

CR 86-12

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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF AGRICULTURE, ) SS.  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Don E. Konsoer, Acting Administrator, Food Division, State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order amending rules relating to the emergency slaughter and processing of accidentally injured animals on a custom basis and the definition of diseased animal, sections Ag 47.02(23) and Ag 47.09(5), Wis. Adm. Code, was duly approved and adopted by the Department on April 17, 1986.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 17th day of April, 1986.

Don E. Konsoer  
Don E. Konsoer, Acting Administrator  
Food Division

6-1-86

1 ORDER

2 OF THE

3 STATE OF WISCONSIN

4 DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

5 ADOPTING RULES

6

7 To create ss. Ag 47.02(23) and Ag 47.09(5), Wis. Adm. Code,  
8 relating to the emergency slaughter and processing of accidentally  
9 injured animals on a custom basis and the definition of diseased  
10 animal.

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Analysis Prepared by the Department of Agriculture,  
Trade and Consumer Protection

These rules create procedures for the emergency slaughter and processing of accidentally injured animals on a custom basis, where the meat from such animals is intended for private consumption and not for sale. The rules also redefine the term "diseased animal."

Under current law, all meat that is intended for sale must be inspected before and after slaughter to determine whether the meat is fit for human consumption, s. 97.42, Wis. Stats. Current law allows healthy animals to be slaughtered without inspection, so long as the meat is intended for private consumption and not for sale, s. 97.42(3)(d), Wis. Stats. Current law forbids the sale or use for human consumption of meat from diseased animals, s. 97.43, Wis. Stats. The term "diseased animal" is not defined by statute or by administrative rule. However, the Wisconsin Supreme Court has provided a judicial interpretation of the term. According to the court, "diseased animal" means a sick, ill, or unhealthy animal, an animal suffering from any departure from health. State v. Ehlenfeldt, 94 Wis. 2d 347, 356-57 (1980). Current law also requires that all accidentally injured animals be submitted for inspection before and after slaughter by either a department meat inspector or a private veterinarian, s. Ag 47.16(6) and (8), Wis. Adm. Code.

The rules redefine the term "diseased animal" to mean a sick, ill, or unhealthy animal, but would exclude otherwise healthy animals with accidental injuries such as fractures, cuts, and bruises. This will allow healthy animals with accidental injuries to be slaughtered without inspection, if the meat is intended for private consumption and not for sale, without violating s. 97.43, Wis. Stats.

The rules expressly provide that healthy animals with accidental injuries such as fractures, cuts, and bruises, may be slaughtered without inspection if the animal is slaughtered within 24 hours of injury and the meat is intended for private consumption and not for sale. To ensure that this procedure is not abused, the rules require that all such animals be accompanied by a signed certificate providing the name and address of the owner of the animal, information describing the injury, and information describing all of the drugs administered to the animal within 30 days. The rules also require meat processors to provide the owners of the meat from such animals with a written statement of the weight of the carcass before and after processing, and to obtain a receipt from the owner of the meat when it is delivered after processing.

The rules also require that healthy animals with accidental injuries may be slaughtered without inspection even when the animal is slaughtered more than 24 hours after injury if the meat is intended for private consumption and not for sale and the meat is not subsequently processed in a state licensed meat plant. The meat from such an animal may be processed in a state licensed meat plant only if the animal was inspected before and after slaughter by a private veterinarian and the private veterinarian provides the department with written certification that the meat is wholesome and free of disease. Such meat cannot be sold even though it was inspected by a private veterinarian.

Sections Ag 47.02(23) and Ag 47.09(5), Wis. Adm. Code, were adopted by the department as an emergency rule and became effective upon publication in the official state newspaper on November 26, 1985. These rules make the emergency rule permanent.

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1 Pursuant to authority vested in the State of Wisconsin  
2 Department of Agriculture, Trade and Consumer Protection by  
3 ss. 93.07(1), and 97.42(4)(a), (i) and (j), Wis. Stats., the  
4 department adopts rules interpreting ss. 97.42(3)(d) and 97.43,  
5 Wis. Stats., as follows:  
6 SECTION 1. Ag 47.02(23), Wis. Adm. Code, is created to  
7 read:  
8 Ag 47.02(23) "Diseased animal" means an animal which has  
9 become sick, ill, or unhealthy in response to environmental  
10 factors, specific infective agents, inherent defects, or

1 combinations of these factors, and does not mean an otherwise  
2 healthy animal with accidental injuries, such as fractures, cuts,  
3 and bruises.

4 SECTION 2. Ag 47.09(5), Wis. Adm. Code, is created to read:

5 Ag 47.09(5) EMERGENCY SLAUGHTER. (a) Accidentally injured  
6 animals with fractures, cuts, or bruises, but which are otherwise  
7 healthy, may be slaughtered on an emergency basis if slaughtered  
8 within 24 hours after the injury was incurred. No antemortem or  
9 postmortem inspection shall be required for the emergency  
10 slaughter of such accidentally injured animals if done on a custom  
11 basis and the meat is not intended for sale.

12 (b) All animals submitted for emergency slaughter on a  
13 custom basis shall be accompanied by a certificate signed by the  
14 owner or custodian of the animal at the time of injury providing  
15 the following information:

- 16 1. Name and address of the owner or custodian.
- 17 2. Type of injury.
- 18 3. Time and date the injury was incurred.
- 19 4. All drugs administered to the animal within 30 days prior  
20 to its submission for emergency slaughter.
- 21 5. The last date drugs were administered to the animal.

22 (c) Establishments shall furnish the owners of uninspected  
23 emergency slaughtered animals with a signed, written statement of  
24 the actual gross weight of the carcass prior to processing and the  
25 actual net weight of the meat after processing. The owners of  
26 such meat shall sign a receipt, and establishments shall maintain  
27 these receipts for inspection and review by the department.

1 (d) Animals with accidental injuries sustained more than 24  
2 hours before submission for slaughter, whose meat is intended for  
3 private consumption by the animal's owner, the owner's household  
4 and nonpaying guests and employees, and not for sale, shall be  
5 slaughtered in establishments where meat inspection is maintained  
6 under s. 97.42 or the federal meat inspection act, or where the  
7 animal is kept. Meat from such animals may be received and  
8 processed, on a custom basis and not for sale, in establishments  
9 only if:

- 10 1. A licensed practicing veterinarian performs both  
11 antemortem and postmortem inspections on the animal;
- 12 2. The veterinarian certifies, in writing, that the meat  
13 from such animal is wholesome and free of disease;
- 14 3. The veterinarian furnishes the department with such  
15 certification.

16 SECTION 3. The rules contained in this order shall take  
17 effect on the first day of the month following publication in the  
18 Wisconsin administrative register, as provided in s. 227.026(1),  
19 Wis. Stats.

20 Dated this 17th day of April, 1986.

21  
22 STATE OF WISCONSIN  
23 DEPARTMENT OF AGRICULTURE,  
24 TRADE AND CONSUMER PROTECTION

25 

26 Don E. Konsoer  
27 Acting Administrator, Food Division

28 CMK/T6/21/D5  
29 3/17/86