

Chapter 603

Regulation of Meat Dealers to Prevent Theft

| | | | |
|---------|--|---------|---|
| 603.010 | Definitions | 603.100 | Stamping by unlicensed person and removal of stamp |
| 603.020 | Purpose of statutes | 603.110 | Establishment number |
| 603.030 | Meat dealer's license; issuance; fee; renewability; suspension; revocation | 603.120 | Record of purchases |
| 603.035 | Business and activities authorized by license | 603.130 | Possession of unstamped or untagged carcass as prima facie evidence |
| 603.040 | Stamping devices for holders of Class "A" licenses | 603.140 | Enforcement officers |
| 603.050 | Posting of license | 603.150 | Enforcement duties of department |
| 603.060 | Prohibited conduct relating to the sale or transportation of meat, animals and poultry | 603.160 | Retention of hides by persons not regularly engaged in business of slaughtering |
| 603.070 | Tags for meat food and meat food products | 603.170 | Record of cattle slaughtered |
| 603.080 | Stamping of carcasses | 603.180 | Disposition of fees |
| 603.090 | Separation of hides and carcasses prior to stamping | 603.190 | Jurisdiction of courts |
| | | 603.990 | Penalties |

CROSS REFERENCES

| | |
|--|---|
| Collection of brand inspection fees by slaughterer or meat packer, 604.400 | Record of livestock brands and marks at stockyards, 604.210 |
| Inspection of livestock by brand inspector before slaughter, 604.360 | Unclean slaughterhouses, 433.710 |
| | 603.150 |
| | Administrative orders of state agencies, Ch. 183 |

603.010 Definitions. As used in this chapter:

(1) "Bona fide producer of livestock" means a person who farms his own land or is the lessee of a farm and who is engaged in the production of meat food animals and who has been in possession of the meat food animals which he proposes to slaughter or sell for at least 30 days immediately prior to the date of slaughter or sale.

(2) "Department" means the State Department of Agriculture.

(3) "Licensee" means any person licensed under this chapter.

(4) "Meat dealer" means a person licensed as a meat dealer pursuant to this chapter. A meat dealer shall not mean or include:

(a) A bona fide producer of livestock except one who maintains a place of business as an established retail market.

(b) A bona fide producer of livestock selling on public markets.

(c) A person who sells, but does not process, meat food products that have been pickled, smoked, dried, canned or frozen.

(5) "Meat food animal" means domestic cattle, sheep, goats, swine, horses, rabbits and poultry.

(6) "Place of business" means any place or building in which or at which the business of meat dealer is conducted. Any group of buildings situated on contiguous property and used as an integral part of one business shall be considered as one place of business. In case a meat dealer does not have a fixed place of business, such as a meat dealer whose business consists only of wholesaling meat food products from a truck, the place of business of such meat dealer, for licensing purposes only, is his home or a designated business office from which his business is conducted.

(7) "Poultry" means chickens, ducks, geese, turkeys and all other fowls or birds used for human food purposes.

(8) "Primal part" means the shoulder, rib, loin, rump and hind quarter of each side of a meat food animal, except poultry or rabbits.

(9) "Slaughterhouse" means any building, plant, establishment, vehicle or structure, whether movable or stationary, where meat food animals are killed or dressed, the meat or meat products of which are to be offered for sale for human consumption. [Amended by 1953 c.692 §6]

603.020 Purpose of statutes. The purpose of ORS 603.010 to 603.150 is to protect the livestock industry within the state and to prevent theft of livestock or meat food animal carcasses.

603.030 Meat dealer's license; issuance; fee; renewability; suspension; revocation.

(1) No person may conduct the business of meat dealer without a meat dealer's license permitting the conduct of such business at the address specified in the license.

(2) The department may issue such licenses.

(3) Application for a meat dealer's license must be made to the department, upon forms furnished by it, which shall contain:

(a) The name and postoffice address of the applicant.

(b) The exact location of the place of business for which the license is requested.

(c) The class of license which is desired.

(4) The license fee provided for in this section shall accompany the application. Each license shall be renewable one year from the date of its issue. A license is personal to the applicant and shall not be transferred.

(5) The following license fees shall be paid by the applicant for a license:

(a) Class "A" license—\$50.

(b) Class "B" license—\$10.

(c) Class "C" license—\$20.

(d) Class "D" license—\$10.

(6) (a) The department may suspend, revoke or refuse to renew a license to any applicant whose slaughterhouse construction, equipment and management practices do not meet the requirements of ORS chapter 619.

(b) In the case of suspension, revocation or refusal of a license, the procedure required by ORS 561.310 to 561.390 shall be followed.

(c) In the event that a licensee has been convicted of any violation of ORS chapter 619, 620.010 to 620.100 or 620.310 to 620.330, it shall be a sufficient revocation of his license when the department mails by registered mail, addressed to such licensee so convicted, at his address as shown by the records of the department, a notice that his license has been revoked.

(7) Upon revocation or suspension of any license the department, in its discretion and upon the request of the licensee, may refund that portion of the annual license fee, divided quarterly, corresponding

to the unexpired portion of the license year. [Amended by 1953 c.692 §6]

603.035 Business and activities authorized by license. (1) A person holding a class "A" meat dealer's license may conduct the business of a meat commission merchant, retailer, wholesaler, butcher, slaughterer, packer, processor or buyer of meat and may engage in any of the activities of a meat dealer including those in subsections (2), (3) and (4) of this section.

(2) A person holding a class "B" meat dealer's license may sell dressed meats or meat products including poultry and rabbits, at retail.

(3) A person holding a class "C" meat dealer's license may slaughter rabbits and poultry, sell their carcasses at wholesale and perform all of the functions of a class "B" meat dealer.

(4) A person holding a class "D" meat dealer's license may slaughter rabbits and poultry and sell their carcasses at wholesale.

(5) No licensee shall engage in any of the activities of a meat dealer except those activities which are specifically permitted by this section pursuant to the license held by him.

(6) A separate meat dealer's license is required for each place of business. [1953 c.692 §5]

603.040 Stamping devices for holders of Class "A" licenses. The department shall furnish to each holder of a class "A" license a stamp suitable for the stamping of carcasses of meat food animals. However, every holder of a class "A" license shall make a deposit of \$10 with the department for such stamp. Upon return of the stamp, the deposit shall be returned to the licensee. If a stamp is lost or destroyed, the department shall issue a new stamp upon receiving an additional deposit of \$10. The stamp shall be kept in the place of business of the licensee, shall remain the property of the State of Oregon and shall be for the exclusive use of the licensee during the lifetime of his license. Any person receiving such stamp must return the same to the department upon the expiration of his license. [Amended by 1953 c.692 §6]

603.050 Posting of license. The license of each licensed meat dealer must be displayed at all times in a conspicuous manner within his place of business. The words "Oregon License," followed by the estab-

lishment number, must be printed in a conspicuous place on all meat containers and vehicles owned or used by the licensee in the conduct of his business. The letters of such words and the numbers appearing on vehicles must be at least three inches in height.

603.060 Prohibited conduct relating to the sale or transportation of meat, animals and poultry. No person:

(1) Shall sell or transport a meat food animal carcass or primal part, except poultry or rabbit carcasses or parts, which has not been tagged or stamped as required by this chapter.

(2) Except a bona fide producer of livestock, shall sell or transport a meat food animal, except poultry or rabbits, unless the person selling or transporting the animal has in his possession a bill of sale thereto or a bill of lading covering the animal. Such bill shall be dated and set forth the name and address of the buyer and seller or consignor and consignee, a description of the animal by sex, breed, brands or marks and the destination, in case of transportation. A transportation certificate, or a brand inspection certificate, executed in accordance with and pursuant to ORS 604.310 to 604.550 may be used in lieu of either of the bills mentioned in this section.

(3) Who is a bona fide producer of livestock, shall sell or transport poultry or rabbits, or their carcasses, unless there is attached to the animals, or their carcasses, or the container of the animals or carcasses, a properly executed bona fide producer's poultry and rabbit tag. The provisions of this subsection do not apply to poultry or rabbits sold or transported in numbers of 10 or less.

(4) Except a bona fide producer of livestock, shall sell or transport poultry or rabbits, or their carcasses, unless the person selling or transporting the animals or carcasses has in his possession one of the tags, properly executed, mentioned in ORS 603.070, or a bill of sale thereto or a bill of lading covering the animal or carcasses, which bill must be dated and signed by the seller or consignor, name the buyer or consignee, describe the animals and give their destination. However, a licensed meat dealer may sell and transport poultry and rabbit carcasses in containers which bear the name and address of such meat dealer. The provisions of this subsection do not apply to persons selling or transporting poultry or rabbits or their carcasses in numbers of 10

or less, or to a person transporting such animals or carcasses which were purchased at a retail establishment operated by a licensed meat dealer.

(5) Shall purchase, receive or be in possession of a meat food animal carcass or primal part which is not stamped or tagged, wherever such tagging or stamping is required by the provisions of this chapter.

603.070 Tags for meat food and meat food products. (1) The tag referred to in ORS 603.060, shall be:

(a) A bona fide producer's sale tag;
(b) A bona fide producer's poultry and rabbit tag; or

(c) A bona fide producer's peddler tag. The tags shall be prepared and numbered serially in a manner and form prescribed by the department. The tags shall be distributed among the sheriffs of the state for redistribution. The tags shall be furnished by the department and by the county sheriffs without cost to the person requesting them. A bona fide producer of livestock may secure such tags from the sheriff of any county in which he resides by making application for the tag by mail or otherwise. The sheriff shall record serially in a ledger or book kept for such purpose, the number of tags issued by him together with the name of the recipient.

(2) A bona fide producer of livestock who:

(a) Wishes to sell a meat food animal carcass or part, except poultry or rabbits, to a licensed meat dealer, shall obtain a bona fide producer's sale tag from the sheriff and attach it to the carcass which he proposes to sell.

(b) Slaughters a meat food animal, except poultry or rabbits, which he intends to peddle at retail to consumers shall obtain a bona fide producer's peddler tag from the sheriff and attach it to the carcass from which he intends to peddle.

(c) Wishes to sell poultry or rabbits, their carcasses or parts, may obtain a bona fide producer's poultry and rabbit tag from the sheriff.

(3) No person shall refuse to permit a peace officer, authorized employee of the department or other officer authorized by this chapter, to inspect the tags in such person's possession at any time.

(4) No person, obtaining a tagged meat food animal carcass or part, shall fail, neglect or refuse to retain possession of

the tag, in numerical order, for one year from the date of receiving the tagged carcass.

603.080 Stamping of carcasses. A person holding a class "A" meat dealer's license must stamp, with the stamp issued to him by the department, all carcasses of meat food animals killed by him, except poultry or rabbits. He must make such stamp with ink approved by the department and must stamp the carcass plainly and legibly on the outside of the shoulder, ribs, loins, rump and hind quarters of each side of the carcass. He must apply the stamp immediately after the removal of the hide or hair from the carcass. In case the hide or hair is not removed at the time of slaughter the carcass shall be stamped on the inside. Every such licensed meat dealer must stamp immediately every carcass purchased or accepted for sale on commission from any nonlicensed person. He must do such stamping in the manner provided in this section for animals killed by the licensee. All such stamping must be done at the place of business specified in the license. For the purposes of ORS 603.010 to 603.150, any inspection stamp legally applied by authority of a meat inspection service enforced by the United States Department of Agriculture, the department or a municipality operating a meat inspection service approved by the department, shall be considered the equivalent of the stamp bearing the establishment number of the licensee.

603.090 Separation of hides and carcasses prior to stamping. (1) No person may remove the hide of any cattle or calves from the room or vehicle in which the carcass of such meat food animal is located, except as it becomes necessary in loading and unloading it in the usual course of transportation, until the carcass has been stamped by a licensed meat dealer as provided by ORS 603.080.

(2) This section, however, does not:

(a) Apply to any person who is a bona fide producer of livestock, except a bona fide producer who is issued a bona fide producer peddler's tag, in which instance the hide shall accompany the carcass until the meat is sold; or

(b) Prevent any one slaughtering an animal legally in his possession and using the carcass of such animal for his own use.

603.100 Stamping by unlicensed person and removal of stamp. No person, except a licensed meat dealer holding a class "A" license, may stamp any meat with any number or other device duplicating, resembling or similar to any stamp authorized by the department for the use of any licensed meat dealer. However, this section does not apply to any stamp used by the meat inspection service of the United States Department of Agriculture, or the exceptions and provisions designated in ORS 603.080. No person shall remove from any carcass or hide any stamp placed thereon in accordance with the provisions of this chapter except as such stamp may be removed or obliterated in the normal course of consumption.

603.110 Establishment number. A person licensed as a class "A" meat dealer shall be assigned a number, which shall be known as his establishment number. The establishment number shall be shown conspicuously upon the license. The number shall be incorporated into the stamp issued to the class "A" licensee in such a manner that the number will appear on all carcasses of meat food animals stamped by the licensee.

603.120 Record of purchases. No meat dealer or other purchaser of poultry or rabbits for the purpose of resale shall fail, refuse or neglect to complete a record of all such purchases. Such record shall include:

(1) The number and kind of poultry or rabbits.

(2) When and from whom received.

(3) The vehicle license number of the person making delivery.

(4) Other information which the department may deem necessary to carry out the intent and provisions of ORS 603.010 to 603.150.

603.130 Possession of unstamped or untagged carcass as prima facie evidence. Upon the trial of any person charged with the theft or unlawful possession of any meat food animal, or the carcass thereof, the possession of such carcasses or any part thereof, by the accused, unless such carcass has been stamped by a licensed meat dealer or tagged, as required by this chapter, is prima facie evidence against the accused that such possession is illegal.

603.140 Enforcement officers. All authorized officers, employees and deputies of

the department, peace officers, traffic officers, forest reserve officers and brand inspectors must investigate the movement of livestock or carcasses on roads and highways, trails and ranges, and ascertain whether such livestock or carcasses are being moved in accordance with the provisions of ORS 603.010 to 603.150, and by the legal owner or with his permission. Any such officer may arrest, without warrant, any party found moving livestock, poultry, carcasses or parts of carcasses in any manner other than as provided by such sections.

603.150 Enforcement duties of department. The department shall enforce ORS 603.010 to 603.150, and may make such rules and regulations as may be necessary, and prescribe the size and form of any marks and brands and the kind of ink required to be used in stamping or marking carcasses or parts thereof which are required to be stamped. The department shall keep a permanent record of all places licensed under ORS 603.030.

603.160 Retention of hides by persons not regularly engaged in business of slaughtering. (1) Any person not regularly engaged in the business of slaughtering cattle, who, at any time, slaughters any cattle, must retain in his possession the hides taken off of such cattle, with the ears attached thereto, without any alteration of the marks on it, or any disfiguration of the brand, for a period of 30 days. Any owner of cattle may, within such period, demand an exhibition of the hide of any cattle so slaughtered by the person killing it, or by any other person for whose use or benefit such animal was killed. Upon such demand being made, he must produce the hide for inspection.

(2) Proof that any person, not regularly engaged in the business of slaughtering cattle, failed to retain in his possession the hides taken off of such cattle with the ears attached thereto, without any alteration of the marks on it or any disfiguration of the brands for the period of 30 days, shall be prima facie evidence of the violation of this section.

603.170 Record of cattle slaughtered. Any person engaged in the business of slaughtering cattle must keep, at his place of business, a book, in which he must enter daily:

(1) The number and class of cattle slaughtered;

(2) The names of the persons from whom such cattle were purchased; and

(3) The marks and brands of such cattle.

Such book must be kept ready at all times for the inspection of any person who desires to examine it.

603.180 Disposition of fees. All fees received by the department during any calendar month, resulting from the operation of this chapter, must be paid into the State Treasury within the first 10 days of the following month. Thereupon the State Treasurer shall place any sums so received to the credit of the Department of Agriculture Account in the General Fund. Any payments so received shall constitute an appropriation of such payments from the General Fund

to the credit of the Department of Agriculture Account for the purpose of carrying into full force and effect the specific provisions of this chapter.

603.190 Jurisdiction of courts. Justice of the peace courts and district courts have concurrent jurisdiction with the circuit courts under ORS 603.010 to 603.150.

603.990 Penalties. (1) Violation of any of the provisions of ORS 603.010 to 603.150 or 603.180 is punishable, upon conviction, by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding six months, or both.

(2) Violation of ORS 603.160 is punishable, upon conviction, by a fine not exceeding \$100 or by imprisonment in the county jail not exceeding 90 days, or both.

