

Senate Bill 364

By: Senator Bulloch of the 11th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To extensively remove ratites from livestock and meat classifications and reclassify ratites
2 as poultry for certain purposes; to amend Title 1 of the Official Code of Georgia Annotated,
3 relating to general provisions, so as to change certain provisions relating to definitions; to
4 amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to change
5 certain provisions relating to mark, brand, or tattoo registration certificates; to change certain
6 provisions relating to definitions relative to livestock running at large or straying; to change
7 certain provisions relating to a definition of livestock relative to control of infectious or
8 contagious diseases in livestock generally; to change certain provisions relating to definitions
9 relative to live poultry dealers, brokers, and market operators; to change certain provisions
10 relating to definitions relative to livestock dealers; to amend Title 16 of the Official Code of
11 Georgia Annotated, relating to crimes and offenses, so as to change certain provisions
12 relating to livestock theft; to amend Title 26 of the Official Code of Georgia Annotated,
13 relating to food, drugs, and cosmetics, so as to change certain provisions relating to
14 definitions relative to meat inspection generally; to change certain provisions relating to
15 detention of carcasses, meat, and meat food products suspected of being adulterated or
16 misbranded and removal of official marks; to change certain provisions relating to seizure
17 and condemnation of carcasses, meat, and meat food products, release bond, and costs; to
18 change certain provisions relating to duties of meat inspectors; to change certain provisions
19 relating to examinations and inspections of ratite or nontraditional livestock carcasses, meats,
20 and meat food products; to change certain provisions relating to inspection of animals prior
21 to slaughter or preparation, examination and slaughtering of diseased animals, examination
22 and inspection of method, and right of Commissioner to deny or suspend inspections; to
23 change certain provisions relating to post-mortem inspection and marking of carcasses and
24 parts, disposition of condemned carcasses and parts, reinspection, and removal of inspectors;
25 to change certain provisions relating to inspection of carcasses, parts, meat, and meat
26 products brought into or returned to slaughtering or packing establishments; to change certain
27 provisions relating to limitations on entry of carcasses, parts, meat, and meat products; to
28 change certain provisions relating to sanitary inspections of slaughter and packing

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1 establishments, sanitation regulations, and labeling adulterated meat and meat food products;
 2 to change certain provisions relating to inspection of animals and food products thereof
 3 slaughtered and prepared at nighttime; to change certain provisions relating to slaughter,
 4 preparation, sale, or transportation of animals, meat, or meat food products generally; to
 5 change certain provisions relating to approved methods for handling and slaughtering of
 6 animals and designation by Commissioner of methods of handling and slaughtering; to
 7 change certain provisions relating to inspection exceptions and labeling and handling of
 8 custom slaughtered and prepared meat or meat food products; to change certain provisions
 9 relating to storage and handling regulations for carcasses, meat, and meat food products; to
 10 change certain provisions relating to buying, selling, transporting, or receiving of dead,
 11 dying, disabled, or diseased animals; to change certain provisions relating to registration of
 12 dealers in dead, dying, diseased, or disabled animals; to change certain provisions relating
 13 to maintenance and inspection of records; to change certain provisions relating to unlawful
 14 acts relative to milk and milk products; to change certain provisions relating to definitions
 15 relative to sale of meat, poultry, or seafood from mobile vehicles; to provide an effective
 16 date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended
 20 by revising paragraphs (4.1) and (16.1) of Code Section 1-3-3, relating to definitions, as
 21 follows:

22 "(4.1) 'Agriculture,' 'agricultural operations,' or 'agricultural or farm products' means
 23 raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or
 24 poultry; producing or storing feed for use in the production of livestock, including, but
 25 not limited to, cattle, calves, swine, hogs, goats, sheep, ~~ratites~~, and rabbits, or for use in
 26 the production of poultry, including, but not limited to, chickens, hens, ratites, and
 27 turkeys; producing plants, trees, fowl, or animals; or the production of aquacultural,
 28 horticultural, dairy, livestock, poultry, eggs, and apiarian products. If the term
 29 'agriculture,' 'agricultural operations,' or 'agricultural or farm products' is defined in Title
 30 2, Title 4, Title 10, or Title 11 or in any chapter, article, part, subpart, or Code section of
 31 such titles, such specific definition shall control for such purposes over the definition
 32 contained in this paragraph. Agricultural or farm products are considered grown in this
 33 state if such products are grown, produced, or processed in this state, whether or not such
 34 products are composed of constituent products grown or produced outside this state."

1 historically have not been considered by consumers as products of the meat food industry
 2 and which are exempted from definition as a meat food product by the Commissioner
 3 under such conditions as the Commissioner may prescribe by regulation to assure that the
 4 meat or other portions of such carcasses contained in such product are not adulterated and
 5 that such products are not represented as meat food products. This term as applied to food
 6 products of equines shall have a meaning comparable to that provided in this paragraph
 7 with respect to cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, and goats."
 8 "(20) 'Renderer' means any person, firm, or corporation engaged in the business of
 9 rendering carcasses or parts or products of the carcasses of cattle, sheep, swine, ~~ratites~~,
 10 nontraditional livestock, rabbits, goats, horses, mules, or other equines, except rendering
 11 conducted under inspection under Code Sections 26-2-100 through 26-2-115."

12 SECTION 9.

13 Said title is further amended by revising Code Section 26-2-84, relating to detention of
 14 carcasses, meat, and meat food products suspected of being adulterated or misbranded and
 15 removal of official marks, as follows:

16 "26-2-84.

17 Whenever any carcass, part of a carcass, meat, or meat food product of cattle, sheep, swine,
 18 ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any
 19 product exempted from the definition of a meat food product, or any dead, dying, disabled,
 20 or diseased cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbit, goat, or equine is
 21 found by any authorized representative of the Commissioner upon any premises where it
 22 is held for purposes of, or during or after, distribution and there is reason to believe that any
 23 such article is adulterated or misbranded and is capable of use as human food, or that it has
 24 not been inspected, in violation of Part 3 of this article or Title I of the Federal Meat
 25 Inspection Act or the Federal Food, Drug, and Cosmetic Act, or that such article or animal
 26 has been or is intended to be distributed in violation of any such provisions, it may be
 27 detained by such representative for a period not to exceed 20 days, pending action under
 28 Code Section 26-2-86 or notification of any federal authorities having jurisdiction over
 29 such article or animal; and it shall not be moved by any person, firm, or corporation from
 30 the place at which it is located when so detained, until released by such representative. All
 31 official marks may be required by such representative to be removed from such article or
 32 animal before it is released unless it appears to the satisfaction of the Commissioner that
 33 the article or animal is eligible to retain such marks."

1 sanitary conditions of all establishments in which ~~ratite~~ or nontraditional livestock meat
 2 and meat food products are prepared, and any other examination or inspection of ~~ratites~~ or
 3 nontraditional livestock and products thereof under or pursuant to this article shall be
 4 conducted by and through a voluntary inspection program with all costs thereof paid by the
 5 establishment slaughtering the ~~ratites~~ or nontraditional livestock or preparing such meat or
 6 meat food product, at rates established by the Commissioner."

7 SECTION 13.

8 Said title is further amended by revising Code Section 26-2-102, relating to inspection of
 9 animals prior to slaughter or preparation, examination and slaughtering of diseased animals,
 10 examination and inspection of method, and right of Commissioner to deny or suspend
 11 inspections, as follows:

12 "26-2-102.

13 (a) For the purpose of preventing the use in commerce of meat food products which are
 14 adulterated, the Commissioner shall cause to be made, by inspectors appointed for that
 15 purpose, an examination and inspection of all cattle, sheep, swine, ~~ratites~~, nontraditional
 16 livestock, rabbits, goats, horses, mules, and other equines before they shall be allowed to
 17 enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in
 18 this state in which slaughtering and preparation of meat and meat food products of such
 19 animals are conducted for commerce.

20 (b) All cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules,
 21 and other equines found on such inspection to show symptoms of disease shall be set apart
 22 and slaughtered separately from all other cattle, sheep, swine, ~~ratites~~, nontraditional
 23 livestock, rabbits, goats, horses, mules, or other equines; and, when so slaughtered, the
 24 carcasses of said cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses,
 25 mules, or other equines shall be subject to a careful examination and inspection, all as
 26 provided by the rules and regulations promulgated by the Commissioner.

27 (c) For the purpose of preventing the inhumane slaughtering of livestock, the
 28 Commissioner shall cause to be made, by inspectors appointed for that purpose, an
 29 examination and inspection of the method by which cattle, sheep, swine, ~~ratites~~,
 30 nontraditional livestock, rabbits, goats, horses, mules, and other equines are slaughtered
 31 and handled in connection with slaughter in the slaughtering establishments inspected
 32 under this article. The Commissioner may refuse to provide inspection to a new
 33 slaughtering establishment or may cause inspection to be suspended temporarily at a
 34 slaughtering establishment if the Commissioner finds that any cattle, sheep, swine, ~~ratites~~,
 35 nontraditional livestock, rabbits, goats, horses, mules, or other equines have been
 36 slaughtered or handled in connection with slaughter at such establishment by any method

1 not in accordance with paragraph (2) of Code Section 26-2-110 and Code Section
 2 26-2-110.1 until the establishment furnishes assurances satisfactory to the Commissioner
 3 that all slaughtering and handling in connection with slaughter of livestock shall be in
 4 accordance with such a method."

5 **SECTION 14.**

6 Said title is further amended by revising subsection (a) of Code Section 26-2-103, relating
 7 to post-mortem inspection and marking of carcasses and parts, disposition of condemned
 8 carcasses and parts, reinspection, and removal of inspectors, as follows:

9 "(a) The Commissioner shall cause to be made, by inspectors appointed for that purpose,
 10 a post-mortem examination and inspection of the carcasses and parts thereof of all cattle,
 11 sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, and other
 12 equines, capable of use as human food, to be prepared at any slaughtering, meat-canning,
 13 salting, packing, rendering, or similar establishment in this state in which such articles are
 14 prepared for commerce."

15 **SECTION 15.**

16 Said title is further amended by revising subsection (a) of Code Section 26-2-104, relating
 17 to inspection of carcasses, parts, meat, and meat products brought into or returned to
 18 slaughtering or packing establishments; limitations on entry of carcasses, parts, meat, and
 19 meat products, as follows:

20 "(a) Code Sections 26-2-102 and 26-2-103 shall apply to all carcasses or parts of carcasses
 21 of cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, and
 22 other equines, or the meat or meat products thereof, capable of use as human food, which
 23 may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar
 24 establishment where inspection under this part is maintained; and such examination and
 25 inspection shall be had before the carcasses or parts thereof shall be allowed to enter into
 26 any department wherein the same are to be treated and prepared for meat food products."

27 **SECTION 16.**

28 Said title is further amended by revising Code Section 26-2-108, relating to sanitary
 29 inspections of slaughter and packing establishments, sanitation regulations, and labeling
 30 adulterated meat and meat food products, as follows:

31 "26-2-108.

32 The Commissioner shall cause to be made, by experts in sanitation or by other competent
 33 inspectors, such inspection as may be necessary to inform himself or herself about the
 34 sanitary conditions of all slaughtering, meat-canning, salting, packing, rendering, or similar

1 establishments in which cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats,
 2 horses, mules, and other equines are slaughtered and the meat and meat food products
 3 thereof are prepared for commerce. The Commissioner shall prescribe the rules and
 4 regulations of sanitation under which such establishments shall be maintained; and, where
 5 the sanitary conditions of any such establishment are such that the meat or meat food
 6 products are rendered adulterated, the Commissioner shall refuse to allow the meat or meat
 7 food products to be labeled, marked, stamped, or tagged as 'Inspected and Passed.'

8 SECTION 17.

9 Said title is further amended by revising Code Section 26-2-109, relating to inspection of
 10 animals and food products thereof slaughtered and prepared at nighttime, as follows:

11 "26-2-109.

12 The Commissioner shall cause an examination and inspection of all cattle, sheep, swine,
 13 ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, and other equines, and the
 14 food products thereof, slaughtered and prepared in the establishments described in this part.
 15 Such inspection shall be made during the nighttime as well as during the daytime, when the
 16 slaughtering of said cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats,
 17 horses, mules, and other equines or the preparation of said food products is conducted
 18 during the nighttime."

19 SECTION 18.

20 Said title is further amended by revising Code Section 26-2-110, relating to slaughter,
 21 preparation, sale, or transportation of animals, meat, or meat food products generally, as
 22 follows:

23 "26-2-110.

24 No person, firm, or corporation shall, with respect to any cattle, sheep, swine, ~~ratites~~,
 25 nontraditional livestock, rabbits, goats, horses, mules, or other equines, or any carcasses,
 26 parts of carcasses, meat, or meat food products of any such animals:

27 (1) Slaughter any such animals or prepare any such articles which are capable of use as
 28 human food, at any establishment preparing such articles for commerce except in
 29 compliance with this article;

30 (2) Slaughter or handle in connection with such slaughter any such animals in any
 31 manner not declared to be humane under Code Section 26-2-110.1;

32 (3) Sell, transport, offer for sale or transportation, or receive for transportation, in
 33 commerce:

34 (A) Any such articles which:

35 (i) Are capable of use as human food; and

1 (ii) Are adulterated or misbranded at the time of such sale, transportation, offer for
2 sale or transportation, or receipt for transportation; or

3 (B) Any articles required to be inspected under this part unless they have been so
4 inspected and passed; or

5 (4) With respect to any such articles which are capable of use as human food, do any act
6 while they are being transported in commerce or held for sale after such transportation
7 which is intended to cause or has the effect of causing such articles to be adulterated or
8 misbranded."

9 **SECTION 19.**

10 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
11 26-2-110.1, relating to approved methods for handling and slaughtering of animals and
12 designation by Commissioner of methods of handling and slaughtering, as follows:

13 "(1) In the case of cattle, calves, horses, mules, sheep, swine, ~~ratites~~, nontraditional
14 livestock, rabbits, and other livestock, all animals are to be rendered insensible to pain
15 by a single blow or gunshot or by an electrical, chemical, or other means which is rapid
16 and effective before being shackled, hoisted, thrown, cast, or cut; or"

17 **SECTION 20.**

18 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
19 26-2-112, relating to inspection exceptions and labeling and handling of custom slaughtered
20 and prepared meat or meat food products, as follows:

21 "(2) The custom slaughter by any person, firm, or corporation of cattle, sheep, swine,
22 ~~ratites~~, nontraditional livestock, rabbits, or goats delivered by the owner thereof for such
23 slaughter and the preparation by such slaughterer and transportation in commerce of the
24 carcasses, parts thereof, meat, and meat food products of such animals exclusively for use
25 in the household of such owner by the owner and members of his or her household and
26 his or her nonpaying guests and employees; nor to the custom preparation by any person,
27 firm, or corporation of carcasses, parts thereof, meat, or meat food products derived from
28 the slaughter by any person of cattle, sheep, swine, ~~ratites~~, nontraditional livestock,
29 rabbits, or goats of his or her own raising, or from game animals, delivered by the owner
30 thereof for such custom preparation and transportation in commerce of such custom
31 prepared articles, exclusively for use in the household of such owner by him or her and
32 members of his or her household and his or her nonpaying guests and employees,
33 provided that, in cases where such person, firm, or corporation engages in such custom
34 operations at an establishment at which inspection under this article is maintained, the
35 Commissioner may exempt from such inspection at such establishment any animals

1 slaughtered or any meat or meat food products otherwise prepared on such custom basis.
2 Custom operations at any establishment shall be exempt from inspection requirements
3 as provided by this Code section only if the establishment complies with regulations
4 which the Commissioner is authorized to promulgate to assure that any carcasses, parts
5 thereof, meat, or meat food products, wherever handled on a custom basis, or any
6 containers or packages containing such articles are separated at all times from carcasses,
7 parts thereof, meat, or meat food products prepared for sale; that all such articles prepared
8 on a custom basis or any containers or packages containing such articles are plainly
9 marked 'Not for Sale' immediately after being prepared and kept so identified until
10 delivered to the owner; and that the establishment conducting the custom operation is
11 maintained and operated in a sanitary manner; or"

12 **SECTION 21.**

13 Said title is further amended by revising Code Section 26-2-113, relating to storage and
14 handling regulations for carcasses, meat, and meat food products, as follows:

15 "26-2-113.

16 The Commissioner may by regulations prescribe conditions under which carcasses, parts
17 of carcasses, meat, and meat food products of cattle, sheep, swine, ~~ratites~~, nontraditional
18 livestock, rabbits, goats, horses, mules, or other equines, capable of use as human food,
19 shall be stored or otherwise handled by any person, firm, or corporation engaged in the
20 business of buying, selling, freezing, storing, or transporting such articles whenever the
21 Commissioner deems such action necessary to assure that such articles will not be
22 adulterated or misbranded when delivered to the consumer."

23 **SECTION 22.**

24 Said title is further amended by revising Code Section 26-2-130, relating to buying, selling,
25 transporting, or receiving of dead, dying, disabled, or diseased animals, as follows:

26 "26-2-130.

27 No person, firm, or corporation engaged in the business of buying, selling, or transporting
28 in commerce dead, dying, disabled, or diseased animals, or any parts of the carcasses of
29 any such animals, shall buy, sell, transport, offer for sale or transportation, or receive for
30 transportation any dead, dying, disabled, or diseased cattle, sheep, swine, ~~ratites~~,
31 nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of the
32 carcasses of any such animals, unless such transaction or transportation is made in
33 accordance with such regulations as the Commissioner may promulgate, to assure that such
34 animals, or the unwholesome parts or products thereof, will be prevented from being used
35 for human food purposes."

SECTION 23.

Said title is further amended by revising Code Section 26-2-131, relating to registration of dealers in dead, dying, diseased, or disabled animals, as follows:

"26-2-131.

No person, firm, or corporation shall engage in business as a meat broker, renderer, or animal food manufacturer or engage in business as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles, or engage in the business of buying, selling, or transporting in commerce any dead, dying, disabled, or diseased animals of the specified kinds, or parts of such carcasses of any such animals unless, when required by regulations of the Commissioner, he or she has registered with the Commissioner his or her name and the address of each place of business at which, and all trade names under which, he or she conducts such business."

SECTION 24.

Said title is further amended by revising paragraphs (1) and (3) of subsection (a) of Code Section 26-2-132, relating to maintenance and inspection of records, as follows:

"(1) Any persons, firms, or corporations that engage for commerce in the business of slaughtering any cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, or other equines or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals for use as human food or animal food;"

"(3) Any persons, firms, or corporations that engage in business as renderers or engage in the business of buying, selling, or transporting any dead, dying, disabled, or diseased cattle, sheep, swine, ~~ratites~~, nontraditional livestock, rabbits, goats, horses, mules, or other equines, or parts of such carcasses."

SECTION 25.

Said title is further amended by revising paragraph (2) of Code Section 26-2-249, relating to unlawful acts relative to milk and milk products, as follows:

"(2) To keep, store, or prepare for market any milk, cream, or other dairy products in the same building or enclosure where any hide or fur or any cow, horse, ~~ratite~~, nontraditional livestock, hog, or other livestock is kept;"

SECTION 26.

1
2 Said title is further amended by revising paragraphs (1) and (3) of Code Section 26-2-410,
3 relating to definitions relative to sale of meat, poultry, or seafood from mobile vehicles, as
4 follows:

5 "(1) 'Meat' means the carcass or any part of any carcass of any animal, ~~including ratites,~~
6 or any by-product thereof in any form."

7 "(3) 'Poultry' means domestic fowl including, but not limited to, water fowl such as geese
8 and ducks; birds which are bred for meat or egg production; game birds such as
9 pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, and
10 peafowl; ratites; and all other avian species. ~~Such term shall not include ratites, which are~~
11 ~~considered to be livestock under the laws of this state."~~

SECTION 27.

12
13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

SECTION 28.

15
16 All laws and parts of laws in conflict with this Act are repealed.