

1973 Assembly Bill 883

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CHAPTER 206, Laws of 1973

AN ACT to repeal 97.30 and 97.42 (1) (d) 4; to renumber 97.42 (4) (i), (8) and (9); to renumber and amend 93.06 (11) and 97.42 (2); to amend 66.052 (1), 95.72 (1) (b), 95.80 (1) (a), 97.42 (1) (a), (d) (intro.), (e) and (f), (3) (c) to (f), (4) (d) to (g), (7); and (11), as renumbered; and 146.125; to repeal and recreate 97.42 (1) (d) 3 and (6) (c); and to create 93.06 (11) (b) and 97.42 (1) (k) to (n), (2) (b)

and (c), (4) (e) 4 and (i), (8), (9) and (10) of the statutes, relating to inspection of animals, poultry and carcasses.

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

SECTION 1. 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 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, are deemed within the jurisdiction of the city of Milwaukee. Any town board as to the area within the town not licensed, regulated or prohibited by any city or village pursuant to 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 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. ~~Sections 97.30 and Section 97.42~~ shall not limit the powers granted by this section. Section 95.72 shall not limit the powers granted by this section to cities or villages but powers granted to towns by this section shall be limited by s. 95.72 and any orders and rules promulgated thereunder.

SECTION 2. 93.06 (11) of the statutes is renumbered 93.06 (11) (a) and amended to read:

93.06 (11) (a) ~~Co-operate~~ Cooperate with, and enter into agreements with, political subdivisions of this state or any department or agency of this state, other states, or of the United States for the purpose of carrying out its functions, and securing uniformity of regulations. Agreements may authorize the agents and employes of such agencies to enforce the laws and regulations administered by this department. When so engaged, agents and employes of cooperating agencies shall have the same powers as employes of the department and shall act under the direction and control of the department.

SECTION 3. 93.06 (11) (b) of the statutes is created to read:

93.06 (11) (b) Enter into cooperative agreements with other governmental departments and agencies of this state and the United States which authorize employes of the department to enforce the laws and regulations administered by such agencies which are directly related to the laws and regulations of this state administered by the department. Every such agreement may provide for reimbursement to this state for the cost of such enforcement activity.

SECTION 4. 95.72 (1) (b) of the statutes is amended to read:

95.72 (1) (b) Subject to subs. (10) (a) and (11), this section shall not apply to a slaughtering establishment licensed under s. ~~97.30 or~~ 97.42 or a federally inspected packer of meat products rendering or disposing of offal or dead animal parts resulting from its own operations only; a manufacturer of animal feed subject to s. 94.72 if offal or waste parts not used in his animal food products are disposed of by a renderer

licensed under this section; the operator of a fur farm collecting dead animals or parts thereof as feed for his fur-bearing animals located on his farm or ranch; or persons feeding public or commercial garbage to swine under permit from the department. No dead animals or parts thereof collected by the operator of a fur farm or a permittee feeding garbage to swine shall be resold except to a renderer licensed under this section and no offal or waste parts of animals slaughtered for feed for fur farms and canning factories manufacturing dog and cat food may be disposed of by anyone other than a licensed renderer or by burial.

SECTION 5. 95.80 (1) (a) of the statutes is amended to read:

95.80 (1) (a) "Slaughterer" means any person operating a slaughterhouse licensed under s. ~~97.30~~ or 97.42, or registered under s. 97.44.

SECTION 6. 97.30 of the statutes is repealed.

SECTION 7. 97.42 (1) (a) and (d) (intro.) of the statutes are amended to read:

97.42 (1) (a) "Animal" means cattle, sheep, swine, goats ~~and~~ horses, mules, and other equines.

(d) (intro.) "Establishment" means a plant or premises, including retail premises, where animals 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 ~~for sale~~, but shall not include:

SECTION 8. 97.42 (1) (d) 3 of the statutes is repealed and recreated to read:

97.42 (1) (d) 3. Premises of a person who is the owner of the animals to be slaughtered, and the resulting product is for exclusive use by him and members of his household and his nonpaying guests and employes.

SECTION 9. 97.42 (1) (d) 4 of the statutes is repealed.

SECTION 10. 97.42 (1) (e) and (f) of the statutes are amended to read:

97.42 (1) (e) "Meat products" and "poultry products" means the carcasses or ~~edible~~ any parts of carcasses of animals and poultry capable of use as human food.

(f) "Meat food products" means any article ~~intended for~~ 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.

SECTION 11. 97.42 (1) (k) to (n) of the statutes are created to read:

97.42 (1) (k) "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.

(L) "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 his own account or as an employe of another person.

(m) "Mobile slaughterer" means a person who provides a slaughtering service to the general public for compensation, and conducts such slaughtering at the premises of the owners of the animals being slaughtered.

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

SECTION 12. 97.42 (2) of the statutes is renumbered 97.42 (2) (a) and amended to read:

97.42 (2) (a) 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, except the fee shall be \$40 annually for those establishments engaged only in slaughtering uninspected animals or poultry or processing uninspected meat as a custom service, and not in other operations subject to a license under this section. No person shall be required to obtain a license under s. 97.28, ~~97.30~~ or 99.10, for operation of any establishment licensed under this section or which is inspected under the federal meat or poultry inspection acts.

SECTION 13. 97.42 (2) (b) and (c) of the statutes are created to read:

97.42 (2) (b) Paragraph (a) shall not apply to persons processing meat or poultry products, or meat or poultry food products for sale directly to consumers at retail on the premises where such products were processed if only inspected meat is permitted on the premises, and sales to restaurants and institutions are restricted to 25% of the volume of meat sales or \$10,000 annually, whichever is less. No person exempt from license under this paragraph shall sell any cured, smoked, seasoned, canned or cooked meat food products produced by him to restaurants or institutions.

(c) No person shall operate as a mobile slaughterer without registering his name and business address with the department. The department shall prescribe rules applicable to mobile slaughterers regulating the conduct of slaughtering operations, including facilities, sanitation, identification of carcasses and record-keeping.

SECTION 14. 97.42 (3) (c) to (f) of the statutes are amended to read:

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

(d) *Custom service slaughtering.* This subsection shall not apply to animals and poultry ~~of the owner's own raising~~ slaughtered as a custom service ~~for the owner~~ exclusively for use by him and members of his household and his nonpaying guests and employes, unless department inspection is specifically requested ~~by such owners and performed at establishments where antemortem and postmortem examinations 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 and poultry custom slaughtered for the owners thereof without department inspection.

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(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 ~~not engaged in slaughtering, including vehicles engaged in transportation of such products.~~ 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, 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.

(f) *Label requirements.* 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. Meat and poultry products processed and sold at retail to household consumers on the premises shall not require official inspection marks and identification numbers.

SECTION 15. 97.42 (4) (d) and (e) of the statutes are amended to read:

97.42 (4) (d) The seizure, retention and destruction for human consumption of any animal or poultry, carcasses, parts thereof, or meat food 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 work week for state employees;
2. The rate of slaughter for the different classes of animals and poultry conform to reasonable minimums per hour; ~~and~~
3. Inspection of animals 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

SECTION 16. 97.42 (4) (e) 4 of the statutes is created to read:

97.42 (4) (e) 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.

SECTION 17. 97.42 (4) (f) and (g) of the statutes are amended to read:

97.42 (4) (f) ~~Special Overtime~~ agreements with the department whereby the operator of any establishment ~~may make arrangements subject to a license under sub. (2), agrees to defray pay the additional cost for salaries, at overtime rates, and other expenses of department inspectors whenever slaughtering or carcass preparation, or the processing of meat or poultry products or meat food products is conducted at an establishment under state inspection at hours considered overtime for state employees, or beyond hours or days limited under par. (e), or on Saturdays, Sundays or holidays for state employees under s. 16.30 (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.~~

(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 or poultry and custom or retail processing of meat and poultry products.

SECTION 18. 97.42 (4) (i) of the statutes is renumbered 97.42 (4) (j).

SECTION 19. 97.42 (4) (i) of the statutes is created to read:

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

SECTION 20. 97.42 (6) (c) of the statutes is repealed and recreated to read:

97.42 (6) (c) No person shall slaughter horses, mules or other equines or process equine carcasses or meat at establishments where other animals or poultry are slaughtered or where other meat or poultry products are processed.

SECTION 21. 97.42 (7) of the statutes is amended to read:

97.42 (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.

SECTION 22. 97.42 (8) and (9) of the statutes are renumbered 97.42 (11) and (12), respectively, and 97.42 (11), as renumbered, is amended to read:

97.42 (11) EXEMPTION. This section shall not apply to owners of poultry with respect to poultry produced on the owner's farm, provided his sales do not exceed 250

turkeys or 1,000 other fowl annually, and the birds are labeled and tagged to identify the name and address of the producer and are marked "NOT INSPECTED". Persons processing ~~for sale~~ more than 250 turkeys or 1,000 other fowl but less than 5,000 turkeys or 20,000 other fowl shall be fully subject to the provisions of this ~~act~~ 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. (2) and 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"~~.

SECTION 23. 97.42 (8), (9) and (10) of the statutes are created to read:

97.42 (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 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 AND EQUIPMENT. 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 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.

(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 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.

SECTION 24. 146.125 of the statutes is amended to read:

146.125 Powers of villages, cities and towns. ~~The provisions of s. 97.30 shall not be construed as a limitation upon cities, villages and towns to license and regulate the construction, operation and maintenance of slaughterhouses or to prohibit the same nor shall the provisions of s. 95.72 shall not be construed as depriving any city or village from passing any ordinance prohibiting the rendering of dead animals within the boundaries specified in s. 66.052 nor as nullifying any existing law or ordinance prohibiting the rendering of dead animals within such area, nor prohibiting any city or village from licensing, revoking such license, and regulating the business of rendering and transporting dead animals under sanitary conditions no less stringent than provided by said section and the rules of the department of agriculture and any such licensing and regulation shall be construed as supplementary to the provisions of this section and the rules of the department shall in no way not be construed as excusing or justifying any failure or neglect to comply with any and all of the provisions of this section and the rules of the department. The provisions of s. 95.72 shall be expressly construed as modifying the powers granted to towns and any city, village or town is empowered to take any action to be taken under the provisions of s. 146.14 and to institute and maintain court proceedings to prevent, abate or remove any nuisances~~

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thereunder and to institute and maintain any action under provisions of ss. 280.01, 280.02 and 280.07.
