

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 241

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Alonzo Baldonado

AN ACT

RELATING TO FOOD SAFETY; AMENDING THE MEAT INSPECTION ACT TO
CREATE AN EXEMPTION FOR LIVESTOCK PREPARED OR PROVIDED FOR
HUMAN CONSUMPTION AT A MATANZA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 25-3-7 NMSA 1978 (being Laws 1969,
Chapter 89, Section 2, as amended) is amended to read:

"25-3-7. DEFINITIONS.--As used in the Meat Inspection
Act:

A. "board" means the New Mexico livestock board or,
where appropriate, its executive director;

B. "health board" means the ~~[health and~~
~~environment]~~ department of ~~[the state]~~ environment;

C. "chief" means the chief veterinary meat
inspector;

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 D. "meat" means the edible flesh of poultry, birds
2 or animals as usually sold for human consumption and includes
3 livestock, poultry and livestock and poultry products;

4 E. "livestock product" or "poultry product" means
5 any product capable of use as human food [~~which~~] that is wholly
6 or partially made from meat and is not specifically exempted by
7 regulation of the board;

8 F. "prepared" means slaughtered, canned, salted,
9 stuffed, rendered, boned or cut up or otherwise manufactured or
10 processed;

11 G. "federal acts" means the Federal Meat Inspection
12 Act, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81
13 Stat. 584 and the federal Poultry Products Inspection Act, 71
14 Stat. 441, as amended by the Wholesome Poultry Products Act, 82
15 Stat. 791;

16 H. "pesticide chemical", "food additive", "color
17 additive" and "raw agricultural commodity" [~~shall~~] have the
18 same meanings for the Meat Inspection Act as for the Federal
19 Food, Drug and Cosmetic Act, 52 Stat. 1040, as amended;

20 I. "adulterated" means the term applied to any meat
21 that:

22 (1) [~~if it~~] bears or contains any poisonous or
23 deleterious substance [~~which~~] that may render it injurious to
24 health; provided that any substance [~~not~~] added to meat shall
25 not be considered adulterating if the quantity of the substance

.188311.2

underscored material = new
[bracketed material] = delete

1 is insufficient to ordinarily render it injurious to health;

2 (2) ~~[if it]~~ bears or contains, by reason of
3 administration of any substance to the meat, any added
4 poisonous or added deleterious substance other than a color
5 additive, a food additive or a pesticide chemical in or on a
6 raw agricultural commodity, any of which may, in the board's
7 judgment, make ~~[such article]~~ the meat unfit for human food;

8 (3) ~~[if it]~~ is, in whole or in part, a raw
9 agricultural commodity and that bears or contains a pesticide
10 chemical ~~[which]~~ that is unsafe within the meaning of Section
11 408 of the Federal Food, Drug and Cosmetic Act;

12 (4) ~~[if it]~~ bears or contains any food
13 additive ~~[which]~~ that is unsafe within the meaning of Section
14 409 of the Federal Food, Drug and Cosmetic Act;

15 (5) ~~[if it]~~ bears or contains any color
16 additive ~~[which]~~ that is unsafe within the meaning of Section
17 706 of the Federal Food, Drug and Cosmetic Act; provided that
18 ~~[an article which]~~ meat that is not otherwise deemed
19 adulterated under ~~[Paragraphs]~~ Paragraph (3), (4) or (5) of
20 this ~~[section]~~ subsection shall be deemed adulterated if use of
21 the pesticide chemical, food additive or color additive in or
22 on ~~[such article]~~ meat is prohibited by regulation of the
23 board;

24 (6) ~~[if it]~~ consists, in whole or in part, of
25 any filthy, putrid or decomposed substance or is for any other

.188311.2

underscored material = new
[bracketed material] = delete

1 reason unsound, unhealthful, unwholesome or otherwise unfit for
2 human food;

3 (7) [~~if it~~] has been prepared, packed or held
4 under [~~un-sanitary~~] insanitary conditions whereby it may have
5 become contaminated with filth or whereby it may have been
6 rendered injurious to health;

7 (8) [~~if it~~] is, in whole or in part, the
8 product of an animal, including poultry, [~~which has~~] that died
9 otherwise than by slaughter;

10 (9) [~~if its~~] has a container that is composed,
11 in whole or in part, of any poisonous or deleterious substance
12 [~~which~~] that may render the contents injurious to health;

13 (10) [~~if it~~] has been intentionally subjected
14 to radiation, unless the use of the radiation was in conformity
15 with a regulation or exemption in effect pursuant to Section
16 409 of the Federal Food, Drug and Cosmetic Act;

17 (11) [~~if~~] has any valuable constituent that
18 has been, in whole or in part, omitted or abstracted
19 [~~therefrom~~] or [~~if~~] that has any substance that has been
20 substituted wholly or in part [~~therefor~~] or [~~if~~] that has
21 damage or inferiority that has been concealed in any manner or
22 [~~if~~] that has any substance [~~has been~~] added [~~thereto~~] or mixed
23 or packed [~~therewith~~] with the meat so as to increase its bulk
24 or weight or reduce its quality or strength or make it appear
25 better or of greater value than it is; or

.188311.2

underscored material = new
[bracketed material] = delete

1 (12) [~~if it~~] is margarine containing animal
2 fat and in which any of the raw material used [~~therein~~]
3 consisted, in whole or in part, of any filthy, putrid or
4 decomposed substance;

5 J. "misbranded" means the term applied to meat
6 that:

7 (1) [~~if its~~] has labeling that is false or
8 misleading in any particular;

9 (2) [~~if it~~] is offered for sale under the name
10 of another food;

11 (3) [~~if it~~] is an imitation of another food,
12 unless its label bears in type of uniform size and prominence
13 the word "imitation" and immediately thereafter the name of the
14 food being imitated;

15 (4) [~~if its~~] has a container that is so made,
16 formed or filled as to be misleading;

17 (5) [~~unless it bears~~] does not bear a label
18 showing:

19 (a) the name and place of business of
20 the manufacturer, packer or distributor; and

21 (b) an accurate statement of the
22 quantity of the product in terms of weight, measure or
23 numerical count; provided that the board may make regulations
24 exempting small meat packages, meat not in containers and other
25 reasonable variations;

.188311.2

underscored material = new
[bracketed material] = delete

1 (6) [~~if~~] has any word, statement or other
2 information required by or under the Meat Inspection Act, [~~to~~
3 ~~appear~~] appearing on the label or other labeling that is not
4 prominently placed [~~thereon~~] on the label with [~~such~~] the same
5 conspicuousness as [~~compared with~~] other words, statements,
6 designs or devices in the labeling and that is not stated in
7 such terms as to render it likely to be read and understood by
8 the ordinary individual under customary conditions of purchase
9 and use;

10 (7) [~~if it~~] purports to be or is represented
11 as a food for which a definition and standard of [~~identify~~]
12 identity or composition has been prescribed by the regulations
13 of the board under Section [~~5 of the Meat Inspection Act~~]
14 25-3-13 NMSA 1978, unless:

15 (a) it conforms to [~~such~~] the definition
16 and standard; and

17 (b) its label bears the name of the food
18 specified in the definition and standard and, insofar as may be
19 required by [~~such~~] the regulations, the common names of
20 optional ingredients, other than spices, flavoring and
21 coloring, present in [~~such~~] the food;

22 (8) [~~if it~~] purports to be or is represented
23 as a food for which a standard [~~or standards~~] of fill of
24 container [~~have~~] has been prescribed by regulations of the
25 board under Section [~~5 of the Meat Inspection Act~~] 25-3-13 NMSA

.188311.2

underscored material = new
[bracketed material] = delete

1 1978 and [~~it~~] that falls below the standard of fill of
2 container applicable [~~thereto~~], unless its label bears in such
3 manner and form as [~~such~~] the regulations specify a statement
4 that it falls below [~~such~~] standard;

5 (9) [~~if it~~] is not subject to the provisions
6 of Paragraph (7) of this subsection unless its label bears:

7 (a) the common or usual name of the
8 food, if any [~~there be~~]; and

9 (b) in case it is fabricated from two or
10 more ingredients, the common or usual name of each [~~such~~]
11 ingredient, except that spices, flavorings and colorings may,
12 when authorized by the board, be designated as spices,
13 flavorings and colorings without naming each; provided that to
14 the extent that compliance with the requirements of this
15 [~~paragraph (9) (b)~~] subparagraph is impracticable or results in
16 deception or unfair competition, exemptions shall be
17 established by regulations promulgated by the board;

18 (10) [~~if it~~] purports to be or is represented
19 for special dietary uses, unless its label bears such
20 information concerning its vitamin, mineral and other dietary
21 properties as the board, after consultation with the secretary
22 of agriculture of the United States, determines to be, and by
23 regulations prescribes as, necessary in order to fully inform
24 purchasers as to its value for such uses;

25 (11) [~~if it~~] bears or contains any artificial

underscored material = new
[bracketed material] = delete

1 flavoring, artificial coloring or chemical preservative, unless
2 it bears labeling stating that fact; provided that to the
3 extent that compliance with the requirements of this paragraph
4 [~~(11)~~] is impracticable, exemptions shall be established by
5 regulations promulgated by the board; or

6 (12) [~~if it~~] fails to bear directly thereon
7 and on its containers, as the board may by regulations
8 prescribe, the official inspection legend and establishment
9 number of the establishment where the product was prepared and,
10 unrestricted by any of the foregoing, such other information as
11 the board may require in [~~such~~] regulations to assure that it
12 will not have false or misleading labeling and that the public
13 will be informed of the manner of handling required to maintain
14 the [~~article~~] meat in a wholesome condition;

15 K. "livestock" means any cattle, sheep, swine,
16 goats, horses, mules or other equines, whether live or dead;

17 L. "matanza" means a traditional and cultural
18 family and community event and includes the preparing of
19 livestock for human consumption;

20 [~~E.~~] M. "poultry" means any domesticated bird,
21 whether live or dead; and

22 [~~M.~~] N. "official establishment" means any
23 establishment licensed by the board at which inspection of the
24 slaughter of livestock or poultry or the preparation of meat
25 food products is maintained under the provision of the Meat

.188311.2

underscored material = new
[bracketed material] = delete

1 Inspection Act."

2 SECTION 2. Section 25-3-16 NMSA 1978 (being Laws 1969,
3 Chapter 89, Section 11) is amended to read:

4 "25-3-16. EXEMPTIONS.--The following persons are exempt
5 from the provisions and penalties set forth in the Meat
6 Inspection Act:

7 A. any person who slaughters livestock or poultry
8 for [~~his~~] the person's own personal or household use;

9 B. any person who prepares or processes livestock
10 products or poultry products for [~~his~~] the person's personal or
11 household consumption; [~~and~~]

12 C. any person who prepares or processes livestock
13 for human consumption at a matanza; and

14 [~~G.~~] D. any person who transports dead, dying,
15 disabled or diseased [~~animals~~] livestock or poultry for the
16 purpose of treatment, burial or disposal in any manner [~~which~~]
17 that would prevent such carcasses from being used as human
18 food."