

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB FILE NO. R094-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/23/2020**

NEW REGULATIONS

Section 1. Chapter 583 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this regulation.

CUSTOM MEAT & POULTRY

Sec. 2. *"Custom Exempt Farm Slaughtering" Means the slaughtering, skinning and preparing of livestock, game mammals and poultry by humane means for the purpose of human consumption which is conducted without USDA oversight.*

Sec. 3. *"Mobile slaughter facility" means a mobile unit that is operated by a person permitted by the department to slaughter and process, that can provide onsite slaughter services for the owner of the animal.*

Sec. 4. *Person in Charge" means the individual present at the processing establishment who is responsible for the operation at the time of inspection.*

Sec. 5. ***Slaughter and Processing Facilities That Are Exempt from USDA Inspection.***

1. *Any person who operates a custom exempt slaughter and/or processing facility, or a facility that is otherwise exempt from inspection by USDA, shall comply with the requirements of this chapter.*
2. *Any person applying to the Department for a permit shall provide documentation showing either that he or she is currently being inspected by USDA's Food Safety and Inspection Service (FSIS)) or is exempt from the requirement of such inspection as determined by the Federal Meat Inspection Act or the by the Poultry Products Inspection Act.*

Sec. 6. ***Person in charge: Demonstration of knowledge***

Based on the risks inherent to the operation, during inspections and upon request, the person in charge shall demonstrate to the department knowledge of the prevention of foodborne illness.

The person in charge may demonstrate this knowledge by:

- (a) *Being a certified food protection manager who has shown proficiency in the required information through passing a test that is part of an accredited program; or*
- (b) *Completing training acceptable to the department.*

Sec.7. ***Permits and Fees.***

1. *All meat and poultry slaughtering, production, processing, labeling, storing, handling, transportation and sanitation procedures shall be conducted as prescribed in this Chapter.*

(a) Any person operating a business in any of the following categories shall obtain a permit from the Department.

(1) Fixed slaughtering facility– the slaughtering or dressing of an animal for human consumption in a stationary building.

(2) Mobile processing unit – the slaughtering or dressing of an animal for human consumption by using a mobile structure on the property of the animal’s owner.

(i) Annual permit is required for the owner of the mobile processing unit and,

(ii) Annual permit is required for the operator of the mobile processing unit.

(a) Such application for a permit will be made on a form approved by the department. The form shall show the name, address, telephone number and e-mail address of the owner. Permits will be valid for 1 year. Permit applications will not be recognized as complete until the applicant has signed the permit form and paid the required fees.

(b) Change of ownership will require a new application to be filed with the Department.

2. If a slaughtering facility is constructed or extensively remodeled, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities must be submitted to the Department for approval before such work is begun. Such plans must be accompanied by a detailed description of the operation of food processing and any other documentation required by the Department.

Sec. 8. Fees for Annual Permits, Plan Reviews and Late Fees.

The Department shall charge and collect fees for annual permits and other services in accordance with the following schedule.

Custom Slaughtering Facility which has an area of:

Less than 1,000 square feet.....\$200

1,001 to 3,000 square feet.....\$250

3,001 to 5,000 square feet.....\$300

More than 5,000 square feet.....\$350

Mobile Processing Unit.....\$166

For an annual permit for each slaughtering unit or facility.....\$270

For an annual permit for an operator of a mobile slaughtering unit.....\$115

A Commercial Plan Review for the construction or remodeling of a food processing establishment or unit.

Fees for Reviewing Plans.....\$300

Fees for Remodeling\$200

Late Fees.

Late fee for permit renewal after 30 days \$30

Sec. 9. Identification and Records.

1. *Prior to slaughter the permittee shall:*
 - (a) *Prepare a slaughter tag with complete and accurate information;*
 - (b) *A Slaughter Tag will record the following information:*
 - (1) *date;*
 - (2) *owner's name, address and telephone number;*
 - (3) *animal description including brands and marks.*
 - (c) *One tag shall stay in the permit holder's file for at least one year.*
2. *After slaughter, all carcasses must be stamped "NOT FOR SALE" on each quarter with letters at least 3/8" in height; further, a Farm Custom Slaughter "NOT FOR SALE" tag must be affixed to each quarter of beef and each half of pork and sheep.*

Sec. 10. Slaughtering Procedures of Livestock and Poultry.

1. *Livestock procedures*
 - (a) *Slaughter Area.*
 - (1) *Slaughtering shall not take place under adverse conditions (such as blowing dirt, dust or in mud).*
 - (2) *The slaughter area should be maintained to prevent blood from collecting, running off on to adjacent property, or contaminating water sources.*
 - (3) *Hides, viscera, blood, paunch material, and all tissues must be removed and disposed at a rendering facility, landfill, composting or by burial as allowed by law.*
 - (b) *Humane Slaughter - Animals shall be rendered insensible to pain by a single blow, or gun shot or electrical shock or other means that is instantaneous and effective before being shackled, hoisted, thrown, cast or cut.*
 - (c) *Hoisting and Bleeding - Animals shall be hoisted and bled as soon after stunning as possible to utilize post-stunning heart action and to obtain complete bleeding. Carcasses shall be moved away from the bleeding area for skinning and butchering.*
 - (d) *Skinning - Carcass and head skin must be handled without neck tissue contamination. This may be done by leaving the ears on the hide and tying the head skin. Feet must be removed before carcass is otherwise cut. Except for sticking and starting skinning procedures, skin should be cut from inside outward to prevent carcass contamination with cut hair. Hair side of hide should be carefully rolled or reflected away from carcass during skinning. When carcass is moved from skinning bed, caution should be taken to prevent exposed parts from coming into contact with adulterating surfaces.*

- (e) *Evisceration - Before evisceration, rectum shall be tied to include bladder neck and to prevent urine and fecal leakage. Care should also be taken while opening abdominal cavities to prevent carcass and/or viscera contamination.*
 - (f) *Carcass washing - Hair, dirt, and other accidental contamination should be trimmed prior to washing. Washing should proceed from the carcass top downward to move away any possible contaminants from clean areas.*
2. *Poultry procedures*
- (a) *Scalding - Poultry shall not enter scalding tanks while still breathing. Scalders should have a minimum overflow of one quart of water for each bird entering them. It should be increased, if necessary, to keep scald water reasonably clean. Hock or neck scalders require sufficient overflow for sanitary processing.*
 - (b) *Defeathering - All carcasses shall be properly defeathered before evisceration. Incompletely defeathered carcasses should not be hung on eviscerating line.*
 - (c) *Singeing - Vestigial feathers (hair, down), left by picking machines, may be removed by singeing, wax dipping, or other acceptable means. When proper facilities are available, carcasses with hair may be singed on drip line after chilling.*
 - (d) *Evisceration - Opening cuts and removal of viscera must be made without cutting intestinal tract and without carcass contamination.*
 - (e) *Final Washing - While rinsing blood and tissue debris from the carcass, the water must drain freely from the body cavity.*
 - (f) *Chilling - To prevent bacterial growth and product spoilage, all poultry carcasses should be promptly chilled after eviscerating and washing to an internal temperature of 40 degrees Fahrenheit within 4 hours for a 3-4 lb. carcass, 6 hrs. for a 5-8 lb. bird, or 8 hrs. for birds over 8 lb.*
 - (1) *Water and Ice: Chillers must be filled to the point of overflowing before birds are allowed entry. Required fresh water intake (1/2 gallon per bird for young chickens, etc.) must begin as soon as chilling system is filled with poultry. A continuous overflow from each chilling unit must be maintained, except when units are being emptied of poultry.*
 - (2) *Ice may be used to supplement part of water requirement in continuous chill systems at a rate of 8.5 pounds of ice for 1 gallon of water*

Sec. 11. *Sanitary Standards.*

Each establishment must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated.

Sec.12. *Establishment Grounds and Facilities.*

- 1. *Grounds and pest control. The grounds about an establishment must be maintained to prevent conditions that could lead to insanitary conditions, adulteration of product, or interfere with inspection by program employees. Establishments must have in place a pest management program to prevent the harborage and breeding of pests on the grounds and within establishment facilities. Pest control substances used must be safe and effective under the conditions of use and not be applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.*
- 2. *Handwashing sink(s): Availability and use.*

- (a) *A supply of soap or detergent for cleaning hands and disposable towels or a hand drying device must be available at each handwashing sink.*
- (b) *A sign or poster that notifies employees to wash their hands must be provided at all handwashing sinks used by employees and must be clearly visible to all employees.*
- (c) *Handwashing sinks must always be accessible to employees and may not be used for purposes other than washing hands.*
- 3. *Construction.*
 - (a) *Establishment buildings, including their structures, rooms, and compartments must be of sound construction, be kept in good repair, and be of sufficient size to allow for processing, handling, and storage of product in a manner that does not result in product adulteration or the creation of insanitary conditions.*
 - (b) *Walls, floors, and ceilings within establishments must be built of durable materials, light in color, impervious to moisture and be cleaned and sanitized as necessary to prevent adulteration of product or the creation of insanitary conditions.*
 - (c) *Walls, floors, ceilings, doors, windows, and other outside openings must be constructed and maintained to prevent the entrance of vermin, such as flies, rats, and mice.*
 - (d) *Rooms or compartments in which edible product is processed, handled, or stored must be separate and distinct from rooms or compartments in which inedible product is processed, handled, or stored, to the extent necessary to prevent product adulteration and the creation of insanitary conditions.*
- 4. *Light.*
 - (a) *Light bulbs must be shielded, coated or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, hand-washing areas, dressing and locker rooms, and toilets.*
 - (b) *At least 50 foot-candles (540 lux) at a surface where an employee is working with food or working with utensils or equipment, including, without limitation, knives, slicers, grinders or saws, where employee safety is a factor.*
- 5. *Ventilation.*

Ventilation adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of product and the creation of insanitary conditions must be provided.
- 6. *Plumbing. Plumbing systems must be installed and maintained to:*
 - (a) *Carry sufficient quantities of water to required locations throughout the establishment;*
 - (b) *Properly convey sewage and liquid disposable waste from the establishment;*
 - (c) *Prevent adulteration of product, water supplies, equipment, and utensils and prevent the creation of insanitary conditions throughout the establishment;*
 - (d) *Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor;*
 - (e) *Prevent back-flow conditions and cross-connection between safe and unsafe water supplies that discharge waste water or sewage and piping systems that carry water for product manufacturing; and*
 - (f) *Prevent the backup of sewer gases.*
- 7. *Sewage disposal.*

Sewage must be disposed into a sewage system separate from all other drainage lines or disposed of through other means sufficient to prevent backup of sewage into areas where product is processed, handled, or stored. When the sewage disposal system is a private system requiring approval by a State or local health authority, the establishment must furnish the letter of approval from that authority upon request.

8. *Water supply and water, ice, and solution reuse.*

A supply of running water that complies with the National Primary Drinking Water regulations (40 CFR part 141), hot and cold temperatures under pressure as needed, must be provided in all areas where required (for processing product, for cleaning rooms and equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If an establishment uses a municipal water supply, it must make available upon request, a water report, issued under the authority of the State or local health agency, certifying or attesting to the potability of the water supply. If an establishment uses a private well for its water supply, it must make available to upon request, documentation certifying that the water supply is free of coliforms and is tested annually.

9. *Dressing rooms, lavatories, and toilets.*

(a) Dressing rooms, toilet rooms, and urinals must be sufficient in number, ample in size, conveniently located, and always maintained in a sanitary condition and in good repair to ensure cleanliness of all persons handling any product. They must be separate from the rooms and compartments in which products are processed, stored, or handled.

(b) Lavatories with running hot and cold water, soap, and towels, must be placed in or near toilet and urinal rooms and at such other places in the establishment as necessary to ensure cleanliness of all persons handling any product.

(c) Refuse receptacles must be covered, constructed and maintained in a manner that protects against the creation of insanitary conditions and the adulteration of products.

(d) A sign or poster that notifies employees to wash their hands must be provided.

Sec. 13. *Equipment and Utensils.*

1. *Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product.*

2. *Equipment and utensils must not be constructed, located, or operated in a manner that prevents employees from inspecting the equipment or utensils to determine whether they are in sanitary condition.*

3. *Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive marking to identify permitted uses.*

Sec. 14. *Sanitary Operations.*

1. *All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.*

2. *Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.*
3. *Cleaning compounds, sanitizing agents, processing aids, and other chemicals used by an establishment must be safe and effective under the conditions of use. Such chemicals must be used, handled, and stored in a manner that will not adulterate product or create insanitary conditions. Documentation substantiating the safety of a chemical's use in a food processing environment must be available to inspection program employees for review.*
4. *Product must be protected from adulteration during processing, handling, storage, loading, and unloading at and during transportation from official establishments.*

Sec. 15. *Temperatures and Chilling.*

1. *Temperatures and procedures for chilling and freezing meat, including all edible portions thereof, shall insure the prompt removal of the animal heat, shall preserve the condition and wholesomeness of the poultry and shall assure that the products are not adulterated.*
2. *General Chilling Requirements.*
 - (a) *All meat that is slaughtered and eviscerated in the facility shall be chilled immediately after processing so that the internal temperature is reduced to 40°F or less within four hours. Meat which is to be held at the facility in packaged form in excess of 24 hours shall be held under mechanical refrigeration at a temperature of 40°F or less.*
 - (b) *Continuous chillers shall not be used unless a recording thermometer, with a 24-hour recording cycle, is provided to measure the temperature in the warmest part of the chilling system. The temperature recorder shall be readily accessible. The completed temperature charts shall be kept on file at the facility for at least 6 months.*
 - (c) *Previously chilled carcasses and major portions shall be maintained constantly at 40°F or below until removed from the vats or tanks for immediate packaging.*
3. *Meat which is to be held in chilling tanks in excess of 24 hours shall at the end of the 24-hour chilling period be removed from the tanks and repacked in clean ice and in clean tanks which are continually drained, or as an alternative, the tanks shall be drained and re-iced and placed in a cooler which will maintain all of the meat in the tanks at a temperature of 40°F or below.*
4. *Poultry shall be adequately drained after chilling, to remove ice and free water prior to packaging or packing.*
5. *When poultry is ice-packed in barrels or other containers, the barrels and containers shall be covered.*

Sec. 16. *Employee Hygiene.*

1. *Cleanliness. All persons working in contact with product, food-contact surfaces, and product-packaging materials must adhere to hygienic practices while on duty to prevent adulteration of product and the creation of insanitary conditions.*
2. *Clothing. Aprons, frocks, and other outer clothing worn by persons who handle product must be of material that is disposable or readily cleaned. Clean garments must be worn*

at the start of each working day and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.

3. *Disease control. Any person who has or appears to have an infectious disease agent, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination that can be transmitted through food, must be excluded from any operations which could result in product adulteration and the creation of insanitary conditions until the condition is corrected.*

Sec.17 Handwashing: Procedure.

1. *Food employees must clean their hands and exposed portions of their arms for at least 20 seconds using a cleaning compound in an approved handwashing sink.*
2. *Food employees must use the following cleaning procedure in the order stated:*
 - (a) *Rinse under clean, running warm water;*
 - (b) *Apply an amount of cleaning compound recommended by the manufacturer of the cleaning compound;*
 - (c) *Rub together vigorously for at least 10 to 15 seconds while:*
 - (i) *Paying particular attention to removing soil from underneath the fingernails;*
 - (ii) *Creating friction on the surfaces of the hands and arms, fingertips and areas between the fingers;*
3. *Thoroughly rinse under clean, running warm water;*
4. *Immediately dry using an approved method.*
5. *If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands and arms.*

Sec. 18. Handwashing: When required.

1. *Food employees shall clean their hands and exposed portions of their arms. Immediately before engaging in food preparation, including, without limitation, slaughter, cutting, packaging, processing exposed food, and handling clean equipment;*
2. *After touching bare human body parts other than clean hands and arms, including, without limitation, surrogate prosthetic devices for hands and arms, face, hair;*
3. *After using the toilet room;*
4. *After caring for or handling service animals or aquatic animals;*
5. *After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;*
6. *After handling soiled equipment or utensils, trash receptacles;*
7. *During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.*

Sec. 19. General Rules. *Each establishment and mobile processing unit shall develop, implement, and maintain written standard operating procedures for sanitation (Sanitation SOP's) in accordance with the requirements of this part.*

Sec. 20. *Requirements for the Development of Sanitation Standard Operating Procedures (SOP's).*

- 1. The Sanitation SOP's shall describe all procedures an establishment will conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of product(s).*
- 2. The Sanitation SOP's shall be signed and dated by the individual with overall authority on-site or a higher-level official of the establishment. This signature shall signify that the establishment will implement the Sanitation SOP's as specified and will maintain the Sanitation SOP's in accordance with the requirements of this part. The Sanitation SOP's shall be signed and dated upon initially implementing the Sanitation SOP's and upon any modification to the Sanitation SOP's.*
- 3. Procedures in the Sanitation SOP's that are to be conducted prior to operations shall be identified as such, and shall address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.*
- 4. The Sanitation SOP's shall specify the frequency with which each procedure in the Sanitation SOP's is to be conducted and identify the establishment employee(s) responsible for the implementation and maintenance of such procedure(s).*

Sec. 21. *Implementation of SOP's.*

- 1. Each establishment shall conduct the pre-operational procedures in the Sanitation SOP's before the start of operations.*
- 2. Each establishment shall conduct all other procedures in the Sanitation SOP's at the frequencies specified.*
- 3. Each establishment shall monitor daily the implementation of the procedures in the Sanitation SOP's.*

Sec. 22. *Maintenance of Sanitation SOP's.* *Each establishment shall routinely evaluate the effectiveness of the Sanitation SOP's and the procedures therein in preventing direct contamination or adulteration of product(s) and shall revise both as necessary to keep them effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.*

Sec. 23. *Corrective Actions.*

- 1. Each establishment shall take appropriate corrective action(s) when either the establishment or the department determines that the establishment's Sanitation SOP's or the procedures specified therein, or the implementation or maintenance of the Sanitation SOP's, may have failed to prevent direct contamination or adulteration of product(s).*
- 2. Corrective actions include procedures to ensure appropriate disposition of product(s) that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of product(s), including appropriate reevaluation and modification of the Sanitation SOP's and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOP's or the procedures specified therein.*

Sec. 24. *Hazard Analysis and Critical Control Point (HACCP) Systems.*

Every establishment shall conduct, or have conducted for it, a hazard analysis to determine the food safety hazards reasonably likely to occur in the production process and identify the preventive measures the establishment can apply to control those hazards. The hazard analysis shall include food safety hazards that can occur before, during, and after entry into the establishment. A food safety hazard that is reasonably likely to occur is one because it historically has occurred, or because there is a reasonable possibility that it will occur in the facility.

Sec. 25. *“Corrective action” means procedures to be followed when a deviation occurs.*

Sec. 26. *“Critical control point” means a point, step, or procedure in a food process at which control can be applied and, as a result, a food safety hazard can be prevented, eliminated, or reduced to acceptable levels.*

Sec. 27. *“Critical limit” means the maximum or minimum value to which a physical, biological, or chemical hazard must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.*

Sec. 28. *“Food safety hazard” means any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.*

Sec. 29. *“HACCP System” means the HACCP plan in operation, including the HACCP plan itself.*

Sec. 30. *“Preventive measure: means the physical, chemical, or other means that can be used to control an identified food safety hazard. Process-monitoring instrument. An instrument or device used to indicate conditions during processing at a critical control point.*

Sec. 31. *“Responsible establishment official” means the individual with overall authority onsite or a higher-level official of the establishment.*

Mobile Processing Units – General Requirements

Sec. 32. *Equipment and Sanitation.*

- 1. Unit of vehicle and equipment used for farm custom slaughtering:
 - (a) The unit or vehicle used for farm custom slaughtering shall be so constructed as to permit maintenance in a clean, sanitary manner.*
 - (b) A water tank shall be an integral part of the unit or vehicle. It shall be of approved construction with a minimum capacity of 40 gallons. Water systems must be maintained in a sanitary manner and only potable water shall be used.*
 - (c) A tank (for sanitizing) large enough to allow complete emersion of tools used for slaughtering must be filled during slaughter operations with potable water and maintained at a temperature of at least 180 degrees Fahrenheit. In lieu of 180 degrees Fahrenheit water, chemical sterilization may be used with an approved**

chemical agent after equipment has been thoroughly cleaned. Chloramine, hypochloride, and quaternary ammonium compounds or other approved chemical compounds may be used for this purpose and a concentration must be maintained at sufficient levels to disinfect utensils. Hot water, cleaning agents, and disinfectant shall always be available if chemicals are used in lieu of 180 degrees Fahrenheit water.

- (d) Cleaning agents and paper towels shall be available so hands and equipment may be cleaned as needed.*
- (e) Aprons, frocks and other outer clothing worn by persons who handle meat must be clean and of material that is easily cleanable.*
- (f) All inedible All inedible products and will be denatured with either an approved denaturing agent.*
- (g) When a permittee transports uninspected meat to an establishment for processing, he or she shall:

 - (1) Do so in a manner whereby product will not be adulterated or misbranded, and/or mislabeled; and*
 - (2) Transport the meat in such a way that it is properly protected; and*
 - (3) Deliver carcasses in such a way that they shall be placed under refrigeration within one hour of time of slaughter (40 degrees F).**

2. Sanitation.

(a) Unit or Vehicle.

- (1) The unit or vehicle must be thoroughly cleaned after each use or daily whichever is sooner.*
- (2) All food-contact and non-food contact surfaces of utensils and equipment must be cleaned and sanitized as necessary to prevent the creation of insanitary conditions and the adulteration of carcasses and parts.*
- (3) Carcasses must be protected from adulteration during processing, handling, storage, loading, unloading and during transportation to processing establishments.*

(b) Equipment.

- (1) All knives, scabbards, saws, equipment and all other food contact surfaces shall be cleaned and sanitized prior to and after each slaughter.*
- (2) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every 4 hours if:

 - (i) Utensils and equipment are used in a refrigerated room or area that is maintained at one of the temperatures set forth in subparagraph (1) and:*
 - (ii) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the SOP's.*
 - (iii) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:**

| <i>Temperature</i> | <i>Cleaning Frequency</i> |
|------------------------------|----------------------------------|
| <i>41°F (5.0°C) or below</i> | <i>24 hours</i> |

| | |
|------------------------------|----------|
| >42°F - 45°F (5.0°C - 7.2°C) | 20 hours |
| >46°F - 50°F (7.2°C - 10°C) | 16 hours |
| >51°F - 55°F (10°C - 12.8°C) | 10 hours |

3. *Inedibles.*

(a) *Inedibles shall be placed in designated containers and the inedible containers must be clearly marked (Inedible Not for Human Consumption in letters not less than 4 inches in height).*

(b) *Containers for inedibles shall be kept clean and properly separated from edible carcasses to prevent adulteration.*

4. *Personal Cleanliness.*

(a) *Adequate care shall be taken to prevent contamination of the carcasses from fecal material, ingesta, milk, perspiration, hair, cosmetics, medications and similar substances.*

(b) *Outer clothing worn by permittee shall, while handling exposed carcasses, be clean.*

(c) *No permittee with a communicable disease or who is a disease carrier or is infected with boils, infected wounds, sores or an acute respiratory infection shall participate in livestock slaughtering.*

(d) *Hand wash facilities shall be used as needed to maintain good personal hygiene.*

Sec. 33. *Labeling of Exempt Poultry Products.*

Poultry products produced in an establishment operating under an exemption must be labeled with the following information:

1. *Name of product;*
2. *Ingredients statement (if applicable);*
3. *Net weights statement;*
4. *Name and address of processor;*
5. *Safe food handling statement;*
6. *Date of package and/or Lot number, and;*
7. *The statement "EXEMPT P.L. 90-492".*

Sec. 34. *Recordkeeping for Exempt Poultry Processors (for each transaction).*

Records must be maintained for 2 years from the date of the transaction by the producer/processor to include:

1. *Date of slaughter,*
2. *Date of sale,*
3. *Name and address of the buyer,*
4. *Description of the meat or meat products processed, including species and quantity; and*
5. *Name and address of the owner (producer).*

Sec. 35. *Enforcement Procedures.*

1. *Permit:*

- (a) It shall be unlawful for any person to slaughter or assist in slaughtering livestock and poultry as a business outside of a permitted slaughterhouse unless he or she holds a valid permit issued to him or her by the Department.*
- (b) Only persons who comply with this chapter will be issued a permit.*
- (c) Permit may be renewed annually and shall expire on the 31st of December of each year.*
2. *Suspension of permit - permit may be suspended whenever:*
 - (a) The Department has reason to believe that an eminent public health hazard exists;*
 - (b) Insanitary conditions are such that carcasses would be rendered adulterated and or contaminated.*
 - (c) The permit holder has interfered with the Department in the performance of its duties;*
 - (d) The permittee violates the provisions of this chapter.*
 3. *The department may, in accordance with the 9 CFR Part 500 suspend or terminate any exemption with respect to any person whenever the department finds that such action will aid in effectuating the purposes of the Poultry Products Inspection Act of the United States Department of Agriculture. Failure to comply with the conditions of the exemption including but not limited to failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption.*
 4. *Warning letter - In instances where a repeat violation may have occurred a warning letter may be sent to the permittee which specifies the violations and affords the holder a reasonable opportunity to correct them. A re-inspection fee equal to the permit fee shall be assessed. If fee is unpaid within 60 days, the operator's permit will be suspended.*
 5. *Hearings - Whenever a permittee has been given notice by the Department that suspected violations may have occurred or when a permit is suspended, he may have an opportunity for a hearing to state his views before the Department.*
 6. *Reinstatement of Suspended Permit - Any person whose permit has been suspended may make application for the purpose of reinstatement of the permit. The Department may then re-evaluate the applicant and conditions; if the applicant has demonstrated to the Department that he or she will comply with the rules, the permit may be reinstated.*
 7. *Detainment or Embargo - Any meat found in a food establishment which does not have the proper identification, or any uninspected meat slaughtered by a permittee which does not meet the requirements of these rules may be detained or embargoed.*
 8. *Condemnation - Meat which is determined to be unfit for human consumption may be denatured or destroyed as approved by the Department.*

AMENDED REGULATIONS

Sec. 36. NAC 583.010 is hereby amended to read as follows:

NAC 583.010 Definitions and labeling of meat and meat products. (NRS 439.200)
 Definitions, labeling and the composition of meat and products not otherwise defined must be as described in the Regulations Governing Meat Inspection of the *United States* Department of Agriculture, 9 C.F.R. Part 319.

~~[Bd. of Health, Meat, Poultry and Shellfish Reg. No. 1b, eff. 7-2-62; A-8-21-62; 7-8-73]~~

Sec. 37. **NAC 583.020 is hereby amended to read as follows:**

NAC 583.020 Stamps. (NRS 439.200)

1. Each approved slaughter or processing establishment must be issued a number for use on a stamp. Sufficient stamps bearing this number and the name of the plant must be provided.
2. Stamps must be affixed only by an authorized inspector. Stamps must remain in the possession of the authorized inspector at all times.
3. No other stamp may be used by an establishment other than the approved stamp.
4. Stamps must be surrendered to the [~~Board of Health~~] *department* when approved inspection services are withdrawn.

[~~Bd. of Health, Meat, Poultry and Shellfish Reg. No. 7, eff. 7-2-62; A 8-21-62; renumbered as 5, 7-8-73~~]

Sec. 38. **NAC 583.030 is hereby amended to read as follows:**

NAC 583.030 Form of stamps. (NRS 439.200) The approved stamp authorized by [NAC 583.020](#) must be the stamp of the Meat Inspection Division of the *United States* Department of Agriculture indicating that the meat or meat product has been processed, inspected and is in full compliance with Regulations Governing Meat Inspection of the *United States* Department of Agriculture or the approved stamp of Nevada indicating processing in accordance with [NAC 583.211](#) to [583.500](#), inclusive.

[~~Bd. of Health, Meat, Poultry and Shellfish Reg. No. 1a, eff. 7-2-62; A 8-21-62~~]

Sec. 39. **NAC 583.040 is hereby amended to read as follows:**

NAC 583.040 Game and uninspected products. (NRS 439.200) Game and similar uninspected products are not to be stored before processing or processed with inspected meat products. These products must be cleaned, prepared for processing and stored in a plant. These products must be handled and processed separately from other meats and foods.

[~~Bd. of Health, Meat, Poultry and Shellfish Reg. No. 1f, eff. 7-2-62; A 8-21-62; renumbered as 1e, 7-8-73~~]

Sec. 40. **NAC 583.070 is hereby amended to read as follows:**

NAC 583.070 Poultry, rabbits, pheasants and similar products. {~~(NRS 439.200)~~}

1. Poultry for sale, shipment or distribution in Nevada must be from establishments approved and in compliance with the Poultry Products Inspection Act of the *United States* Department of Agriculture [~~and the regulations concerning food and drink establishments in [chapter 446](#) of NAC~~]. Poultry or containers containing poultry must be labeled indicating processing in an approved plant in Nevada, or from a plant approved and on the current list of approved plants of the *United States* Department of Agriculture.

2. Poultry must be handled and prepared separately from other meat products in retail establishments.

3. Rabbits, pheasants, pigeons and similar products not under the federal inspection program must be from an approved plant in compliance with [~~[chapter 446](#) of NRS,~~] *this chapter* and must be inspected and labeled as required for other meat products.

[~~Bd. of Health, Meat, Poultry and Shellfish Reg. No. 1e, eff. 7-2-62; A 8-21-62; renumbered as 1d, 7-8-73~~]

Sec. 41. **NAC 583.221 is hereby amended to read as follows:**

NAC 583.221 “Capable of use as human food” defined. [~~NRS 583.535~~] “Capable of use as human food” has the meaning ascribed to it in [NRS 583.272](#).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. h, eff. 11-4-70; renumbered as § A subsec. 8, 3-5-71~~]

Sec. 42. **NAC 583.231 is hereby amended to read as follows:**

NAC 583.231 “Color additive” defined. [~~NRS 583.535~~] “Color additive” means a material which:

1. Is a dye, pigment or other substance made by a process of synthesis or similar article, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral or other source; and

2. When added or applied to a food, drug or cosmetic, or to the human body or any part thereof, is capable, alone or through a reaction with another substance, of imparting color thereto. The term does not include any material which the Secretary of Agriculture, by regulation, determines is used, or intended to be used, solely for a purpose or purposes other than coloring.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I part subsec. p, eff. 11-4-70; renumbered as § A part subsec. 16, 3-5-71~~]

Sec. 43. **NAC 583.240 is hereby amended to read as follows:**

NAC 583.240 “Federal Food, Drug and Cosmetic Act” defined. [~~NRS 583.535~~] “Federal Food, Drug and Cosmetic Act” means the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, as amended, 21 U.S.C. §§ 301 et seq.).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. o, eff. 11-4-70; renumbered as § A subsec. 15, 3-5-71~~]

Sec. 44. **NAC 583.250 is hereby amended to read as follows:**

NAC 583.250 “Federal Meat Inspection Act” defined. [~~NRS 583.535~~] “Federal Meat Inspection Act” means the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. §§ 601 et seq.).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. n, eff. 11-4-70; renumbered as § A subsec. 14, 3-5-71~~]

Sec. 45. **NAC 583.260 is hereby amended to read as follows:**

NAC 583.260 “Firm” defined. [~~NRS 583.535~~] “Firm” means any corporation, partnership, association or other unincorporated business organization.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. b, eff. 11-4-70; renumbered as § A subsec. 1, 3-5-71~~]

Sec. 46. **NAC 583.270 is hereby amended to read as follows:**

NAC 583.270 “Food additive” defined. [~~NRS 583.535~~] “Food additive” means any substance the intended use of which results, or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food, including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, and any source of radiation intended for such a use, if the substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific

procedures or experience based on the common use of food to be safe under the conditions of its intended use. The term does not include:

1. A pesticide chemical in or on a raw agricultural commodity;
2. A pesticide chemical to the extent that it is intended for use or is used in the production, storage or transportation of any raw agricultural commodity;
3. A color additive;
4. Any substance used in accordance with a sanction or approval granted prior to September 6, 1958, pursuant to this chapter, the Poultry Products Inspection Act (21 U.S.C. §§ 451 et seq.) or the Meat Inspection Act of March 4, 1907, as amended and extended; or
5. A new animal drug.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I part subsec. p, eff. 11-4-70; renumbered as § A part subsec. 16, 3-5-71~~]

Sec. 47. NAC 583.280 is hereby amended to read as follows:

NAC 583.280 “Label” defined. [~~(NRS 583.535)~~] “Label” has the meaning ascribed to it in [NRS 583.315](#).

[~~Bd. of Health, Meat Inspection Reg. Art. I § I subsec. 1, eff. 11-4-70; renumbered as § A subsec. 12, 3-5-71~~]

Sec. 48. NAC 583.290 is hereby amended to read as follows:

NAC 583.290 “Meat food product” defined. [~~(NRS 583.535)~~] “Meat food product” has the meaning ascribed to it in [NRS 583.345](#).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I part subsec. q, eff. 11-4-70; renumbered as § A subsec. 7, 3-5-71~~]

Sec. 49. NAC 583.300 is hereby amended to read as follows:

NAC 583.300 “Officer” defined. [~~(NRS 583.535)~~] “Officer” means the [~~State Health Officer~~] [Director](#).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. a, eff. 11-4-70; renumbered as § A subsec. 1, 3-5-71~~]

Sec. 50. NAC 583.310 is hereby amended to read as follows:

NAC 583.310 “Official inspection mark” defined. [~~(NRS 583.535)~~] “Official inspection mark” has the meaning ascribed to it in [NRS 583.385](#).

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. r, eff. 11-4-70; renumbered as § A subsec. 18, 3-5-71~~]

Sec. 51. NAC 583.320 is hereby amended to read as follows:

NAC 583.320 “Pesticide chemical” defined. [~~(NRS 583.535)~~] “Pesticide chemical” means any substance which, alone, in chemical combination or in formulation with one or more other substances, is an “economic poison” within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C. §§ 136 et seq.) and which is used in the production, storage or transportation of raw agricultural commodities.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I part subsec. p, eff. 11-4-70; renumbered as § A part subsec. 16, 3-5-71~~]

Sec. 52. NAC 583.330 is hereby amended to read as follows:

NAC 583.330 “Prepared” defined. [~~(NRS 583.535)~~] “Prepared” means slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I subsec. i, eff. 11-4-70; renumbered as § A subsec. 9, 3-5-71~~]

Sec. 53. NAC 583.340 is hereby amended to read as follows:

NAC 583.340 “Raw agricultural commodity” defined. [~~(NRS 583.535)~~] “Raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form before marketing.

[~~Bd. of Health, Meat Inspection Reg. Art. II § I part subsec. p, eff. 11-4-70; renumbered as § A part subsec. 16, 3-5-71~~]

Sec. 54. NAC 583.350 is hereby amended to read as follows:

NAC 583.350 Scope. [~~(NRS 583.535)~~] The provisions of [NAC 583.211](#) to [583.530](#), inclusive, provide for:

1. The mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and the preparation of carcasses, parts of carcasses, meat and meat food products of the animals, solely for distribution in Nevada;
2. The regulation of related industries; and
3. Cooperation with the *United States* Department of Agriculture.

[~~Bd. of Health, Meat Inspection Reg. Art. I, eff. 11-4-70~~]

Sec. 55. NAC 583.360 is hereby amended to read as follows:

NAC 583.360 Authority of Officer. [~~(NRS 583.535)~~] The Officer may:

1. Gather and compile information concerning and investigate the organization, business, conduct, practices and management of any person engaged in intrastate commerce, and the relation of those persons to other persons.

2. Require, by general or special orders, persons engaged in intrastate commerce or any class of them, to file with the Officer, in such form as the Officer may prescribe, annual or special reports or answers in writing to specific questions, furnishing the Officer with the information he or she may require regarding the organization, business, conduct, practices, management and relation to other persons filing the reports or answers in writing. The reports and answers must be made under oath, or otherwise, as the Officer may prescribe, and must be filed with the Officer within a reasonable period as the Officer may prescribe, unless additional time is granted by the Officer.

[~~Bd. of Health, Meat Inspection Reg. Art. V § IV, eff. 11-4-70; renumbered as § D, 3-5-71~~]

Sec. 56. NAC 583.380 is hereby amended to read as follows:

NAC 583.370 Inspection service. ([NRS 583.535](#)) The [~~Board of Health~~] *Department of Agriculture* may employ or approve employment of veterinary inspectors, lay inspectors or contract with private veterinarians or lay inspectors skilled or trained in the inspection of meat and animals to supervise sanitation and perform examinations at approved slaughtering establishments. These assigned representatives are responsible for sanitation in the plant where they are assigned. They shall enforce the provisions of [NAC 583.211](#) to [583.530](#), inclusive, and affix the required stamps of approval of meat and meat products in the assigned plant.

[Bd. of Health, Meat, Poultry and Shellfish Reg. No. 4, eff. 7-2-62; A 8-21-62; A and renumbered as 3, 7-8-73]

Sec. 57. **NAC 583.380 is hereby amended to read as follows:**

AC 583.380 Appointment and duties of inspectors. [~~NRS 583.535~~]

1. The Officer shall appoint inspectors to make examinations and inspections of all cattle, sheep, swine, goats, horses, mules and other equines, of all carcasses and parts thereof, of all meat and meat food products, and of the sanitary conditions of all establishments in which the meat and meat products are prepared.

2. The inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food product prepared in any establishment, until they have actually been inspected and found to be not adulterated.

3. The inspectors shall perform any other duties provided by [NAC 583.211](#) to [583.530](#), inclusive.

4. All inspections and examinations made pursuant to [NAC 583.211](#) to [583.530](#), inclusive, must be made in the manner prescribed by the Officer.

[~~Bd. of Health, Meat Inspection Reg. Art. II § XIII, eff. 11-4-70; renumbered as § M, 3-5-71~~]

Sec. 58. **NAC 583.390 is hereby amended to read as follows:**

NAC 583.390 Access to establishments; destruction of condemned products. [~~NRS 583.535~~]

1. For any examination and inspection, the inspectors must have access at all times, whether or not the establishment is operating, to every part of the establishment.

2. The inspectors shall mark, stamp, tag or label as “Nevada Inspected and Passed” all products found to be not adulterated.

3. The inspectors shall label, mark, stamp or tag as “Nevada Inspected and Condemned” all products found to be adulterated. All condemned meat food products must be destroyed for food purposes.

4. The Officer may remove inspectors from any establishment who fail to destroy any condemned meat food products.

[~~Bd. of Health, Meat Inspection Reg. Art. II § VI, eff. 11-4-70; renumbered as § F, 3-5-71~~]

Sec. 59. **NAC 583.400 is hereby amended to read as follows:**

NAC 583.400 Antemortem examination. [~~NRS 583.535~~]

1. An antemortem examination must be made of all cattle, sheep, swine, goats or other meat food animals before slaughter. This examination must be on the day of slaughter, in pens on the premises.

2. Horses, mules or burros must not be slaughtered in the same establishment as other animals for human consumption.

3. Each slaughter establishment must obtain the current Regulations Governing Meat Inspection of the [United States](#) Department of Agriculture and at all times have a copy of this booklet on the premises. The regulations regarding definitions, composition and labeling apply.

4. Diseased animals, carcasses and parts must be disposed of according to the Regulations Governing Meat Inspection of the [United States](#) Department of Agriculture.

5. Slaughtered animals must be cleaned and suspended from an overhead rail, then dressed, examined, prepared and processed, as described in Regulations Governing Meat Inspection of the Department of Agriculture. When the processing and examination of the animal has been completed, the acceptable carcasses and all primal cuts must be stamped with the authorized inspection stamp and numbered by the authorized inspector of the particular establishment.

~~[Bd. of Health, Meat, Poultry and Shellfish Reg. No. 3, eff. 7-2-62; A 8-21-62; renumbered as 2, 7-8-73]~~

Sec. 60. NAC 583.410 is hereby amended to read as follows:

NAC 583.410 Postmortem inspections. [~~NRS 583.535~~]

1. The Officer shall appoint inspectors to make a postmortem examination and inspection of the carcasses and parts of all cattle, sheep, swine, goats, horses, mules and other equines, capable of use as human food, to be prepared at any slaughtering, meat canning, salting, packing, rendering or similar establishment in this State if these articles are prepared solely for intrastate commerce.

2. The carcasses and parts of all such animals found to be not adulterated must be marked, stamped, tagged or labeled as “Inspected and Passed.”

3. The inspectors shall label, mark, stamp or tag as “Inspected and Condemned” all carcasses and parts of animals found to be adulterated.

4. All carcasses and parts thereof inspected and condemned must be destroyed for food purposes by the establishment in the presence of an inspector.

5. The Officer may remove inspectors from any establishment which fails to destroy any condemned carcass or part thereof.

6. The inspectors, after the first inspection, shall, when they deem it necessary, reinspect the carcasses or parts thereof to determine whether, since the first inspection, they have become adulterated. If any carcass or any part thereof has upon an examination and inspection subsequent to the first examination and inspection, been found to be adulterated, it must be destroyed for food purposes by the establishment in the presence of an inspector. The Officer may remove inspectors from any establishment which fails to destroy any condemned carcass or part thereof.

~~[Bd. of Health, Meat Inspection Reg. Art. II § IV, eff. 11-4-70; renumbered as § D, 3-5-71]~~

Sec 61. NAC 583.420 is hereby amended to read as follows:

NAC 583.420 Nighttime inspections. [~~NRS 583.535~~] The Officer must order an examination and inspection of all cattle, sheep, swine, goats, horses, mules and other equines, and the food products thereof, slaughtered and prepared in establishments for the purpose of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of cattle, sheep, swine, goats, horses, mules and other equines, or the preparation of food products is conducted during the nighttime.

~~[Bd. of Health, Meat Inspection Reg. Art. II § IX, eff. 11-4-70; renumbered as § I, 3-5-71]~~

Sec. 62. NAC 583.430 is hereby amended to read as follows:

NAC 583.430 Sanitation inspections. [~~NRS 583.535~~]

1. The Officer shall order inspections made, by experts in sanitation or by other competent inspectors, of all slaughtering, meat canning, salting, packing, rendering or similar establishments in which cattle, sheep, swine, goats, horses, mules and other equines are slaughtered and the meat and meat food products are prepared solely for intrastate commerce.

2. These inspections may be made as necessary to inform the Officer of the sanitary conditions.

3. The Officer shall prescribe the conditions of sanitation under which the establishments must be maintained.

4. If the sanitary conditions of any establishment are such that the meat or meat food products are rendered adulterated, the Officer shall refuse to allow the meat or meat food products to be labeled, marked, stamped or tagged as “Nevada Inspected and Passed.”

[~~Bd. of Health, Meat Inspection Reg. Art. II § VIII, eff. 11-4-70; renumbered as § H, 3-5-71~~]

Sec. 63. NAC 583.440 is hereby amended to read as follows:

NAC 583.440 Labeling and marking. [~~(NRS 583.535)~~]

1. When any meat or meat food product prepared for intrastate commerce has been inspected and marked “Nevada Inspected and Passed” and is placed or packed in any can, pot, tin, canvas or other receptacle or covering in any establishment where the inspection is conducted, the person preparing the product must attach a label to the can, pot, tin, canvas or other receptacle or covering, under the supervision of an inspector. The label must state that the contents have been “Nevada Inspected and Passed” under the provisions of [NAC 583.211](#) to [583.530](#), inclusive.

2. No inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas or other receptacle or covering in any establishment where the inspection is conducted is complete until the 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.

3. All carcasses, parts of carcasses, meat and meat food products inspected at any establishment and found to be not adulterated, must, at the time they leave the establishment, bear, in distinctly legible form, directly on it or on their containers, as the Officer may require, the information required under [NAC 583.410](#).

4. The Officer, whenever he or she determines action is necessary for the protection of the public, may prescribe:

(a) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid the false or misleading labeling of any articles or animals.

(b) Definitions and standards of identity or composition for articles and standards for filling containers for the articles which are not consistent with any standards established under the Federal Food, Drug and Cosmetic Act or under the Federal Meat Inspection Act. There must be consultation between the Officer and the Secretary of Agriculture of the United States before the issuance of the standards to avoid inconsistency between the standards and the federal standards.

5. No article may be sold or offered for sale by any person in intrastate commerce, under any name or other marking or labeling, which is false or misleading, or in any 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 Officer are permitted.

6. If the Officer has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article is false or misleading, the Officer may direct that the use be withheld unless the marking, labeling or container is modified in such a manner 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 Officer, the person may request a hearing. The use of the marking, labeling or container must, if the Officer directs, be withheld pending hearing and a final determination by the Officer. Any determination by the Officer is subject to judicial review.

~~[Bd. of Health, Meat Inspection Reg. Art. II § VII, eff. 11-4-70; renumbered as § G, 3-5-71]~~

Sec. 64. NAC 583.450 is hereby amended to read as follows:

NAC 583.450 Reinspection before entry into official establishment. ~~[(NRS 583.535)]~~

1. The provisions of NAC 583.380 to 583.460, inclusive, apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules and other equines, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat canning, salting, packing, rendering or similar establishment, where inspection is maintained.

2. The examination and inspection must be made before the carcasses or parts thereof are allowed to enter into any department where they are to be treated and prepared for meat food products.

3. The provisions of NAC 583.380 to 583.460, inclusive, also apply to all products which, after having been issued from any slaughtering, meat canning, salting, packing, rendering or similar establishment, are returned and an inspection is maintained.

4. The Officer may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which an inspection is maintained, under such conditions as the Officer may prescribe to assure that allowing the entry of the articles into inspected establishments will be consistent with the purposes of NAC 583.211 to 583.530, inclusive.

~~[Bd. of Health, Meat Inspection Reg. Art. II § V, eff. 11-4-70; renumbered as § E, 3-5-71]~~

Sec. 65 NAC 583.460 is hereby amended to read as follows:

NAC 583.460 Labels: Prohibited acts. ~~[(NRS 583.535)]~~

1. No brand manufacturer, printer or other person may cast, print, lithograph or otherwise make any device containing any official mark or imitation, or any label bearing any mark or imitation or any form of official certificate or imitation except as authorized by the Officer.

2. No person may:

(a) Forge any official device, mark or certificate;

(b) Without authorization from the Officer, use any official device, mark, certificate or imitation, or alter, detach, deface or destroy any official device, mark or certificate;

(c) Contrary to the regulations prescribed by the Officer, fail to use, detach, deface or destroy any official device, mark or certificate;

(d) Knowingly possess, without promptly notifying the Officer or his or her representative, any official device or any counterfeit, simulated, forged or improperly altered official mark;

(e) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Officer; or

(f) Knowingly represent that any article has been inspected and passed or exempted when it has not been inspected, passed or exempted.

~~[Bd. of Health, Meat Inspection Reg. Art. II § XI, eff. 11-4-70; renumbered as § K, 3-5-71]~~

Sec. 66. NAC 583.470 is hereby amended to read as follows:

NAC 583.470 Withdrawal of inspection services. ~~[(NRS 583.535)]~~

1. The Officer may, for such period as the Officer deems necessary to effectuate the purposes of NAC 583.211 to 538.530, inclusive, refuse to provide or withdraw inspection services for any establishment if he or she determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, the service, that the applicant or recipient is unfit to engage in any business

requiring inspection because the applicant or recipient, or anyone responsibly connected with the applicant or recipient has been convicted in any federal or state court, of:

- (a) A felony; or
- (b) More than one violation of any law, other than a felony, based upon the acquiring, handling or distributing of unwholesome, mislabeled or deceptively packaged food or upon fraud in connection with transactions in food.

2. This section does not affect other provisions for the withdrawal of inspection services from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

3. For the purpose of this section, a person is responsibly connected with the business if the person was a partner, officer, director, holder or owner of at least 10 percent of its voting stock or employee in a managerial or executive capacity. The determination and order of the Officer under this section is final and conclusive unless the affected applicant for, or recipient of, inspection services files an application for judicial review.

~~[Bd. of Health, Meat Inspection Reg. Art. V § I, eff. 11-4-70; renumbered as § A, 3-5-71]~~

Sec.67. NAC 583.490 is hereby amended to read as follows:

NAC 583.490 Seizure and condemnation. ~~[(NRS 583.535)]~~

1. Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled or diseased cattle, sheep, swine, goat or equine, that is being transported in intrastate commerce, or is held for sale in this State after transportation and that:

(a) Is or has been prepared, sold, transported or otherwise distributed or offered or received for distribution in violation of [NAC 583.211](#) to [583.530](#), inclusive;

(b) Is capable of use as human food and is adulterated or misbranded; or

(c) In any other way is in violation of [NAC 583.211](#) to [583.530](#), inclusive, may be proceeded against and seized and condemned, by any court of competent jurisdiction.

2. If the article or animal is condemned, it must, after entry of the decree, be disposed of by destruction or sale as the court may direct.

3. In no case may the article or animal be sold contrary to the provisions of [NAC 583.211](#) to [583.530](#), inclusive, the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act.

4. The provisions of this section do not limit the authority for condemnation or seizure conferred by other provisions of [NAC 583.211](#) to [583.530](#), inclusive, or other laws.

~~[Bd. of Health, Meat Inspection Reg. Art. V §§ II & III, eff. 11-4-70; renumbered as §§ B & C, 3-5-71]~~

Sec. 68. NAC 583.500 is hereby amended to read as follows:

NAC 583.500 Federal Meat Inspection Act. ~~[(NRS 583.535)]~~ The requirements of [NAC 583.211](#) to [583.530](#), inclusive, apply to persons, animals and articles regulated under the Federal Meat Inspection Act only to the extent provided for in Section 408 of the Federal Act.

~~[Bd. of Health, Meat Inspection Reg. Art. V § V, eff. 11-4-70; renumbered as § E, 3-5-71]~~

Sec. 69. NAC 583.510 is hereby amended to read as follows:

NAC 583.510 Federal assistance. ~~[(NRS 583.535)]~~

1. The Officer will cooperate with the Secretary of Agriculture under the provisions of Section 301 of the Federal Meat Inspection Act in developing and administering the program for inspecting meat in this State to assure that not later than November 15, 1969, the program's requirements will be at least equal to those imposed under Titles I and IV of the Federal Meat Inspection Act and in developing and administering the program in a manner that will effectuate the purposes of [NAC 583.211](#) to [583.530](#), inclusive, and the Federal Act.

2. In cooperative efforts, the Officer will accept from the Secretary, advisory assistance in planning and developing the State's program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for the administration of the program.

3. The Officer shall recommend to the Secretary of Agriculture officials or employees of Nevada designated by the Officer, for appointment to the advisory committees provided for in Section 301 of the Federal Meat Inspection Act. The Officer shall serve as consultant with the Secretary under paragraph (c) of Section 301 of the Act.

~~[Bd. of Health, Meat Inspection Reg. Art. IV § I, eff. 11-4-70; renumbered as § A, 3-5-71]~~

Sec. 70. **NAC 583.520 is hereby amended to read as follows:**

NAC 583.520 Adoption of federal regulations. ~~[([NRS 583.535](#))]~~ The cooperative agreement between the ~~[Health Division of the Department of Health and Human Services]~~ [Department of Agriculture](#) and the Consumer and Marketing Service of the [United States Department of Agriculture](#) contemplates that the status of slaughter and processing plants in Nevada will be equal to those required at plants under federal inspection. To accomplish this, the ~~[Board of Health]~~ [Department of Agriculture](#) hereby adopts as regulations the applicable sections of ~~Part 302 to Part 320, inclusive,~~ of the Regulations Governing Meat Inspection of the Department of Agriculture. *All meat and poultry inspection, slaughtering, production, processing, labeling, storing, handling, transportation and sanitation procedures shall be conducted as prescribed in 9 CFR Chapter III, revised January 1, 2016, as amended by 80 FR 75590-01 (December 2, 2015), except sections 302.2, 307.5, 307.6, 312, 322, 327, 329.7, 329.9, 331, 335, 351, 352, 354, 355, 381.38, 381.39, 381.96 through 381.112, 381.195 through 381.209, 381.218 through 381.225, 390, 391, 392, 530 through 561 and 590 through 592.*

~~[Bd. of Health, Meat Inspection Reg. Art. VI, eff. 11-4-70]~~

Sec. 71. **NAC 583.530 is hereby amended to read as follows:**

NAC 583.530 Exemptions. ~~[([NRS 583.515](#), [583.535](#))]~~

~~[1.—The provisions requiring the inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting the operations do not apply to:~~

~~—(a) The slaughtering by any person of animals the person raised; and~~

~~—(b) The preparation by the person, and the transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of the animals exclusively for use by the person, members of his or her household and his or her nonpaying guests and employees.~~

~~—2.—The provisions requiring the inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products do not apply to operations traditionally and~~

usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail establishment for sale in normal retail quantities or service of the articles to consumers at the establishments.

~~—3. The slaughter of animals and the preparation of articles referred to in subsection 2 must be conducted in accordance with the sanitary conditions the Officer may prescribe by regulation. Violations of any regulation is prohibited.~~

~~—4. The provisions concerning adulteration and misbranding, other than the requirement of the inspection legend, apply to articles not required to be inspected under NAC 583.211 to 583.530, inclusive.]~~

1. The following shall be exempted from the provisions of this article:

- a) Retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made.*
- b) Persons slaughtering, processing or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the Director determines necessary to avoid conflict with such requirements while still effectuating the purposes of this article.*
- c) The slaughtering by any person of poultry of his own raising, and the processing by him and transportation of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees.*
- d) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees, if the custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food.*

REPEALED REGULATIONS

Sec. 72. [~~583.050~~ — Adulterated meat or meat food products.]

Sec 73. [~~583.370~~ — Inspection service.]

Sec. 74. [~~583.480~~ — Bribes.]

Sec. 75. **NAC 583.050 is hereby repealed:**

~~[NAC 583.050 Adulterated meat or meat food products. (NRS 439.200) The term “adulterated” applies to any carcass, part thereof, meat or meat food product which:~~

~~—1. Bears or contains any poisonous or deleterious substance which may render it injurious to health. If the substance is not an added substance, the article is not considered adulterated if the quantity of the substance in or on the article does not ordinarily render it injurious to health.~~

- 2. — Bears or contains, by reason of the administration of any substance to the live animal or otherwise, any added poisonous or added deleterious substance, other than one which is:
 - (a) A pesticide chemical in or on a raw agricultural commodity;
 - (b) A food additive; or
 - (c) A color additive, which may, in the judgment of the State Health Officer, make the article unfit for human food.
- 3. — Is, in whole or in part, a raw agricultural commodity and the commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug and Cosmetic Act.
- 4. — Bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug and Cosmetic Act.
- 5. — Bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act if an article which is not adulterated under subsections 3 to 5, inclusive, is adulterated if use of the pesticide chemical, food additive or color additive in or on the article is prohibited by the regulations of the Board of Health in establishments at which inspections are conducted.
- 6. — Consists, in whole or in part, of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome or otherwise unfit for human food.
- 7. — Has been prepared, packed or held under unsanitary conditions where it may have become contaminated with filth or where it may have been rendered injurious to health.
- 8. — Is, in whole or in part, the product of an animal which has died other than by slaughter.
- 9. — Is in a container composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.
- 10. — Has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug and Cosmetic Act.
- 11. — Has a valuable element that has been, in whole or in part, omitted or abstracted from it, any substance has been substituted, wholly or in part, for it, damage to it or inferiority has been concealed in any manner, or any substance has been added to it, mixed or packed, to increase its bulk or weight, reduce its quality or strength or make it appear better or of greater value than it is.
- 12. — Is margarine containing animal fat and any of the raw material used therein consisting in whole or in part of any filthy, putrid or decomposed substance.
- [Bd. of Health, Meat, Poultry and Shellfish Reg. No. 6, eff. 7-8-73]

Sec. 76. NAC 583.370 is hereby repealed:

~~[NAC 583.370 — Inspection service. (NRS 583.535) — The Board of Health may employ or approve employment of veterinary inspectors, lay inspectors or contract with private veterinarians or lay inspectors skilled or trained in the inspection of meat and animals to supervise sanitation and perform examinations at approved slaughtering establishments. These assigned representatives are responsible for sanitation in the plant where they are assigned. They shall enforce the provisions of NAC 583.211 to 583.530, inclusive, and affix the required stamps of approval of meat and meat products in the assigned plant.~~

~~— Bd. of Health, Meat, Poultry and Shellfish Reg. No. 4, eff. 7-2-62; A 8-21-62; A and renumbered as 3, 7-8-73]~~

Sec. 77. NAC 583.480 is hereby repealed:

~~[NAC 583.480 — Bribes. (NRS 583.535)]~~

~~— 1. Any person, or any agent or employee of any person, who gives, pays or offers, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of this State authorized to perform any of the duties prescribed by NRS 583.255 to 583.555, inclusive, or by the regulations of the Board of Health, any money or other thing of value, with an intent to influence the inspector, deputy inspector, chief inspector, or other officer or employee of this State in the discharge of any duty, is subject to prosecution for bribery.~~

~~— 2. Any inspector, deputy inspector, chief inspector or other officer or employee of this State authorized to perform any of the duties prescribed by NAC 583.211 to 583.530, inclusive, who accepts any money, gift or other thing of value from any person or the officers, agents or employees of the person, given with an intent to influence his or her official action, or who receives or accepts from any person engaged in intrastate commerce any gift, money or other thing of value given with any purpose or intent, is subject to prosecution for bribery and, upon conviction, will be summarily discharged from office.~~

~~— Bd. of Health, Meat Inspection Reg. Art. II § XIV, eff. 11-4-70; renumbered as § N, 3-5-71]~~