

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2100

Introduced by

Agriculture and Veterans Affairs Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 4.1-31-01 and 4.1-31-16 of the North Dakota
2 Century Code, relating to the definition of custom exempt establishments and official
3 establishments and registration and licensure of meat processing businesses.

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

5 **SECTION 1. AMENDMENT.** Section 4.1-31-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4.1-31-01. Definitions.**

8 1. "Adulterated" means a carcass or meat food product:

- 9 a. That includes a poisonous or harmful substance that may render it injurious to
10 health;
- 11 b. That includes a chemical pesticide that is unsafe under the Federal Food, Drug,
12 and Cosmetic Act [21 U.S.C. 301 et seq.];
- 13 c. That includes a food or color additive that is unsafe under the Federal Food,
14 Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
- 15 d. That includes a filthy, putrid, or decomposed substance or is for any other reason
16 unfit for human food;
- 17 e. That has been prepared, packed, or held under unsanitary conditions;
- 18 f. That includes the product of an animal that has died in a manner other than
19 slaughter or includes the product of an animal condemned by reason of disease
20 that existed at the time of slaughter;
- 21 g. The container of which includes a poisonous or harmful substance that may
22 make the contents harmful to health;

- 1 h. That has been intentionally subjected to radiation, unless the use of the radiation
2 conformed with a regulation or exemption in effect under the Federal Food, Drug,
3 and Cosmetic Act [21 U.S.C. 301 et seq.];
- 4 i. That is damaged or inferior and that damage or inferiority has been concealed; or
5 j. That has had a substance added to it or mixed or packed with it so as to increase
6 its bulk or weight, or make it appear better or of greater value than it is.
- 7 2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, horses,
8 equines, bison, other large domesticated animals, domesticated rabbits, and poultry.
- 9 3. "Carcass" includes all or any part of an animal carcass.
- 10 4. "Container" means a receptacle of a meat food product.
- 11 5. "Custom exempt establishment" means an establishment as determined by the
12 commissioner where slaughter and processing activities of an animal carcass or meat
13 food products are done as a service for only the owner of the animal and the meat is
14 returned to the owner for personal use.
- 15 6. "Custom processing" means slaughtering, eviscerating, dressing, or processing an
16 animal carcass or meat food products for the owner of the animal carcass or the meat
17 food products, if all meat food products derived from the custom processing are
18 returned to that owner.
- 19 6-7. "Inspector" means an inspector appointed by the commissioner to perform duties
20 under this chapter.
- 21 7-8. "Intrastate commerce" means commerce within this state.
- 22 8-9. "Meat" means the edible flesh of an animal born and harvested for the purpose of
23 human consumption.
- 24 9-10 "Meat food product" means a product usable as human food which contains any part
25 of a carcass from an animal born and harvested for the purpose of human
26 consumption. The term does not include any product that contains any part of an
27 animal carcass in a relatively small proportion or which historically has not been
28 considered by consumers as a product of the meat food industry, and which is not
29 represented as a meat food product.
- 30 11. "Official establishment" means an establishment as determined by the commissioner
31 at which state inspection of the slaughter of livestock or poultry or the processing of

1 meat or meat food products for human consumption is maintained under the authority
2 of this chapter, but does not include:

3 a. Establishments subject to federal inspection.

4 b. Custom exempt establishments.

5 ~~10-12.~~ "Poultry" includes domesticated fowl bred for the primary purpose of producing eggs
6 or meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries,
7 waterfowl, and game birds, but excluding doves and pigeons.

8 ~~11-13.~~ "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise
9 manufactured or processed.

10 **SECTION 2. AMENDMENT.** Section 4.1-31-16 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **4.1-31-16. Registration and licensure of business.**

13 1. A person may not engage in intrastate business as a meat broker, renderer, or animal
14 food manufacturer; a wholesaler of animal carcasses intended for human food or other
15 purposes; a public warehouse operator storing carcasses of animals in or for intrastate
16 commerce; or a buyer, seller, or transporter of dead, dying, disabled, or diseased
17 animals, or the carcasses of animals that died other than by slaughter, unless the
18 person first provides the commissioner with the person's name, the address of each
19 place of business under which the person conducts business, and all trade names
20 under which the person conducts business.

21 2. A person, in order to operate under this chapter, shall obtain a license in accordance
22 with the rules adopted by the commissioner. Application for a license must be made on
23 forms provided by the commissioner. The commissioner may refuse to issue a license
24 if the applicant or the establishment of the applicant is not in compliance with this
25 chapter and related rules. If the commissioner finds that the person to which the
26 license is issued violates this chapter or related rules, the commissioner may suspend
27 or revoke the license, or upon revocation and with good cause, refuse to issue a new
28 license.

29 3. A person applying for a license pursuant to this section shall pay a license fee to the
30 commissioner as follows:

31 a. The license fee for an official establishment is twenty-five dollars;

- 1 b. The license fee for a custom exempt establishment is twenty-five dollars; and
- 2 c. The license fee for any other establishment or entity required to be licensed
- 3 under this chapter is twenty-five dollars.