(a) "Animal" means cattle, sheep, swine, goats, farm-raised deer, horses, mules, and other equines.~~

(a) "Adulterated" has the meaning given in 9 CFR 301.2.

(b) "Capable of use as human food" applies to any carcass or part of a carcass of any animal or poultry or animal meat or poultry product unless it is denatured or otherwise identified as required by department rules, or is naturally inedible by humans.

(bm) "Captive game animal" means animals of a normally wild type that are produced in captivity for slaughter and consumption. "Captive game-animals" do not include farm-raised deer, ratites, captive game birds, fish, or animals kept solely for hunting purposes at a hunting preserve.

(bgr) "Captive game bird" means birds of a normally wild type, such as pheasants, quail, wild turkeys, migratory wildfowl and exotic birds or other birds as designated by the department that are produced in captivity for slaughter and consumption. "Captive game-birds" do not include poultry, ratites, or birds kept solely for hunting purposes at a hunting preserve.

(c) "Carcass" means all parts, including the viscera, of slaughtered animals livestock and poultry that are capable of being used for human food.

(cm) "Department" means the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(d) "Establishment" means a plant or premises, including retail premises, where animals livestock or poultry are slaughtered for human consumption, or a plant or premises, including retail premises, where meat or poultry products or ~~meat food products~~ are processed, but shall not include:

1. Establishments subject to 21 USC 451 to 695.

~~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.~~ 2. Premises of a person who is the owner of the animals livestock to be slaughtered or of carcasses to be processed, and the resulting product is for exclusive use by ~~him or her~~ the person and members of ~~his or her~~ the person's household and ~~his or her~~ the person's nonpaying guests and employees.

(dm) "Farm-raised deer" has the meaning given in s. 95.001 (1) (ag).

(e) "Inspector" means any person employed by the department or ~~any cooperating agency~~ who is authorized by the department to do any work or perform any duty in connection with the department's meat and poultry inspection program.

(em) "Livestock" means cattle, sheep, swine, goats, farm-raised deer, alpacas, llamas, bison, ratites, rabbits and other species as established by rule by the department.

(f) "Meat broker" means any person engaged in the business of buying or selling meat and poultry products, ~~or meat and poultry food products~~ on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.

(fm) "Meat distributor" means a person who is engaged in the business of distributing in this state meat and poultry products at wholesale.

~~(g) "Meat food products" means any article capable of use as human food which is derived or prepared in whole or in substantial and definite part from meat products or poultry products.~~

(h) "Meat products" and "poultry products" means the carcasses or any parts of carcasses of animals and poultry derived or prepared in whole or in substantial and definite part or articles therefrom, and capable of use as human food.

(i) "Mobile processor" means a person who provides a meat processing service to makes meat and poultry products for the general public for compensation other than the trading of services on an exchange basis, and ~~conducts the meat processing~~ makes the meat and poultry products at the premises of the owner of the carcasses being processed.

~~(j) "Mobile slaughterer" means a person who provides a slaughtering service to the general public for compensation other than the trading of services on an exchange basis, and conducts such slaughtering at the premises of the owners of the animals being slaughtered.~~

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

(L) "Poultry" means any domesticated ~~owl~~ birds, including but not limited to chickens, turkeys, geese, ducks or guineas, but shall not include ~~commercially produced~~ captive game birds or ratites.

(m) "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.~~

(mm) "USDA" means the federal United States department of agriculture.

(n) "Veterinarian" means a graduate veterinarian of an accredited school of veterinary medicine who is qualified on the basis of training and experience, as determined by the department.

(nm) "Voluntary reimbursable inspection" means inspection of livestock and poultry not required under the Federal Meat Inspection Act, the Poultry Products Inspection Act or as designated by the department.

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

(2) License; certificate of registration.

(a) No person may operate an establishment as defined in sub. (1) (d) without a valid license issued by the department for each such establishment. That license expires on June 30 annually, except that a license issued for a new establishment on or after March 30 but before July 1 expires on June 30 of the following year. No license may be issued unless the applicant has complied with the requirements of this section. The annual license fee is \$200, ~~except the annual license fee shall be \$80~~ will be established by the department by rule and will be based on the type of mandatory inspection required to be performed at the establishment. A reduced annual license fee shall be established by the department by rule for those establishments engaged only in slaughtering uninspected animals or poultry or ~~processing~~ making uninspected meat or poultry products as a custom service, and not in other operations subject to a license under this section. No person may be required to obtain a license under s. 97.29 or 97.30 for activities licensed under this section or which is inspected under 21 USC 451 to 695.

(b) Paragraph (a) does not apply to any person operating an establishment that only processes meat or poultry products, ~~or meat or poultry food products,~~ for sale directly to consumers at retail on the premises where the products were processed if only inspected meat or poultry products ~~is~~ are permitted on the premises and sales to customers that are restaurants, and institutions or retail food establishments are restricted to 25% of the ~~volume of meat sales or \$28,800 annually, whichever is less~~ annual value of sales and do not exceed the dollar limitation published by the USDA under 9 CFR 303.1 (d) (2) (iii) (b) or 381.10 (d) (2) (iii) (b). No person exempt from licensure under this paragraph may sell any cured, smoked, seasoned, canned or cooked meat ~~food~~ or poultry products produced by that person to ~~restaurants, or institutions, or retail food establishments.~~

(bm) Paragraph (a) does not apply to any person operating an establishment that meets the requirements in 9 CFR 303.1 (d) (2) (iv) (c) or e(1), or 381.10 (d) (2) (iv) (c) or (e) (1).

(c) No person may operate as a ~~mobile slaughterer or as a~~ mobile processor without an annual registration certificate issued by the department, except that no registration certificate is required for a ~~mobile slaughterer or a~~ mobile processor who holds a license issued under par. (a). A registration certificate expires on June 30, annually. An application for an annual registration certificate shall be submitted on a form provided by the department and shall include information reasonably required by the department for registration purposes. The department shall promulgate rules regulating ~~mobile slaughterers and~~ mobile processors, including rules related to facilities, sanitation, identification of carcasses and record keeping.

(d) No person may operate as a meat broker or meat distributor without an annual registration certificate issued by the department, except that no registration certificate is required for a meat broker or a meat distributor who holds a license issued under par. (a). A registration certificate expires on June 30, annually. An application for an annual registration certificate shall be made on a form provided by the department and shall include information reasonably required by the department for registration purposes.

(3) State inspection.

(a) Examination before slaughter. 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~~ adulterated, the department shall cause to be made, by inspectors who may be veterinarians on either a full-time or part-time basis under supervision of the department, examination and inspection of all animals livestock

and poultry before they are slaughtered in any establishment, except as provided in pars. (d) and (em). All ~~animals~~ livestock and poultry found on such inspection to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other ~~animals~~ livestock 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) Examination after slaughter. For the purpose stated in par. (a), the department shall cause to be made, by inspectors under supervision of the department, who may be veterinarians on either a full-time or part-time basis, an examination and inspection of the carcasses and parts thereof of all animals and poultry slaughtered at any establishment, except as provided in pars. (d) and (em). ~~The carcasses and parts thereof of all animals and poultry~~ Meat and poultry products found to be ~~wholesome and fit for~~ capable for use as 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 animals and poultry~~ meat and poultry products found to be ~~unwholesome or otherwise unfit for human food~~ adulterated, and all ~~carcasses and parts thereof~~ meat and poultry products 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) Reexaminations. Inspectors shall, when deemed advisable, reinspect ~~carcasses, parts thereof or meat food~~ meat and poultry products to determine whether the same have become ~~unwholesome~~ adulterated or in any other way ~~unfit~~ not capable for use as human food. If any ~~carcasses, parts thereof or meat food or poultry products~~, upon a reexamination, are found to be ~~unwholesome or otherwise unfit for human food~~ adulterated, they shall be destroyed, in accordance with rules issued by the department.

(cm) Voluntary reimbursable inspection services. The department shall provide slaughter and inspection services for certain captive game animals and captive game birds. The department shall designate species of captive game animals and captive game birds for which voluntary reimbursable inspection can be provided. The licensed meat establishment shall reimburse the department the actual cost of providing voluntary reimbursable inspection at rates established by the department by rule.

(d) Custom service slaughtering. This subsection shall not apply to ~~animals~~ livestock and poultry slaughtered as a custom service for the owner exclusively for use by the owner and members of the owner's household and the owner's nonpaying guests and employees, unless department inspection is specifically requested and performed at establishments where examinations before and after slaughter are required. The rules of the department shall make provision for the furnishing of such inspection service, subject to availability of inspector personnel, and for the identification of all ~~animals~~ livestock and poultry custom slaughtered for the owners thereof without department inspection.

(e) Periodic inspections. 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 or any other premises, including vehicles engaged in transportation of such products. Inspection of products and plant operations shall cover such operations as cutting and boning, curing and smoking, grinding and fabrication, manufacturing, packaging, labeling, storage and

transportation. Periodic inspections of processing operations shall be conducted as uniformly as possible among establishments subject to overtime inspection under sub. (4) (f) to avoid the imposition of undue inspection fees against any establishment. Inspections at overtime rates shall only be held where necessary to assure wholesomeness and safety of products and compliance with the requirements of this section and rules of the department.

(em) Slaughter of farm-raised deer. The requirements of pars. (a) and (b) do not apply to the slaughter of a farm-raised deer if its meat ~~food~~ products are not sold by a person holding a restaurant permit under s. 254.64 or by an operator of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an establishment in which farm-raised deer, their carcasses or their meat ~~food~~ products are examined and inspected under this subsection shall pay the department for the cost of the department's examination and inspection.

(f) Label requirements. In addition to label requirements otherwise provided by law, meat ~~food~~ and poultry products shall bear a label, stamp, mark or tag including thereon the official inspection mark and identification number of the establishment where processed. Meat and poultry products processed and sold at retail to household consumers on the premises shall not require official inspection marks and identification numbers.

(4) Rules. The department may issue reasonable rules requiring or prescribing any of the following:

(a) The inspection before and after slaughter of all ~~animals~~ livestock and poultry killed or dressed for human consumption at any establishment.

(b) The inspection and marking of ~~carcasses or parts thereof~~ meat and poultry products 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, retention and destruction ~~for~~ to prevent human consumption of any animal or poultry, carcasses, parts thereof, or meat ~~food~~ or poultry products which have not been inspected or passed or are ~~unwholesome or~~ adulterated or misbranded.

(e) The hours and days in each week when slaughtering or processing may be conducted in any establishment subject to a license under sub. (2). The schedules so fixed shall be as nearly as possible in accord with existing industry standards of establishments subject to inspection. However, in order to avoid excessive costs for inspection and stay within the limit of appropriations, the schedules may require that:

1. Slaughtering or processing be conducted continuously during successive days and hours of the regular workweek for state employees;

2. The rate of slaughter for the different classes of ~~animals~~ livestock and poultry conform to reasonable ~~minimums~~ minimum levels per hour;

3. Inspection of ~~animals~~ livestock and poultry slaughtered as a custom service be restricted to the time of the regular slaughter schedule fixed for the establishment. When inspection is provided for custom

slaughtering and custom processing the inspection shall be conducted in accordance with sub. (3) (a) to (c) and rules prescribed under this subsection; and

4. The department be notified a reasonable time in advance of any deviation from existing schedules or when slaughtering or processing is to be conducted at times other than those specified under regularly established schedules.

(em) The rate at which an operator of an establishment that slaughters farm-raised deer or processes the meat products of farm-raised deer shall pay the costs of examination and inspection under sub. (3) (em) and the manner in which the department shall collect those amounts.

(f) Overtime agreements with the department whereby the operator of any establishment subject to a license under sub. (2), agrees to pay the cost for salaries, at overtime rates, and other expenses of department inspectors whenever slaughtering, carcass preparation, or the processing of meat or poultry products ~~or meat food products~~ is conducted beyond hours or days limited under par. (e), or on Saturdays, Sundays or holidays for state employees under s. 230.35 (4), or before 6 a.m. or after 6 p.m., or in excess of 40 hours in any week. Overtime charges for periodic inspections under sub. (3) (e) shall, insofar as possible, be limited to the minimum number of hours reasonably required for the conduct of such inspections. The department may assess overtime charges under this paragraph even though the department provides compensatory time in lieu of overtime compensation under s. 103.025.

(g) Specifications and standards for location, construction, operation, facilities, equipment and sanitation for any premises, establishment or mobile facility where slaughter or processing is carried on, including custom slaughtering of ~~animals~~ livestock or poultry and custom or retail processing of meat and poultry products.

(h) Conditions of sanitation under which ~~carcasses, parts of carcasses, poultry and~~ meat and poultry products shall be stored, transported or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, transporting or processing such products.

(i) Record-keeping requirements for persons engaged in slaughtering or processing operations, or in the storage or transportation of meat, or poultry, ~~or meat food~~ products, including record-keeping requirements for meat brokers and the registration of meat brokers with the department.

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

(4m) Federal requirements. Except as provided in rules promulgated under sub. (4), the operator of an establishment that is required to be licensed under this section shall comply with applicable requirements of 9 CFR parts 307 to 311, 313 to 315, 317 to ~~319~~320, 325, 412, 416 and 417 and part 381 subparts G, H, I, J, K, L, O and P.

~~(5) County and municipal inspections.~~

~~(a) The department may enter into cooperative agreements with counties and municipalities for inspection and enforcement services required by this section and by approved meat and poultry inspection ordinances and regulations. Employees 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 and the inspection of farm raised deer. Charges for overtime or for the inspection of farm raised deer shall be on the same basis as and shall not exceed charges for overtime work or for the inspection of farm raised deer prescribed by this section or by the rules of the department.~~

(6) Prohibitions.

(a) No person shall slaughter any animals livestock 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 or her possession with intent to sell such meat ~~products~~ or poultry products for human food, unless such animals livestock and poultry and the carcasses thereof have been first inspected and approved as provided by any of the following:

1. This section and the rules issued thereunder.

2. The federal meat inspection act.

3. The federal poultry products inspection act.

~~4. 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) No person shall slaughter horses, mules or other equines or process equine carcasses or meat at establishments where other ~~animals~~ livestock or poultry are slaughtered or where other meat or poultry products are 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,~~ USDA provided such meat products and poultry products are ~~wholesome~~ unadulterated 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. The examination, inquiry or inspection may include taking samples, pictures and documentary and physical evidence pertinent to enforcement of this section.

(8) Interference with inspection. Any person who forcibly assaults, threatens, obstructs, impedes, intimidates or interferes with any person while engaged in the performance of his or her official duties under this section shall be fined not more than \$5,000 or imprisoned in the county jail not to exceed one year or both.

(9) Tagging of facilities, equipment and product.

(a) When in the opinion of the department, the use of any equipment, compartment, room or facilities which is unclean or unsanitary or improperly constructed could lead to contamination of the a meat or poultry product, the department may attach a "Rejected" tag to it. No equipment, utensil, container, compartment, room or facility so tagged may be used until made acceptable and released by a department representative, or until such equipment is replaced with acceptable equipment.

(b) 1. When in the opinion of the department any ~~carcass~~, meat or poultry product, ~~meat food product~~, or supplies or ingredients used in the processing thereof may be ~~unwholesome~~, adulterated or misbranded, or otherwise fail to meet standards or requirements of this section or rules adopted under

this section, the department may tag them with a "Retained" tag to hold them for further inspection, analysis or examination. No ~~carcass~~, meat or poultry product, ~~meat food product~~, or supplies or ingredients so tagged may be used, removed from the premises or otherwise disposed of unless released by a department representative. Such products may not be retained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

2. When in the opinion of the department any ~~carcass~~, meat or poultry product, or supplies or ingredients used in the processing thereof is ~~unwholesome~~, adulterated or misbranded, or otherwise ~~fail~~ fails to meet standards or requirements of this section or rules adopted under this section, the department may tag them with a "Detained" tag to hold them for destruction or other disposition. No ~~carcass~~, meat or poultry product, ~~meat food product~~, or supplies or ingredients so tagged may be used, removed from the premises or otherwise disposed of unless released by a department representative. Such products may not be destroyed or detained for more than 30 days without prior notice to the owner or custodian and the right to an immediate hearing.

(c) No person may alter, deface or remove any tag from facilities, equipment, products or supplies to which it has been attached by a department inspector without the express consent or approval of the inspector or other department representative.

(10) Suspension. The department may, upon written notice, summarily suspend the operations in whole or in part at any establishment for substantial violations of this section or rules issued hereunder when, in the opinion of the department, a continuation of the operation would constitute an imminent danger to public health. The department may, upon written notice, summarily suspend inspection at any establishment for acts punishable under sub. (8) where such acts substantially impair an inspector's ability to conduct an orderly inspection. Upon suspension of operations or inspection, the operator of the establishment may demand a hearing to determine whether the suspension should be vacated. The department shall, within 5 days after receipt of such demand, hold a hearing and adjudicate the issues as provided in ch. 227. A demand for hearing shall not, however, operate to stay the suspension pending the hearing.

(11) Exemption. This section shall not apply to owners of poultry with respect to poultry produced on the owner's farm, provided his or her sales do not exceed 1,000 ~~fewl~~ birds annually, and the birds are labeled and tagged to identify the name and address of the producer and are marked "NOT INSPECTED". Persons processing more than 1,000 ~~fewl~~ birds but less than 20,000 ~~fewl~~ birds shall be fully subject to the provisions of this section relating to licensing, sanitation, facilities and wholesomeness of product. If the department determines that the protection of consumers from unwholesome poultry products will not be impaired, it may exempt such persons from sub. (3) (a) and (b) provided the birds are labeled or tagged to identify the name and address of the producer and are marked "NOT INSPECTED".

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

~~97.45 Labeling of horsemeat.~~

~~(1) No person shall sell any horsemeat, unless it is conspicuously labeled, marked, branded or tagged "horsemeat" or, in case horsemeat is used as an ingredient in any animal or human food, unless such food is conspicuously labeled to show the presence of horsemeat.~~

~~(2) Whoever violates this section is guilty of a Class H felony.~~