Chapter 603

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Meat Dealers and Slaughterers

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REGULATION OF MEAT DEALERS AND SLAUGHTERERS

603.010 Definitions. As used in this chapter:

(1) "Custom processing establishment" means a stationary establishment wherein slaughtered meat animals or meat, caused to be delivered by the owners thereof, are prepared for compensation, payment or remuneration of any kind, and are thereafter returned to the owner thereof or to the order of the owner.

(2) "Custom slaughtering establishment" means a mobile or stationary establishment wherein meat animals, caused to be delivered by the owners thereof, are slaughtered for compensation, payment or remuneration of any kind, and are thereafter returned to the owner thereof or to the order of the owner.

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

(4) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment.

(5) "Establishment" means and includes:

(a) Any building, vehicle or structure in which meat animals are slaughtered for consumption or meat products are prepared, sold, offered or held for sale.

(b) The ground upon which such place or business is operated or used and so much ground adjacent thereto as is also used in carrying on the business of the establishment. The department may prescribe such additional area or places which, although they may not be contiguous or adjacent to the above area or establishment, may be included therein.

(6) "Meat animal" means any live cattle, equines, sheep, goats, swine, poultry or rabbits.

(7) "Meat or meat product" means any edible muscle, except any muscle found in the lips, snout or ears, of meat animals, which is skeletal or found in the tongue, diaphragm, heart or esophagus, with or without any accompanying and overlying fat, and any portion of bone, skin, sinew, nerve or blood vessels normally accompanying the muscle tissue and not separated from it in the process of dressing or as otherwise prescribed by the department.

(8) "Meat seller establishment" means an establishment wherein meat products are sold, offered or held for sale, but which are not prepared other than to be ground, seasoned, salted, frozen, boned, cut up, wrapped or packed.

(9) "Nonslaughtering processing establishment" means any building, structure or vehicle wherein the activities of a slaughterhouse, custom slaughtering establishment or custom processing establishment or of an animal food slaughtering establishment or animal food processing establishment under ORS chapter 619 are not performed, but wherein meat products are prepared.

(10) "Poultry" means chickens, ducks, geese, turkeys and all other domesticated fowls or birds.

(11) "Prepared" means ground, seasoned, canned, cooked, salted, frozen, smoked, cured, pickled, packed, boned, dried, cut up, wrapped or otherwise manufactured or processed.

(12) "Slaughterhouse" means an establishment wherein meat animals are slaughtered.

(13) "Unwholesome" includes all meats or meat products which are diseased, contaminated, including drug or chemical residue, putrid, unsound, unhealthful or unfit for food. [Amended by 1953 c 692 §6; 1955 c.724 §1; 1959 c.239 §1, 1961 c.164 §1; 1969 c 565 §1, 1973 c.175 §3; 1975 c 304 §1]

603.015 Policy. The purpose and intent of ORS 599.205 and this chapter is to protect the livestock industry of this state against theft of meat animals and, giving cognition to the Federal Meat Inspection Act as defined in ORS chapter 619, to provide the department with the means to complement the enforcement of that Act by authorizing the department to take necessary and proper measures for the protection of the health and welfare of Oregon consumers. Such measures should include the prevention of sale and distribution of unwholesome meat and meat products, the exercising of quality controls and supervision, the establishment of general sanitary and safeguard provisions and the identification of meat animals and meat products. [1973 c 175 §2, 1981 c.248 §26]

603.020 [Amended by 1955 c.724 §2; 1969 c.565 §2, repealed by 1973 c.175 §15]

603.025 Licenses required; application; term; renewal; fee. (1) No person shall engage in any activity described or identified in subsection (4) of this section without first obtaining and maintaining a license therefor from the department, nor shall such person sell, offer for sale or expose for sale meat products without such license. All such licenses shall expire on June 30 next succeeding their date of issuance. Renewal applications must be postmarked prior to June 30 to be a timely application.

(2) Application for a license required by this section shall be made to the department,

on forms prescribed by the department, which shall contain such information as the department deems necessary. The license is personal and nontransferable, with a separate license required for each establishment location. A new license is required at any time there is a change in ownership, legal entity or establishment location.

(3) In addition to other license requirements of this section, an applicant for a license, whose average weekly dollar value of meat animal purchases exceeds $10,000, for which the fee is prescribed by paragraph (c) of subsection (4) of this section shall submit with the application a surety bond with one or more corporate sureties authorized to do business in this state, in an amount equal to twice the average daily value of meat animal purchases during the preceding calendar year, or the amount of $20,000, whichever amount is greater. The department shall prescribe the form for and approve the bond, which shall be conditioned upon faithful performance by the licensee of all obligations to the producers of meat animals arising from the sale of meat animals by producers to the licensee.

(4) Each of the following activities shall be licensed, and the fee established by the department paid with the application therefor:

(a) Operation of a meat seller establishment, which shall only allow the meat products preparation described in ORS 603.010 (8).

(b) Operation of a nonslaughtering processing establishment, which shall allow selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(c) Operation of a slaughterhouse, which shall allow selling meat products at the same location without obtaining the license described in paragraph (a) of this subsection.

(d) Operation of a custom slaughtering establishment or custom processing establishment, which shall not allow selling meat products without first obtaining and maintaining the license described in paragraph (a) of this subsection.

(e) Operation of a slaughterhouse, custom slaughtering establishment or custom processing establishment wherein only poultry or rabbits are slaughtered or prepared, which shall allow selling only poultry or rabbit products at the same location without obtaining the license described in paragraph (a) of this subsection.

(5) The license required by this section shall be displayed at all times in a conspicuous manner at the address shown on the license.

(6) The license fees shall be established by the department in accordance with ORS 183.310 to 183.550, and shall not be less than $25 nor more than $250 for each establishment. A license fee may be established at a specified amount for each category of activities described in subsection (4) of this section, or may be established on the basis of the annual gross dollar volume of sales or services of each establishment in each of the categories. The license fees may be different for each category. In establishing the basis and amounts for the license fees the department shall consider, among other things, the number of establishments in each category of activities described in subsection (4) of this section, the various annual gross dollar volumes of business of the establishments, the differences in activities carried on at the establishments in each category described in subsection (4) of this section, and the costs of administration and enforcement of the laws set forth in ORS 603.095. [1973 c.175 §4, 1975 c.703 §1; 1982 s.s.1 c.4 §1]

603.027 Refund of license fee in specific instances; application. (1) Notwithstanding ORS 603.025 (2), whenever any business licensed pursuant to the requirements of ORS 603.025 (4)(a) is transferred by sale or otherwise, the person to whom the license was issued may apply to the department for a refund of that portion of the license fee applicable to the then unexpired portion of the license period. The person to whom the business is transferred shall not be required to pay a license fee that exceeds the amount of any refund to which the transferor is entitled pursuant to this subsection.

(2) Application for the refund referred to in subsection (1) of this section shall be made at such time and in such manner as the department by rule may prescribe. [1975 c.188 §2]

603.030 [Amended by 1953 c.692 §6; 1955 c.712 §20; 1955 c.724 §3; 1957 c.65 §1; 1961 c.425 §11; 1969 c.565 §3, repealed by 1973 c.175 §15]

603.033 [1955 c.724 §5; 1965 c.483 §7; 1967 c.392 §1, 1969 c.565 §4; repealed by 1973 c.175 §15]

603.034 Denial, suspension or revocation of license; bond; activities of licensees; license exemption. (1) In accordance with the provisions of ORS 183.310 to 183.550, the department may suspend, revoke, or refuse to issue a license to any applicant or licensee whose establishment construction, equipment or sanitation does not meet the requirements of the State Meat Inspection Act as defined in ORS chapter 619, or of ORS 599.205 and this chapter, or of the rules promulgated thereunder.

(2) Notwithstanding the provisions of ORS 183.310 to 183.550, upon conviction of a licensee of any violation of the State Meat

Inspection Act, as defined in ORS chapter 619, or of any provisions of ORS 599.205 and this chapter, or of the rules promulgated thereunder, or upon determination by the department that a licensee has failed to maintain the surety bond required by ORS 603.025 (3), the department is authorized to forthwith suspend or revoke such license. The department shall, by certified mail addressed to such licensee at the address shown on the license, render notice that such license has been revoked or suspended.

(3) Subject to ORS 603.025, authority to carry on more than one type of activity at the same establishment shall only be approved by the department if there is compliance by the licensee with the laws and rules applicable to each separate activity.

(4) ORS 599.205 and this chapter shall not require a person to obtain a license to slaughter on the person's own premises a meat animal, owned by the person, for the person's consumption or for consumption by members of the person's household, nonpaying guests or employees. [1973 c.175 §5; 1975 c.703 §2; 1981 c 248 §27]

603.035 [1953 c.692 §5, repealed by 1955 c.724 §17]

603.040 [Amended by 1953 c 692 §6, 1955 c 724 §6, repealed by 1973 c.175 §15]

603.045 Custom slaughter and processing regulations. A custom slaughtering establishment or a custom processing establishment shall:

(1) Not buy or sell carcasses of meat animals, meat or meat products capable of use as human food unless such are marked, tagged or otherwise identified as inspected meat or meat products as required by ORS chapter 619.

(2) Mark, tag or otherwise identify all individually wrapped packages or containers of meat or meat products slaughtered or prepared for the owner of a meat animal, at the time and in the manner prescribed by the department, so as to protect the people of this state from the purchase, use or consumption of uninspected or unwholesome meat or meat products. In addition to such marking, tagging and identifying as the department may prescribe, each such package or container shall be marked with the words "Not Inspected" and "Not For Sale" in letters at least three-eighths inch in size.

(3) Provide the owner of the meat animal with a certificate, prescribed by the department, giving the accurate weight of the carcass resulting from the slaughter of such animal and the weight of the resulting product delivered to the owner.

(4) Provide the owner of the meat animal with certificate and tags, prescribed by the department, establishing ownership of said carcass.

(5) Record, and deliver to the department as it directs:

(a) An accurate description of the breed characteristics and the brand or marks of each animal slaughtered.

(b) The name and address of the person from whom each such animal was received and the date thereof.

(c) The name and address of the person to whom the meat products of each such animal were delivered upon completion of the slaughter or preparation and the date thereof.

(6) Maintain and only utilize an establishment and equipment in accordance with rules promulgated by the department.

(7) Prepare and maintain records of all meat animals received by the establishment for slaughter. Such records shall include:

(a) The number and kind of poultry or rabbits or, in the case of other meat animals, an accurate description of the breed characteristics and the brand or marks of such other meat animal, slaughtered.

(b) The name and address of the person from whom each such animal was received and the date thereof.

(c) The name and address of the person to whom the meat products of each such animal were delivered upon completion of the slaughter and the date thereof. [1973 c.175 §6; 1977 c.758 §1]

603.050 [Amended by 1955 c.724 §7; repealed by 1973 c.175 §15]

603.055 Equipment and facilities requirements. Each establishment, other than those subject to ORS 603.045, shall maintain and only utilize an establishment and equipment in accordance with rules promulgated by the department. [1973 c.175 §7]

603.060 [Amended by 1955 c.724 §8; 1959 c.239 §2; 1967 c 396 §2; repealed by 1969 c.565 §48]

603.065 Slaughter methods. (1) Cattle, equines, sheep or swine shall be slaughtered by a licensee and handled in connection with slaughter, by any method which:

(a) Renders each such animal insensible to pain by a single blow or gunshot or by an electrical, chemical or other means that is rapid and effective, before the animal is shackled, hoisted, thrown, cast or cut; or

(b) Is in accordance with the ritual requirements of any religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(2) No licensee engaged in the slaughter of animals described in subsection (1) of this section shall slaughter by any method other than therein described, nor shall shackle, hoist, or otherwise bring such animals not previously rendered insensible to pain in accordance with subsection (1) of this section into position for slaughter by any method which shall cause injury or pain. [1973 c.175 §11]

603.070 [Amended by 1955 c.724 §9; repealed by 1969 c.565 §48]

603.075 Brand inspection service fees. Any establishment required by the laws of this state to have brand inspection shall after the first service call during a calendar week pay to the department for such subsequent services the fees established under ORS 604.066 (2), which shall not be less than the fees equivalent to the inspection of five head of livestock per service call. Such fees are appropriated as set forth in ORS chapter 604. For the purposes of this section a calendar week is defined as the period commencing at 12:01 a.m. on Sunday and ending at 12 midnight Saturday. [1973 c.175 §8; 1975 c 574 §1; 1981 c.248 §19]

603.080 [Amended by 1955 c.724 §10, repealed by 1969 c.565 §48]

603.085 Rulemaking authority. In accordance with the provisions of ORS 183.310 to 183.550 the department may promulgate rules necessary to carry out and enforce ORS 599.205 and this chapter, including but not limited to:

(1) The methods of marking or tagging packages required by ORS 603.045 (2).

(2) The establishment of minimum standards of construction of establishments and equipment and of maintenance and sanitation of such establishments and equipment.

(3) The establishment of the major phases of processing and forms of the certificates and tags required by ORS 603.045 (3) and (4). [1973 c.175 §9; 1981 c 248 §28]

603.090 [Repealed by 1955 c.724 §17]

603.091 [1959 c.565 §16; 1969 c.565 §5, repealed by 1973 c 175 §15]

603.095 Disposition of funds received by department. Except as provided in ORS 603.075, all moneys received by the department pursuant to ORS 599.269 and this chapter shall be paid into the Department of Agriculture Service Fund. Such moneys are continuously appropriated to the department for the purpose of administering ORS 599.269, ORS chapters 604, 616 and 619 and this chapter and for the purpose of administering such provisions of ORS chapters 162, 164 and 607 as apply to theft of livestock. [1973 c.175 §10, 1975 c 574 §1a, 1979 c.499 §17, 1981 c.248 §32, 1982 s.s.1 c 4 §2]

603.100 [Repealed by 1955 c.724 §17]

603.101 [1959 c.565 §17; 1969 c.565 §6; repealed by 1973 c.175 §15]

603.110 [Repealed by 1955 c.724 §17]

603.120 [Amended by 1955 c.724 §11, repealed by 1973 c.175 §15]

603.130 [Repealed by 1955 c.724 §17]

603.140 [Amended by 1955 c.724 §12; repealed by 1973 c.175 §15]

603.150 [Amended by 1955 c.724 §13, repealed by 1973 c.175 §15]

603.160 [Repealed by 1973 c.175 §15]

603.170 [Repealed by 1955 c.724 §17]

603.172 [1965 c 483 §6, repealed by 1969 c 565 §48]

603.180 [Repealed by 1973 c 175 §15]

603.190 [Amended by 1955 c 724 §14, repealed by 1973 c.175 §15]

603.200 Payment by processors to producers; payment by sellers to processors; interest; definitions. Notwithstanding any other provision of law:

(1) In the absence of a contract or other agreement providing otherwise, any processor who purchases meat animals from the producers thereof shall make full payment therefor not later than the second business day after the day the processor takes delivery of any such meat animal.

(2) In the absence of a contract or other agreement providing otherwise, any meat seller who purchases meat or meat products from the processor thereof shall make full payment therefor not later than the seventh business day after the day the meat seller takes delivery of any such meat or meat product.

(3) Any person who fails to make payment as required by subsections (1) and (2) of this section shall pay, in addition to the amount due, interest thereon at the rate of one percent per month.

(4) As used in this section:

(a) "Meat animal" has the meaning for that term provided in ORS 603.010.

(b) "Meat or meat product" has the meaning for that term provided in ORS 603.010.

(c) "Meat seller" means a person required to obtain a license the fee for which is prescribed in ORS 603.025 (4)(a).

(d) "Processor" means a person required to obtain a license the fee for which is prescribed in ORS 603.025 (4)(b) to (e). [1975 c.703 §10]

Note: 603.200 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 603 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

603.310 [1961 c.407 §§1, 2; repealed by 1973 c.175 §15]

603.320 [1961 c 407 §3; repealed by 1973 c 175 §15]

PENALTIES

603.990 [Subsection (3) enacted as 1959 c 565 §19; repealed by 1973 c 175 §15]

603.992 Penalties. (1) Except as provided in subsection (2) of this section, violation of this chapter, or rules promulgated thereunder, is a misdemeanor.

(2) Violation of ORS 603.065 is a Class B misdemeanor. [1973 c.175 §12, 1981 c.248 §29, 1982 s s.1 c.4 §3]