

CHAPTER 31A

MEAT AND POULTRY INSPECTION

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31A 01 POLICY

Meat, poultry, poultry food products, and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat, poultry, and meat food products distributed to them are wholesome, unadulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat, poultry, poultry food products, or meat food products injure the public welfare, destroy markets for wholesome, unadulterated, and properly labeled and packaged meat, poultry, poultry food products, and meat food products, and result in losses to livestock producers and processors of meat, poultry, poultry food products, and meat food products and injury to consumers. Unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with wholesome, unadulterated, and properly labeled and packaged articles, to the detriment of consumers and the general public.

Regulation by the commissioner and cooperation between this state and the United States under this chapter are appropriate to protect the health and welfare of consumers and accomplish the purposes of this chapter.

History 1969 c 225 s 1, 1988 c 469 art 2 s 1, 1999 c 231 s 58 2000 c 477 s 34

31A 02 DEFINITIONS

Subdivision 1 Scope The definitions in this section apply to this chapter.

Subd 2 Commissioner Commissioner means the commissioner of agriculture or the commissioner's delegate.

Subd 3 [Repealed, 1996 c 310 s 1]

Subd 4 Animals 'Animals' means cattle, swine, sheep, goats, poultry, farmed cervidae, as defined in section 17.451, subdivision 2, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, horses, equines, and other large domesticated animals.

Subd 5 Custom processing 'Custom processing' means slaughtering, eviscerating, dressing, or processing an animal or processing meat products or poultry products for the owner of the animal or of the meat products and poultry products, if all meat products or poultry products derived from the custom operation are returned to the owner of the animal or of the meat products or poultry products. No person may sell, offer for sale, or possess with intent to sell meat derived from custom processing.

Subd 6 Meat broker 'Meat broker' means a person in the business of buying or selling carcasses, parts of carcasses, meat, meat food products, poultry, or poultry products of animals on commission, or otherwise negotiating purchases or sales of

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those articles other than for the person's own account or as an employee of another person, firm, or corporation

Subd 7 Renderer "Renderer" means a person in the business of rendering carcasses, or parts or products of the carcasses of animals, except rendering conducted under inspection under sections 31A.01 to 31A.16

Subd 8 Animal food manufacturer "Animal food manufacturer" means a person in the business of manufacturing or processing animal food derived wholly or in part from animal carcasses or carcass parts or products

Subd 9 Intrastate commerce "Intrastate commerce" means commerce within this state

Subd 10 Meat food product, poultry food product "Meat food product" or "poultry food product" means a product usable as human food and made wholly or in part from meat or poultry or a portion of the carcass of cattle, sheep, swine, poultry, farmed cervidae, as defined in section 17.451, subdivision 2, llamas, as defined in section 17.455, subdivision 2, ratitae, as defined in section 17.453, subdivision 3, or goats "Meat food product" or "poultry food product" does not include products which contain meat, poultry, or other portions of the carcasses of cattle, sheep, swine, farmed cervidae, llamas, ratitae, or goats only in a relatively small proportion or that historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product or poultry food product by the commissioner under the conditions the commissioner prescribes to assure that the meat or other portions of carcasses contained in the products are not adulterated and that the products are not represented as meat food products or poultry food products

"Meat food product," as applied to products of equines, has a meaning comparable to that for cattle, sheep, swine, farmed cervidae, llamas, ratitae, and goats

Subd 11 Usable as human food "Usable as human food" means that a carcass, or part or product of a carcass, of an animal (1) is not denatured or otherwise identified as required by rules of the commissioner to deter its use as human food, or (2) is not naturally inedible by humans

Subd 12 Prepared "Prepared" means slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed

Subd 13 Adulterated "Adulterated" means a carcass, part of a carcass, meat, poultry, poultry food product, or meat food product under one or more of the following circumstances

(a) if it bears or contains a poisonous or harmful substance which may render it injurious to health, but if the substance is not an added substance, the article is not adulterated if the quantity of the substance in or on the article does not ordinarily make it injurious to health,

(b) if it bears or contains, by administration of a substance to the live animal or otherwise, an added poisonous or harmful substance, other than (1) a pesticide chemical in or on a raw agricultural commodity, (2) a food additive, or (3) a color additive, which may, in the judgment of the commissioner, make the article unfit for human food,

(c) if it is, in whole or in part, a raw agricultural commodity that bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act,

(d) if it bears or contains a food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act,

(e) if it bears or contains a color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act,

(f) if it contains a filthy, putrid, or decomposed substance or is for any other reason unfit for human food,

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(g) if it has been prepared, packed, or held under unsanitary conditions so that it may be contaminated with filth or harmful to health,

(h) if it is wholly or partly the product of an animal which has died otherwise than by slaughter,

(i) if its container is wholly or partly composed of a poisonous or harmful substance which may make the contents harmful to health,

(j) if it has been intentionally subjected to radiation, unless the use of the radiation conformed with a regulation or exemption in effect under section 409 of the Federal Food, Drug, and Cosmetic Act,

(k) if a valuable constituent has been wholly or partly omitted or removed from it, if a substance has been wholly or partly substituted for it, if damage or inferiority has been concealed, or if a substance has been added to it or mixed or packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it is, or

(l) if it is margarine containing animal fat and any of the raw material used in it wholly or partly consisted of a filthy, putrid, or decomposed substance

Subd 14 **Misbranded** "Misbranded" means a carcass part of a carcass, meat poultry, poultry food product, or meat food product under one or more of the following circumstances

(a) if its labeling is false or misleading,

(b) if it is offered for sale under the name of another food,

(c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" followed immediately by the name of the food imitated,

(d) if its container is made, formed, or filled so as to be misleading,

(e) if its package or other container does not have a label showing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count subject to reasonable variations permitted and exemptions for small packages established in rules of the commissioner,

(f) if a word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently and conspicuously placed on the label or labeling in terms that make it likely to be read and understood by the ordinary individual under customary conditions of purchase and use

(g) if it is represented as a food for which a definition and standard of identity or composition has been prescribed by rules of the commissioner under section 31A 07 unless (1) it conforms to the definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, if required by the rules the common names of optional ingredients, other than spices, flavoring and coloring, present in the food,

(h) if it is represented as a food for which a standard of fill of container has been prescribed by rules of the commissioner under section 31A 07, and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form the rules specify, a statement that it falls below the standard,

(i) if it is not subject to paragraph (g), unless its label bears (1) the usual name of the food, if there is one, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except that spices, flavorings, and colorings may, when authorized by the commissioner, be designated as spices, flavorings, and colorings without naming each. To the extent that compliance with clause (2) is impracticable, or results in deception or unfair competition, the commissioner shall establish exemptions by rule,

(j) if it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties that

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the commissioner, after consultation with the Secretary of Agriculture of the United States, determines by rule to be necessary to inform purchasers of its value for special dietary uses,

(k) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact,

(l) if it fails to bear, directly or on its container, as the commissioner by rule prescribes, the inspection legend and other information the commissioner may require by rule to assure that it will not have false or misleading labeling and that the public will be told how to keep the article wholesome

Subd 15 Label "Label" means a display of written, printed, or graphic matter on an article's immediate container, not including package liners

Subd 16 Labeling "Labeling" means labels and other written, printed, or graphic matter (1) on an article or its containers or wrappers, or (2) accompanying an article

Subd 17 Federal Meat Inspection Act "Federal Meat Inspection Act" means the Federal Meat Inspection Act

Subd 17a Federal Poultry Inspection Act "Federal Poultry Inspection Act" means the Federal Poultry Products Inspection Act, as amended

Subd 18 Federal Food, Drug, and Cosmetic Act "Federal Food, Drug, and Cosmetic Act" means the Federal Food, Drug, and Cosmetic Act, as amended

Subd 19 Pesticide chemical, food additive, color additive, raw agricultural commodity "Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" have the meanings given them in the Federal Food, Drug, and Cosmetic Act

Subd 20 Official mark "Official mark" means the official inspection legend or other symbol prescribed by rule of the commissioner to identify the status of an article or animal under this chapter

Subd 21 Official inspection legend "Official inspection legend" means a symbol prescribed by rule of the commissioner showing that an article was inspected and passed under this chapter

Subd 22 Official certificate "Official certificate" means a certificate prescribed by rule of the commissioner for issuance by an inspector or other person performing official functions under this chapter

Subd 23 Official device "Official device" means a device prescribed or authorized by the commissioner for use in applying an official mark

Subd 24 Poultry "Poultry" means any domesticated bird, including, but not limited to, chickens, turkeys, ducks, geese, or guineas

History 1969 c 225 s 2, 1983 c 300 s 17, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1, 1993 c 375 art 9 s 9,10, 1999 c 231 s 59 61, 2000 c 477 s 35 39

31A 03 INSPECTION OF LIVE ANIMALS, DISPOSITION OF DEFECTIVE ANIMALS

To prevent the use in intrastate commerce of adulterated meat, meat food products, poultry, and poultry food products, the commissioner shall appoint inspectors and have them examine and inspect all animals before the animals enter a slaughtering, packing, meat canning, rendering, or similar establishment in this state in which slaughtering of animals and preparation of meat, meat food products, poultry, and poultry food products are conducted solely for intrastate commerce. Animals found on inspection to show symptoms of disease must be set apart and slaughtered separately from other animals. The carcasses of those animals must be carefully examined and inspected under rules of the commissioner.

History 1969 c 225 s 3, 1985 c 248 s 70, 1988 c 469 art 2 s 1, 2000 c 477 s 40

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31A 04 INSPECTION OF CARCASSES AND PARTS, MARKING, DISPOSITION OF CONDEMNED CARCASSES

Inspectors appointed by the commissioner for that purpose shall make a postmortem examination and inspection of the carcasses and parts of all animals usable as human food prepared at a slaughtering, meat canning, salting, packing, rendering, or similar establishment in this state in which carcasses or parts are prepared solely for intrastate commerce. Carcasses and parts of animals found to be unadulterated must be marked, stamped, tagged, or labeled, as "Inspected and Passed." The inspectors shall label, mark, stamp, or tag as "Inspected and Condemned" carcasses and parts of animals found to be adulterated. Carcasses and animal parts inspected and condemned must be destroyed for food purposes by the establishment in the presence of an inspector. The commissioner may remove inspectors from an establishment which fails to destroy a condemned carcass or animal part.

After the first inspection, inspectors shall, if they consider it necessary, reinspect the carcasses or animal parts to determine whether they have become adulterated since the first inspection. If a carcass or animal part is then found to be adulterated, it must be destroyed for food purposes by the establishment in the presence of an inspector. The commissioner may remove inspectors from an establishment which fails to destroy a condemned carcass or animal part.

History 1969 c 225 s 4, 1988 c 469 art 2 s 1

31A 05 APPLICATION OF INSPECTION PROVISIONS

Sections 31A 03 and 31A 04 apply to carcasses or parts of animals, poultry, or poultry food products, and meat or meat products derived from them that are usable as human food, when these items are brought into a slaughtering, meat canning, salting, packing, rendering, or similar establishment, where inspection under sections 31A 01 to 31A 16 is done. Examination and inspection must be made before the carcasses or animal parts may enter into a department where they are to be treated and prepared for meat food products or poultry food products.

Sections 31A 03 and 31A 04 also apply to products which, after having been issued from a slaughtering, meat canning, salting, packing, rendering, or similar establishment, must be returned to it or to a similar establishment where inspection is done.

The commissioner may limit the entry of carcasses, parts of carcasses, poultry, poultry food products, meat food products and other materials into an establishment where inspection under sections 31A 01 to 31A 16 is done to conditions the commissioner prescribes to assure that allowing the entry of articles into inspected establishments is consistent with the purposes of this chapter.

History 1969 c 225 s 5, 1986 c 444, 1988 c 469 art 2 s 1, 2000 c 477 s 41

31A 06 INSPECTORS' DUTIES

The commissioner shall appoint inspectors to examine and inspect poultry food products and meat food products prepared in a slaughtering, meat canning, salting, packing, rendering, or similar establishment, where the articles are prepared solely for intrastate commerce. For examination and inspection purposes, the inspectors must be given access at all times, whether the establishment is operated or not, to every part of the establishment. The inspectors shall mark, stamp, tag or label as "Minnesota Inspected and Passed" all products found to be unadulterated, and the inspectors shall label, mark, stamp, or tag as "Minnesota Inspected and Condemned" all products found to be adulterated. Condemned meat food products or poultry food products must be destroyed for food purposes under section 31A 04. The commissioner may remove inspectors from an establishment which fails to destroy condemned poultry food products or meat food products.

History 1969 c 225 s 6, 1988 c 469 art 2 s 1, 2000 c 477 s 42

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31A 07 MARKING OR LABELING OF INSPECTED ARTICLES

Subdivision 1 Labeling, packing When poultry, poultry food products, meat, or meat food products prepared for intrastate commerce which have been inspected and marked "Minnesota Inspected and Passed" is placed or packed in a can, pot, tin, canvas, or other receptacle or covering in an establishment where inspection is done under sections 31A 01 to 31A 31, the person, firm, or corporation preparing the product shall have a label attached to the can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector. The label must state that the contents have been "Minnesota Inspected and Passed" under sections 31A 01 to 31A 31. An inspection or examination of poultry, poultry food products, meat, or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacles or coverings in an establishment where inspection is done under this chapter is not complete until the poultry, poultry food products, meat, or meat food products have been sealed or enclosed in the can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

Subd 2 Labels, marks All carcasses, parts of carcasses, poultry, poultry food products, meat, and meat food products inspected at an establishment under this chapter and found not to be adulterated, must when they leave the establishment bear, directly or on their containers, legible labels or official marks as required by the commissioner.

Subd 3 Labeling styles, sizes, standards of identity, composition, and fill If the commissioner determines that it is necessary for the protection of the public, the commissioner may prescribe

(1) the styles and sizes of type to be used in material required to be incorporated in labeling to avoid false or misleading labeling of articles or animals subject to sections 31A 01 to 31A 20, and

(2) definitions and standards of identity, composition, or fill of container for articles subject to sections 31A 01 to 31A 16 consistent with standards established under the Federal Food, Drug, and Cosmetic Act or the Federal Meat Inspection Act. The commissioner and the Secretary of Agriculture of the United States shall consult before issuance of standards to avoid inconsistent state and federal standards.

Subd 4 Misleading labeling or containers No article subject to sections 31A 01 to 31A 16 may be sold or offered for sale by a person in intrastate commerce under a name or other marking or labeling which is false or misleading or in a container of a misleading form or size. Established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the commissioner are permitted.

Subd 5 Commissioner's orders If the commissioner has reason to believe that a marking or labeling or the size or form of a container in use or proposed for use with an article subject to sections 31A 01 to 31A 16 is false or misleading, the commissioner may direct that its use be withheld unless the marking, labeling, or container is modified in a manner the commissioner prescribes so that it will not be false or misleading. If the person using or proposing to use the marking, labeling, or container does not accept the determination of the commissioner, the person may request a hearing. The use of the marking, labeling, or container must, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. A determination by the commissioner is conclusive unless the person adversely affected appeals to the district court within 30 days after receiving the notice of final determination.

History 1969 c 225 s 7, 1971 c 24 s 5, 6, 1971 c 25 s 15, 1986 c 444, 1988 c 469 art 2 s 1, 2000 c 477 s 43 44

31A 08 RULES

The commissioner shall have experts in sanitation or other competent inspectors inspect all slaughtering, meat canning, salting, packing, rendering, or similar establish-

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ments in which animals are slaughtered and their poultry, poultry food products, meat, and meat food products are prepared solely for intrastate commerce. The inspections must be conducted as necessary for the commissioner to know the sanitary conditions of the establishments, and to prescribe the rules of sanitation under which the establishments must be maintained. If an establishment has sanitary conditions that allow poultry, poultry food products, meat, or meat food products to become adulterated, the commissioner shall refuse to allow the poultry, poultry food products, meat, or meat food products to be labeled, marked, stamped, or tagged as 'Minnesota Inspected and Passed'."

History 1969 c 225 s 8, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1, 2000 c 477 s 45

31A 09 NIGHTTIME INSPECTIONS

Inspections under section 31A 08 must be made at night as well as during the daytime if slaughtermg of animals or preparation of food products is conducted at night

History 1969 c 225 s 9, 1988 c 469 art 2 s 1

31A 10 PROHIBITIONS

No person may, with respect to an animal, carcass, part of a carcass, poultry, poultry food product, meat, or meat food product

(1) slaughter an animal or prepare an article that is usable as human food, at any establishment preparing articles solely for intrastate commerce, except in compliance with this chapter,

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce (i) articles which are usable as human food and are adulterated or misbranded at the time of sale, transportation, offer for sale or transportation, or receipt for transportation, or (ii) articles required to be inspected under sections 31A 01 to 31A 16 that have not been inspected and passed,

(3) do something to an article that is usable as human food while the article is being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing the article to be adulterated or misbranded, or

(4) sell, offer for sale, or possess with intent to sell meat derived from custom processing

History 1969 c 225 s 10 1983 c 300 s 18 1986 c 444, 1988 c 469 art 2 s 1, 2000 c 477 s 46

31A 11 FORGING OF OFFICIAL MARKS OR CERTIFICATES

Subdivision 1 Unauthorized marks or certificates No brand manufacturer, printer, or other person may cast, print, lithograph or otherwise make a device containing an official mark, simulation of an official mark, label bearing a mark or simulation, or form of official certificate or simulation, except as authorized by the commissioner

Subd 2 Prohibitions No person may

(1) forge an official device, mark, or certificate,

(2) without authorization from the commissioner use a real or simulated official device, mark, or certificate, or alter, detach, deface, or destroy an official device, mark, or certificate,

(3) contrary to the rules prescribed by the commissioner, detach, deface, destroy, or fail to use an official device, mark, or certificate,

(4) knowingly possess, without promptly notifying the commissioner or the commissioner's representative, an official device, a counterfeit, simulated, forged, or improperly altered official certificate, or a device, label, or carcass, part, or product of an animal bearing a counterfeit, simulated, forged, or improperly altered official mark,

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(5) knowingly make a false statement in a shipper's certificate or other certificate provided for in the rules of the commissioner, or

(6) knowingly represent falsely that an article has been inspected and passed, or exempted, under this chapter

History 1969 c 225 s 11, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1

31A 12 HORSE MEAT

No person may sell, transport, offer for sale or transportation, or receive for transportation in intrastate commerce, whole or parts of carcasses of horses, mules, or other equines or meat or meat food products derived from them, unless they are plainly and conspicuously marked, labeled, or otherwise identified as required by rules prescribed by the commissioner to show the kinds of animals from which they were derived. When required by the commissioner with respect to establishments where inspection is done under sections 31A 01 to 31A 16, equines and their carcasses, parts, meat, and meat food products must be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts, meat, or meat food products are prepared.

History 1969 c 225 s 12, 1971 c 24 s 7, 1985 c 248 s 70, 1988 c 469 art 2 s 1

31A 13 INSPECTORS

The commissioner shall appoint inspectors to inspect animals, whole or parts of carcasses, poultry, poultry food products, meat, and meat food products the inspection of which is provided for by law and the sanitary conditions of all establishments in which the poultry, poultry food products, meat, and meat food products are prepared. Inspectors shall refuse to stamp, mark tag, or label a whole or part of a carcass or a meat food product derived from it, prepared in an establishment covered by sections 31A 01 to 31A 12, until it has actually been inspected and found to be not adulterated. Inspectors shall perform other duties required by this chapter or by rules adopted by the commissioner that are necessary for the efficient execution of this chapter. Inspections under this chapter must conform to the rules adopted by the commissioner consistent with this chapter.

History 1969 c 225 s 13, 1985 c 248 s 70, 1988 c 469 art 2 s 1, 2000 c 477 s 47

31A 14 BRIBERY

A person who gives or receives anything of value in order to influence the performance of sections 31A 01 to 31A 31 violates section 609.42 or 609.43.

History 1969 c 225 s 14, 1988 c 469 art 2 s 1

31A 15 EXEMPTIONS

Subdivision 1 Inspection The provisions of sections 31A 01 to 31A 16 requiring inspection of the slaughter of animals and the preparation of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products at establishments conducting slaughter and preparation do not apply.

(1) to the processing by a person of the person's own animals and the owner's preparation and transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products of those animals exclusively for use by the owner and members of the owner's household, nonpaying guests, and employees, or

(2) to the custom processing by a person of cattle, sheep, swine, poultry, or goats delivered by the owner for processing, and the preparation or transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products of animals, exclusively for use in the household of the owner by the owner and members of the owner's household, nonpaying guests, and employees. Meat from custom processing of cattle, sheep, swine, poultry, or goats must be identified and handled as required by the commissioner, during all phases of

processing, chilling, cooling, freezing, preparation, storage, and transportation. The custom processor may not engage in the business of buying or selling carcasses, parts of carcasses, meat, poultry, poultry food products, or meat food products of animals usable as human food unless the carcasses, parts of carcasses, meat, poultry, poultry food products, or meat food products have been inspected and passed and are identified as inspected and passed by the Minnesota department of agriculture or the United States Department of Agriculture.

Subd 2 Sanitary conditions The processing of animals and preparation of articles referred to in subdivision 1, clause (2), must be conducted in accordance with sanitary conditions that the commissioner may by rule prescribe.

Subd 3 Adulteration and misbranding The adulteration and misbranding provisions of sections 31A 01 to 31A 16, other than the requirement of the inspection legend, apply to articles which are not required to be inspected under this section.

History 1969 c 225 s 15, 1983 c 300 s 19, 1986 c 444, 1988 c 469 art 2 s 1, 1999 c 231 s 62, 2000 c 477 s 48

31A 16 STORING AND HANDLING CONDITIONS

The commissioner may adopt rules prescribing conditions under which carcasses, parts of carcasses, poultry, poultry food products, meat, and meat food products of animals usable as human food must be stored or otherwise handled by a person in the business of buying, selling, freezing, storing, or transporting them, in or for intrastate commerce, if the commissioner considers action necessary to assure that the articles will not be adulterated or misbranded when delivered to the consumer.

History 1969 c 225 s 16, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1, 2000 c 477 s 49

31A 17 ARTICLES NOT INTENDED AS HUMAN FOOD

Inspection must not be provided under sections 31A 01 to 31A 16 at an establishment for the slaughter of animals or the preparation of carcasses or parts or products of animals which are not intended for use as human food. Before they are offered for sale or transportation in intrastate commerce, those articles must be denatured or otherwise identified as prescribed by rules of the commissioner to deter their use for human food, unless they are naturally inedible by humans. No person may buy, sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, carcasses, parts of carcasses, poultry, poultry food products, meat, or meat food products of animals which are not intended for use as human food unless they are denatured or otherwise identified as required by the rules of the commissioner or are naturally inedible by humans.

History 1969 c 225 s 17, 1985 c 248 s 70, 1988 c 469 art 2 s 1, 2000 c 477 s 50

31A 18 RECORDS

Subdivision 1 Who must keep The following classes of persons shall keep records that fully and correctly disclose all transactions involved in their businesses.

(1) persons in the business, for intrastate commerce, of slaughtering animals or preparing, freezing, packaging, or labeling animal carcasses, parts, or products of carcasses for use as human or animal food,

(2) persons in the intrastate business of buying or selling (as meat brokers, wholesalers, or otherwise), transporting, or storing animal carcasses or parts or products of animal carcasses, and

(3) persons in the intrastate business of rendering, or in the intrastate business of buying, selling, or transporting dead, dying, disabled, or diseased animals or parts of the carcasses of animals that died other than by slaughter.

Subd 1a Examination of records, facilities Upon notice by an authorized representative of the commissioner, persons subject to this section shall at all reasonable times, give the representative and an authorized representative of the

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Secretary of Agriculture of the United States accompanied by a representative of the commissioner access to their places of business and opportunity to examine the facilities, inventory, and records of the business, to copy business records, and to take reasonable samples of their inventory upon payment of the fair market value of the samples

Subd 2 Retention Records required by this section must be maintained for the period of time the commissioner prescribes by rule

History 1969 c 225 s 18, 1985 c 248 s 70, 1988 c 469 art 2 s 1

31A 19 REGISTRATION OF BUSINESSES

No person may engage in intrastate business as

- (1) a meat broker, renderer or animal food manufacturer,
- (2) a wholesaler of animal carcasses, carcass parts, or products of carcasses, intended for human food or other purposes,
- (3) a public warehouse operator storing carcasses or parts of carcasses of animals in or for intrastate commerce, or
- (4) a buyer, seller, or transporter of dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of animals that died other than by slaughter unless when required by rule of the commissioner, the person has provided the commissioner with the person's name and the address of each place of business at which, and all trade names under which, the person conducts business

History 1969 c 225 s 19, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1

31A 20 DEAD, DYING, DISABLED OR DISEASED ANIMALS, RULES

This section covers dead, dying, or disabled animals and the whole or partial carcasses of animals that died other than by slaughter

The commissioner may adopt rules to assure that items covered by this section are not used as human food. A person in the intrastate business of buying, selling, or transporting items covered by this section must comply with those rules

History 1969 c 225 s 20, 1985 c 248 s 70, 1988 c 469 art 2 s 1

31A 21 COOPERATION WITH FEDERAL GOVERNMENT

Subdivision 1 Designation The Minnesota department of agriculture is the state agency responsible for cooperating with the United States Secretary of Agriculture under section 301 of the Federal Meat Inspection Act and of the Poultry Products Inspection Act to develop and administer the state meat inspection program under this chapter so that its requirements at least equal those imposed under titles I and IV of the Federal Meat Inspection Act and of the Poultry Products Inspection Act to develop and administer the state program under sections 31A 17 to 31A 20 to carry out the purposes of this chapter and the federal act

Subd 2 Federal assistance In its cooperative efforts, the Minnesota department of agriculture may accept from the United States Secretary of Agriculture (1) advisory assistance in planning and otherwise developing the state program, (2) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and (3) financial and other aid for the administration of the program. The Minnesota department of agriculture may spend a sum for administration of this chapter equal to 50 percent of the estimated total cost of the cooperative program

Subd 3 Advice, consultation The Minnesota department of agriculture may recommend to the United States Secretary of Agriculture officials or employees of this state for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act and of the Poultry Products Inspection Act. The Minnesota department of agriculture shall serve as the representative of the governor for consultation with the secretary under paragraph (c) of section 301 of the Federal

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Meat Inspection Act and of the Poultry Products Inspection Act unless the governor selects another representative

Subd 4 Municipalities, government subdivisions If the state program includes performance of functions by a municipality or other subdivision of state government, the municipality or subdivision is part of the Minnesota department of agriculture for the purposes of this section

Subd 5 Application to operate inspection service A municipality or other subdivision of state government, through the agent of a board of health as authorized under section 145A.04 or other appropriate authority, may apply in writing for designation to operate a state approved inspection service under supervision of the commissioner. Applications must be filed on forms obtained from the commissioner and include the information the commissioner requires

Subd 6 Inspection and designation On receipt of an application under subdivision 5, the commissioner shall determine whether the applicant's inspection service conforms with this chapter and the designation to operate under the commissioner's supervision as an approved inspection service. A municipality or other subdivision of state government may be designated only after the commissioner determines that each establishment under supervision of the municipality or other subdivision conforms with this chapter and the rules of the commissioner and that the municipality or subdivision is effectively enforcing laws and rules equivalent to sections 31A.01 to 31A.31 and the rules of the commissioner. The department shall make regular inspections and surveys to determine if the inspection service continues to comply. The commissioner may revoke the designation of inspection service by an agency if the commissioner finds that there is a failure to conform to the provisions of this chapter or the rules.

Subd 7 Reimbursement by state If a municipality or other subdivision of state government performs inspection service under this section, the agency may be reimbursed for the service at a rate contracted with Minnesota department of agriculture

History 1969 c 225 s 21, 1985 c 248 s 70, 1986 c 444, 1987 c 309 s 24 1988 c 469 art 2 s 1, 1999 c 231 s 63,64

31A 22 REFUSAL OR WITHDRAWAL OF INSPECTION

The commissioner may, for a length of time the commissioner considers necessary to carry out the purposes of this chapter, refuse to provide, or withdraw, inspection service under sections 31A.01 to 31A.16 from an establishment. The commissioner may refuse or withdraw inspection service if the commissioner determines, after giving the applicant for or recipient of the service an opportunity for a hearing, that the applicant or recipient is unfit to engage in any business requiring inspection under sections 31A.01 to 31A.16 because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in a federal or state court, of (1) a felony, or (2) more than one violation of a law, other than a felony, based on acquiring, handling or distributing unwholesome, mislabeled, or deceptively packaged food or on fraud in connection with transactions in food. This section does not affect other provisions of this chapter for withdrawal of inspection services under sections 31A.01 to 31A.16 from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat, or meat food products.

For the purpose of this section a person is responsibly connected with a business if the person is a partner, officer, director, holder, or owner of ten percent or more of its voting stock or an employee in a managerial or executive capacity.

A determination and order of the commissioner under this section is final unless the affected applicant for or recipient of inspection service applies for judicial review within 30 days after the effective date of the order in the district court. Judicial review of an order must be based on the same record as the determination and order.

History 1969 c 225 s 22, 1986 c 444, 1988 c 469 art 2 s 1

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31A 23 DETENTION OF ANIMALS OR PRODUCTS

This section applies to a carcass, part of a carcass, meat, or meat food product of an animal, a product exempted from the definition of a meat food product, or a dead, dying, disabled, or diseased animal. If an authorized representative of the commissioner finds such an article or animal on premises where it is held for purposes of, during, or after distribution in intrastate commerce, and there is reason to believe that it is adulterated or misbranded and is usable as human food, or that it has not been inspected, in violation of sections 31A 01 to 31A 16, the Federal Meat Inspection Act, or the Federal Food, Drug, and Cosmetic Act, or that the article or animal has been or is intended to be distributed in violation of a provision of those laws, it may be detained by the representative for up to 20 days pending action under section 31A 24 or notification of federal authorities having jurisdiction over the article or animal. It must not be moved by a person, firm, or corporation from the place at which it is located when detained, until released by the representative. The representative may require all official marks to be removed from the article or animal before it is released unless the commissioner is satisfied that the article or animal is eligible to retain the official marks.

History 1969 c 225 s 23, 1988 c 469 art 2 s 1

31A 24 SEIZURE AND CONDEMNATION

Subdivision 1 What can be seized This section applies to a carcass, part of a carcass, meat or meat food product of animals or to a dead, dying, disabled, or diseased animal that is being transported in intrastate commerce, or is held for sale in this state after transportation in intrastate commerce. These articles or animals may be proceeded against, seized and condemned if (1) they are or have been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of sections 31A 01 to 31A 31, (2) they are usable as human food and are adulterated or misbranded, or (3) they are in any other way in violation of sections 31A 01 to 31A 31. The department may act against the article or animal at any time, on a complaint in the district court of the judicial district where the article or animal is found.

Subd 2 Sale of condemned items If the article or animal is condemned it must after entry of the decree be disposed of by destruction or sale as the court directs. If it is sold, the proceeds must be paid to the state, less the court costs and fees and storage and other proper expenses but the article or animal must not be sold contrary to this chapter, the Federal Meat Inspection Act, or the Federal Food, Drug, and Cosmetic Act. If a bond is delivered conditioned that the article or animal must not be sold or otherwise disposed of contrary to this chapter or federal law, the court may direct that the article or animal be delivered to its owner subject to supervision by authorized representatives of the commissioner that is necessary to assure compliance with the applicable laws.

Subd 3 Types of proceedings, awards of costs When a decree of condemnation is entered against the article or animal and it is released under bond or destroyed, court costs and fees and storage and other proper expenses must be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings for condemnation must be *in rem*. Either party may demand trial by jury of any issue of fact joined in any case, and all proceedings must be at the suit of and in the name of the state.

This section does not change the authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

History 1969 c 225 s 24, 1988 c 469 art 2 s 1

31A 25 ACCESS BY INSPECTORS

To get information about suspected violations of law, the commissioner and the commissioner's assistants, inspectors, appointees, agents and employees must be given access to the following:

(1) places where food or something else, the manufacture, sale, use, or transportation of which is restricted, regulated, or prohibited by a law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport, or where cows or other animals are pastured or stabled,

(2) cars or other carriages used to transport the articles or animals, and

(3) places where food is or may be cooked, prepared, sold, or kept for sale to or for the public or distributed as a part of the compensation of an employee or agent, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats, and other places where any of these articles may be manufactured, sold, used, offered for sale or transportation, or possessed with intent to use, sell, or transport

They may inspect a package, receptacle, or container found in those places apparently containing food, a food ingredient, or something else the manufacture, use, sale, or transportation of which is restricted, regulated, or forbidden by state law, and may take samples from it for analysis A person obstructing entry or inspection, or failing upon request to assist in the inspection, is guilty of a misdemeanor

History 1969 c 225 s 25, 1986 c 444, 1988 c 469 art 2 s 1

31A 26 VIOLATIONS AND PENALTIES

Subdivision 1 Misdemeanors A person who violates a provision of this chapter or a rule adopted under it for which no other criminal penalty is provided is guilty of a misdemeanor

Subd 2 Minor violations This chapter does not require the commissioner to report for prosecution or for the institution of injunction proceedings minor violations of sections 31A 01 to 31A 31 if the commissioner believes that the public interest will be adequately served by a suitable written warning

History 1969 c 225 s 26, 1985 c 248 s 70, 1986 c 444, 1988 c 469 art 2 s 1

31A 27 POWERS OF COMMISSIONER

Subdivision 1 To gather information The commissioner may, for the purposes of this chapter

(1) gather and compile information concerning and investigate the organization, business conduct, practices and management of a person in intrastate commerce and the person's relation to other persons, and

(2) require, by general or special orders a person persons or a class of persons engaged in intrastate commerce to file with the commissioner, in the form the commissioner prescribes, annual and special reports or answers in writing to specific questions, giving the commissioner the information the commissioner requires about the organization, business, conduct, practices, management, and relation to other persons of the person filing the reports or answers The reports and answers must be made under oath or otherwise, as the commissioner prescribes, and filed with the commissioner within a reasonable time the commissioner prescribes, unless additional time is granted by the commissioner

Subd 2 To examine documents for evidence (a) For the purposes of this chapter, the commissioner must at all reasonable times be allowed to examine and copy documentary evidence of a person being investigated or proceeded against The commissioner may subpoena witnesses and require the production of documentary evidence of a person relating to any matter under investigation The commissioner may sign subpoenas administer oaths and affirmations, examine witnesses, and receive evidence

(b) Attendance of witnesses and the production of documentary evidence may be required at a designated hearing place In case of disobedience to a subpoena, the

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commissioner may invoke the aid of the district court to require the attendance and testimony of witnesses and the production of documentary evidence

(c) The district court, in case of refusal to obey a subpoena issued to a person, may issue an order requiring the person to appear before the commissioner or to produce documentary evidence if ordered, or to give evidence touching the matter in question Failure to obey the order of the court may be punished by the court as a contempt

(d) Upon the application of the attorney general of this state at the request of the commissioner, the district court may order a person to comply with sections 31A 01 to 31A 31 or an order of the commissioner made under those sections

(e) The commissioner may order testimony to be taken by deposition in a proceeding or investigation pending under this chapter at any state of the proceeding or investigation Depositions may be taken before a person designated by the commissioner and having power to administer oaths The testimony must be reduced to writing by the person taking the deposition or under the person's direction and must then be signed by the witness A person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner

(f) Witnesses summoned before the commissioner may be paid the same fees and mileage that are paid witnesses in the district courts Witnesses whose depositions are taken and the persons taking them may be entitled to the fees that are paid for those services in the district court

(g) A person is not excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the commissioner or in obedience to the subpoena of the commissioner whether the subpoena is signed or issued by the commissioner or the commissioner's delegate, or in any cause or proceeding criminal or otherwise, based upon or growing out of an alleged violation of this chapter because the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture No person may be prosecuted or subjected to a penalty or forfeiture on account of a matter concerning which the person is compelled, after having claimed a privilege against self incrimination to testify or produce evidence documentary or otherwise, except that a witness is not exempt from prosecution and punishment for perjury committed in testifying

Subd 3 Penalties related to testimony and records (a) A person who neglects or refuses to attend and testify, to answer a lawful inquiry, or to produce documentary evidence if it is in the person's power to do so, in obedience to the subpoena or lawful requirement of the commissioner is guilty of a misdemeanor

(b) A person who willfully (1) makes or causes to be made a false entry or statement of fact in a report required under this chapter, (2) makes or causes to be made a false entry in an account, record, or memorandum kept by a person subject to this chapter, (3) neglects or fails to make or to cause to be made full and correct entries in the accounts, records, or memoranda, of all facts and transactions relating to the person's business, (4) leaves the jurisdiction of this state, (5) mutilates, alters, or by any other means falsifies documentary evidence of a person subject to this chapter, or (6) refuses to submit to the commissioner, for inspection and copying, any documentary evidence of a person subject to this chapter in the person's possession or control, is guilty of a misdemeanor

(c) A person required by this chapter to file an annual or special report who fails to do so within the time fixed by the commissioner for filing the report and continues the failure for 30 days after notice of failure to file, is guilty of a misdemeanor

(d) An officer or employee of this state who makes public information obtained by the commissioner without the commissioner's authority, unless directed by a court, is guilty of a misdemeanor

History 1969 c 225 s 27, 1986 c 444, 1988 c 469 art 2 s 1

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31A 28 [Repealed, 1999 c 231 s 207]

31A 29 COST OF ADMINISTRATION, OVERTIME WORK

The cost of administering this chapter, including the cost of inspection must be paid from appropriations made for this purpose, except to the extent of federal contributions as provided in section 31A 21. The commissioner may pay employees of the department of agriculture employed in establishments subject to this chapter for overtime work performed at the establishments. The commissioner may accept from the establishments where the overtime work is performed reimbursement for sums paid by the commissioner for overtime work. Reimbursements must be deposited in the treasury and credited to the accounts from which the overtime costs were paid.

History 1969 c 225 s 29, 1986 c 444, 1988 c 469 art 2 s 1

31A 30 [Repealed, 1996 c 310 s 1]

31A 31 CITATION

This chapter may be cited as the Minnesota Meat and Poultry Inspection Act.

History 1969 c 225 s 31, 1988 c 469 art 2 s 1, 1999 c 231 s 65