

ACT 214

S. B. NO. 51

A Bill for an Act Relating to Meat Inspection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is hereby amended by adding a new chapter to be appropriately numbered and to read as follows:

“CHAPTER

HAWAII MEAT INSPECTION ACT

PART I. GENERAL PROVISIONS

Section -1. Short Title. This Act shall be known as the ‘Hawaii Meat Inspection Act’.

Section -2. Findings and declaration of necessity. It is hereby declared that the meat industry is a paramount agricultural industry of this State and the production and marketing of meat is an enterprise that is of significant importance to the economy of this State and to the health of the consuming public. It is essential to the public health and welfare of consumers that they be protected by assuring that meat and meat products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat products are injurious to the public health and welfare, destroy markets for wholesome, unadulterated, and properly labeled and packaged meat and meat products and result in sundry losses to livestock producers and processors of meat and meat products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, unadulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the department of agriculture and cooperation by this State with the United States department of agriculture as contemplated by this Hawaii Meat Inspection Act is appropriate to protect the health and welfare of consumers and otherwise to effectuate the purposes of this Act.

Congress enacted the Meat Inspection Act in 1907 (Public Law 59-242), as amended by the Wholesome Meat Act in 1967 (Public Law 90-201) which is now redesignated as the Federal Meat Inspection Act. The Federal Meat Inspection Act is intended to protect the consuming public from adulterated or

misbranded meat and meat products and to assist the states in their efforts to accomplish this objective. The Federal Meat Inspection Act authorizes the secretary of agriculture to furnish financial and related assistance to states for the administration of meat inspection programs which conform to established Federal standards up to 50 per cent of the estimated total cost of the cooperative program. Presently, the meat processing industry in this State is not subject to any meat inspection law or rules and regulations that meet the minimum Federal requirement in this area. This State, in order to qualify for the cooperative program, must demonstrate 'progressive action' by November 15, 1969; and, further, all physical facilities must be upgraded in accordance with the established Federal standards by November 15, 1970. Failure to comply with the Federal standards prescribed by the Federal Meat Inspection Act will result in Federal control of the meat and meat processing industries of the State. Accordingly, the State deems it to be in the best interest of the public health and welfare to take those steps as are necessary to qualify for Federal financial and related assistance for the administration of a meat inspection program which conforms to Federal standards prescribed in the Federal Meat Inspection Act.

Section -3. Definitions. As used in this chapter unless the context otherwise requires:

(a) 'Act' means the 'Hawaii Meat Inspection Act.'

(b) 'Adulterated' shall apply to any carcass, part thereof, meat or meat products under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the meat and meat products shall not be considered adulterated under this paragraph if the quantity of the substance in or on the meat and meat products does not ordinarily render it injurious to health.

(2) (A) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance, (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the board, make the meat and meat products unfit for human consumption.

(B) If it 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 the Hawaii Food, Drug, and Cosmetic Act or section 408 of the Federal Food, Drug, and Cosmetic Act.

(C) If it bears or contains any food additive which is unsafe within the meaning of the Hawaii Food, Drug and Cosmetic Act or section 409 of the Federal Food, Drug, and Cosmetic Act.

(D) If it bears or contains any color additive which is unsafe within the meaning of the Hawaii Food, Drug, and Cosmetic Act or section 706 of the Federal Food, Drug, and Cosmetic Act, provided that meat and meat products which are unadulterated under subparagraphs (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the meat and meat products is prohibited by regulations

of the board in establishments at which inspection is maintained under part IV of this chapter.

(3) If it consists in whole or in part any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(5) If it is, in whole or in part, the product of an animal which had died otherwise than by slaughter.

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(7) If it has been intentionally or unintentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to the Hawaii Food, Drug, and Cosmetic Act or section 409 of the Federal Food, Drug, and Cosmetic Act.

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(c) 'Animal food manufacturer' means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses of cattle, sheep, swine, goats, horses, mules, or other equines.

(d) 'Board' means the board of agriculture of the State.

(e) 'Capable of use as human food' shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the board to deter its use as human food, or it is naturally inedible by humans.

(f) 'Department' means the department of agriculture of the State.

(g) 'Federal Food, Drug, and Cosmetic Act' means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), including any amendments thereto.

(h) 'Meat Inspection Act' means the Act so entitled, approved March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act of 1967 (81 Stat. 584), including any amendments thereto.

(i) 'Inspector' means any meat inspector of the State.

(j) 'Intrastate commerce' means commerce within the State.

(k) 'Label' means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any meat or meat products, or other products.

(l) 'Labeling' means all labels and other written, printed, or graphic matter upon any meat and meat products or any of its containers or wrappers, or

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accompanying the meat and meat products.

(m) 'Licensee' means a person issued a license under part III of this chapter.

(n) 'Meat or meat products' means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of the carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from the definition as meat products by the board under the conditions as it may prescribe to assure that the meat or other portions of the carcasses contained in the products are not adulterated and that the products are not represented as meat products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subsection with respect to cattle, sheep, swine, and goats.

(o) 'Meat broker' means any person, who sells or offers to sell, or buys or offers to buy carcasses, parts of carcasses, meat or meat products of cattle, sheep, swine, goats, horses, mules, or other equines on commission or who otherwise negotiates the purchase or sale or exchange of the meat or meat products other than for his own account or as an employee of another person.

(p) 'Misbranded' shall apply to any carcass, part thereof, meat or meat products under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular.

(2) If it is offered for sale under the name of another food.

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated.

(4) If its container is made, formed, or filled as to be misleading.

(5) If in a package or other container unless it bears a label showing:

(A) The name and place of business of the manufacturer, packer, or distributor.

(B) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under subparagraph (B) of this paragraph, reasonable variations may be permitted and exemptions as to small packages may be prescribed by the board.

(6) If any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with the conspicuousness as compared with other words, statements, designs, or devices, in the labeling and in the terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the board under this chapter unless:

(A) It conforms to the definition and standard.

(B) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by the regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) pres-

ent in the food.

(8) If it purports to be or is represented as a food for which a standard of fill or container has been prescribed by the board under this chapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form as the board prescribes, a statement that it falls below the standard.

(9) If it is not subject to paragraph (7), unless its label bears:

(A) The common or usual name of the food, if any there be.

(B) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings may with the approval of the board be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of subparagraph (B) of this paragraph (9) is impracticable, or results in deception or unfair competition, exemptions shall be established by the board.

(10) If it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties as the board, after consultation with the secretary of agriculture and concurrence by the department of health, determines to be and prescribes as necessary in order fully to inform purchasers as to its value for the uses.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with this paragraph (11) is impracticable, exemptions shall be established by the board.

(12) If it fails to bear, directly thereon or on its container, as the board may prescribe, the inspection legend and, unrestricted by any of the foregoing, other information as the board may require to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the meat and meat products in a wholesome condition.

(q) 'Official certificate' means any certificate prescribed by the board for issuance by veterinarians, inspectors or other persons performing official functions under this chapter.

(r) 'Official device' means any device described or authorized by the board for use in applying any official mark.

(s) 'Official inspection legend' means any symbol prescribed by the board showing that meat and meat products were inspected and passed in accordance with this chapter.

(t) 'Official mark' means the official inspection legend or any other symbol prescribed by the board to identify the status of any meat and meat products or animal under this chapter.

(u) 'Pesticide chemical', 'food additive', 'color additive' and 'raw agricultural commodity' shall have the same meanings for purposes of this chapter as under the Federal Food, Drug, and Cosmetic Act.

(v) 'Prepared' or 'processed' means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(w) 'Renderer' means any person engaged in the business of rendering

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carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under part IV of this chapter.

(x) 'Secretary of agriculture' means the secretary of agriculture of the United States.

(y) 'State' means the State of Hawaii.

(z) 'Veterinarian' means the State veterinarian or any of his duly authorized representatives.

(aa) 'Wholesaler' means any person, who buys or sells carcasses, parts of carcasses, meat or meat products of cattle, sheep, swine, goats, horses, mules, or other equines in trade channels other than retail. For the purpose of this chapter, a wholesaler who also has retail operations will be deemed to be a wholesaler.

PART II. ADMINISTRATION, POWERS AND DUTIES

Section -4. Administration. The department shall administer this chapter subject to the supervision of the board. The board may delegate any of its powers except the power to make rules and regulations or may direct any of its duties to be performed by any appropriate agents, officers, or employees of the board.

The board may employ on a full or part-time basis veterinarians and inspectors, subject to chapter 76, as are necessary to carry out a uniform inspection system of meat or meat products in the State. All inspectors shall be under the supervision and control of a veterinarian employed by the board.

Section -5. General Powers. The department through its board is hereby vested with the following powers:

(a) Regulate, supervise, inspect and control the manufacture, processing, slaughtering, transportation, packaging, labeling and disposal of meat or meat products involved in intrastate commerce.

(b) Adopt, amend and repeal rules and regulations as are necessary to implement this chapter, subject to chapter 91, on the following matters:

(1) The issuance of licenses, including the class of licenses to be issued.

(2) The type of equipment or facilities which may be used in slaughtering and meat processing operations.

(3) The internal operations of a slaughterhouse and of meat processing establishments.

(4) Inspection procedures for ante-mortem and post-mortem inspections and the reinspection of meat or meat products used in processing and the disposal of diseased carcasses and parts of carcasses and meat or meat products found unwholesome or otherwise unfit for human consumption.

(5) The hours of slaughtering, processing, and conditions under which slaughtering and processing may be conducted at other than scheduled times.

(6) The labeling and packaging of meat or meat products.

(7) Storing, handling, and transportation of meat or meat products.

(8) Sanitary conditions of all establishments where meat or meat products are slaughtered, processed, or prepared.

(9) Any other matter as may be necessary or desirable to effectuate the purpose of this chapter.

Section -6. Information, Investigation, Hearings. For the purpose of enforcing this chapter, the board may:

(a) Gather and compile information which relates to the business operations of persons being regulated under this chapter and such other information necessary to effectuate the purposes of this chapter. Confidential information shall not be disclosed by the board except under order of court.

(b) Hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of records, or documents of any kind. Upon failure or refusal of any witness to obey any subpoena, the board may petition the circuit court, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the order of court shall be punishable as a contempt of court.

No person shall be excused from attending and testifying or from producing documentary evidence before the board in obedience to a subpoena of the board on the ground or for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege of self-incrimination, to testify, or produce evidence, documentary or otherwise, before the board in obedience to a subpoena issued by the board; provided that, no person so testifying shall be exempt from prosecution for perjury committed in so testifying.

(c) Request the attorney general to seek relief from the appropriate circuit courts for writs of mandamus commanding any person to comply with this chapter or any order of the board made in pursuance thereof or to enjoin any violation of this chapter or any order of the board.

Witnesses summoned before the board shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking them shall severally be entitled to the same fees as are paid for like services in said courts.

PART III. LICENSING

Section -7. Certificate of Sanitation. The board may issue certificates of sanitation to slaughterhouses, meat processors and animal food manufacturers which are subject to this chapter and which meet minimum sanitary specifications required for:

(a) The slaughtering of animals for use of the meat or meat products in intrastate commerce.

(b) For the processing, rendering, transporting, storing and handling of the meat or meat products in intrastate commerce. The board may promulgate and adopt rules and regulations subject to chapter 91, governing the minimum sanitary specifications and prescribing forms, requiring reports and providing

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for periodic renewals of such certificates.

Notwithstanding any requirement under this Act or the rules and regulations promulgated hereunder which require the renovation or upgrading of the physical facilities of slaughterhouses, meat processors or animal food manufacturers in order to obtain a certificate of sanitation, the board shall, as of the effective date of this Act, continue to issue certificates of sanitation to slaughterhouses now licensed by the State, and to meat processors and animal food manufacturers who are in business, to continue their operations; provided, however, that the facilities of said slaughterhouses, meat processors and animal food manufacturers shall be sanitary and that the products which emerge from their respective operations are wholesome, not adulterated and fit for human and other consumption; and provided further, that upon the sale or transfer of any of the foregoing businesses, the purchasers shall be required to meet all of the requirements provided herein and the rules and regulations promulgated hereunder.

Section -8. License required. It shall be unlawful for any person to engage in the business of slaughtering cattle, sheep, swine, goats, horses, mules and other equines or manufacturing or processing of meat or meat products without a license as required by this part.

Section -9. Application for a license. The board may issue licenses to slaughterhouses, meat processing establishments and animal food manufacturers having certificates of sanitation issued under section -7. An applicant for an original or renewal license to operate as a slaughterhouse operator, meat processor or animal food manufacturer shall file an application upon a form prepared by the board, containing the information which the board deems necessary for the administration of this chapter.

The license year shall be from July 1 to June 30. All applications for renewal of licenses shall be made at least 30 days prior to the commencement of the license year.

Section -10. License fees. An annual fee of \$25 shall be assessed. The license fees collected shall be deposited in the State general fund.

Section -11. Bonding. Upon a person being granted a license to slaughter animals for the purpose of using the meat or meat products thereof in intrastate commerce the board shall exact from the licensee a bond in the penal sum of \$5,000, said bond to be obtained from a surety company authorized to do business in the State and be so conditioned that the licensee shall be required to keep a full and accurate record concerning every animal which he may purchase, kill or sell; and that he will at all times during regular business hours keep the record open for the inspection by representatives of the board who may desire to examine the same. The record shall contain:

(a) The sex of the animal.

(b) The brand on the animal, stating the position on the animal of the brand.

(c) Ear tag number or other mark of identification.

(d) The principal color of the animal.

- (e) The name of the person who sold the animal to him.
- (f) The date when the animal was sold to him.
- (g) The date when the animal was delivered to him.
- (h) The date when the animal was killed.

Section -12. Granting, suspending and revoking licenses. The action of the board in refusing to grant or renew a license, or in revoking or suspending a license, may be judicially reviewed in the manner provided by chapter 91.

(a) No license shall be denied unless the board finds after due notice and an opportunity of hearing in accordance with chapter 91, to the applicant any of the following:

(1) That the applicant does not qualify or possess the facilities to conduct a business properly.

(2) That the applicant does not have the financial responsibility to conduct a business properly.

(3) That the issuance of a license is otherwise not in the public interest.

(b) The board may refuse to renew a license or may suspend or revoke a license upon due notice and opportunity of hearing in accordance with chapter 91, to the licensee when it finds any of the following:

(1) The licensee has been adjudged a bankrupt.

(2) The licensee has violated chapter 480 and said violation is directly or indirectly involved with the State meat industry.

(3) The licensee has failed to keep records or to furnish the statements or information required by the board.

(4) The licensee has intentionally made a false or misleading statement upon which the license was issued.

(5) The licensee has violated or failed to comply with this chapter.

(6) The licensee has ceased to operate the business for which the license was issued.

(c) The board may conditionally renew a license or may conditionally decline to suspend or revoke a license, but the condition shall have appropriate relation to the administration of this chapter.

Section -13. Records of licensees. The board may require licensees to keep the records and information as it deems necessary for the proper enforcement of this chapter.

PART IV. INSPECTION REQUIREMENTS

Section -14. Ante-mortem inspection. For the purpose of preventing the use in intrastate commerce of meat or meat products which are adulterated, the board shall cause to be made, by a veterinarian or inspector appointed for that purpose, an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in the State in which slaughtering and preparation of meat or meat products of the animals are conducted solely for intrastate commerce; and all cattle, sheep, swine, goats, horses, mules, and other equines found on the inspection to

show symptoms of disease shall be set apart from all other cattle, sheep, swine, goats, horses, mules, or other equines and slaughtered or otherwise disposed of as provided in the rules and regulations, and when slaughtered, the carcasses of the cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as prescribed by the board.

Section -15. Post-mortem inspection; reinspection. The board shall cause to be made post-mortem examination and inspection of the carcasses and parts thereof 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 in which the meat or meat products are prepared solely for intrastate commerce; and the carcasses and parts thereof of all the animals found to be unadulterated shall be marked, stamped, tagged, or labeled, as 'Hawaii Inspected and Passed'; and the inspector shall label, mark, stamp, or tag as 'Hawaii Inspected and Condemned', all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the establishment in the presence of an inspector, and the board may remove the inspector from the establishment which fails to destroy any such condemned carcass or part thereof. The inspector, after any inspection shall, when he deems it necessary, reinspect any carcasses or parts thereof to determine whether since the prior inspection the same shall have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the prior examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the establishment in the presence of an inspector, and the board may withdraw inspection from any establishment which fails to destroy any condemned carcass or part thereof.

The foregoing provisions, including those in section -14 shall apply to all cattle, sheep, swine, goats, horses, mules, and other equines and to all carcasses or parts of carcasses, 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 under this part is maintained, and the examination and inspection shall be had before the carcasses or parts thereof shall be allowed to enter into any establishment wherein the same are to be treated and prepared for meat products; and the foregoing provisions shall also apply to all products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where the inspection is maintained. The board may limit the entry of carcasses, part of carcasses, meat or meat products, and other materials into any establishment at which inspection under this part is maintained, under conditions as it may prescribe to assure that allowing the entry of meat or meat products into the inspected establishment will be consistent with the purpose of this chapter.

The board shall cause to be made by veterinarian and inspector appointed for that purpose an examination and inspection of all meat or meat

products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where the meat or meat products are prepared only for intrastate commerce and for the purpose of any examination and inspection, the inspector shall have access at all times, by day or night, whether the establishment be operated or not, to every part of the establishment; and the inspector shall mark, stamp, tag, or label as 'Hawaii inspected and passed' all the products found to be unadulterated; and the inspector shall label, mark, stamp, or tag as 'Hawaii inspected and condemned' all the products found adulterated, and all condemned meat or meat products shall be destroyed for food purposes, as hereinbefore provided, and the board may withdraw inspection from any establishment which fails to destroy the condemned meat or meat products.

Section -16. Labeling, marking, and branding. (a) When any meat or meat products prepared for intrastate commerce which has been inspected and marked 'Hawaii inspected and passed' shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under this chapter is maintained, the person preparing the product shall cause a label to be attached to the can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been 'Hawaii inspected and passed' under this chapter, and no inspection and examination of meat or meat products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under this chapter is maintained shall be deemed to be complete until the meat or meat products have been sealed or inclosed in the can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(b) All carcasses, parts of carcasses, meat or meat products inspected at any establishment under the authority of this chapter and found to be unadulterated, shall at the time they leave the establishment bear, in distinctly legible form directly thereon or on their containers, as the board may require, the information required under the definition of the word 'misbranded' in section -3.

(c) The board, whenever it determines that action is necessary for the protection of the public, may prescribe:

(1) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any meat or meat products or animals subject to this chapter.

(2) Definitions and standards of identity or composition for meat or meat products subject to this chapter and standards of fill of container for such meat or meat products not inconsistent with any such standards established under the Hawaii or Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the board and the secretary of agriculture prior to the issuance of the standards to avoid inconsistency between the State standards and the Federal standards.

(d) No meat or meat products subject to this chapter shall be sold or offered for sale by any person in intrastate commerce, under any name or other

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marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the board are permitted.

(e) If the board 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 meat or meat products or other products subject to this chapter is false or misleading in any particular, it may direct that the use be withheld unless the marking, labeling, or container is modified in the manner as it may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling or container does not accept the determination of the board, the person may request a hearing before the board but the use of the marking, labeling, or container shall, if the board directs, be withheld pending hearing and final determination by the board. Any determination by the board shall be conclusive unless, within thirty days after receipt of notice of final determination, the person adversely affected thereby appeals to the circuit court. The appeal shall be based on the record upon which the determination was based.

Section -17. Sanitation. The board shall cause to be made by veterinarian or meat inspector, the inspection 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 or meat products thereof are prepared solely for intrastate commerce as may be necessary to inform itself concerning the sanitary conditions of the same, and to prescribe the sanitation under which the establishments shall be maintained; and where the sanitary conditions of any establishments are such that the meat or meat products are rendered adulterated, it shall refuse to allow said meat or meat products to be labeled, marked, stamped, or tagged as 'Hawaii inspected and passed'.

Section -18. Slaughter, transportation, and selling. No person shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat products of any animals:

(a) Slaughter any animals or prepare any meat or meat products which are capable of use as human food, at any establishment preparing such meat or meat products solely for intrastate commerce, except in compliance with the requirements of this chapter.

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce:

(1) Any meat or meat products which

(A) Are capable of use as human food.

(B) Are adulterated or misbranded at the time of the sale, transportation, offer for sale or transportation, or receipt for transportation.

(2) Any meat or meat products required to be inspected under this chapter unless they have been so inspected and passed.

(c) Do, with respect to any such meat or meat products which are capa-

ble of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing meat or meat products to be adulterated or misbranded.

Section -19. Forgery of mark, brand, or label. (a) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark, any label bearing any such mark, any form of official certificate, or simulation thereof, except as authorized by the board.

(b) No person, firm, or corporation shall:

(1) Forge any official device, mark, or certificate.

(2) Use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate without authorization from the board.

(3) Fail to use, or to detach, deface, or destroy any official device, mark, or certificate contrary to the regulations prescribed by the board.

(4) Knowingly possess, without promptly notifying the board or its representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark.

(5) Knowingly make any false statement in any shipper's certificate or other non-official or official certificate provided for in the regulations prescribed by the board.

(6) Knowingly represent that any meat or meat products have been inspected and passed, or exempted, under this chapter when, in fact, it has, respectively not been so inspected and passed, or exempted.

No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as prescribed by the board to show the kinds of animals from which they were derived. When required by the board with respect to establishments at which inspection is maintained under this chapter, the animals and their carcasses, parts thereof, meat or meat products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meats or meat products are prepared.

Section -20. Inspector. Veterinarian and inspector shall examine and inspect all cattle, sheep, swine, goats, horses, mules, and other equines the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats or meat products thereof, and of the sanitary conditions of all establishments in which the meat or meat products are prepared; and the veterinarian and inspector shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat products therefrom, prepared in any establishment until the same shall have actually been inspected and found to be unadulterated; and shall perform other duties as are provided by this chapter and

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by the rules and regulations to be prescribed by the board and the board shall, from time to time, make such rules and regulations in accordance with chapter 91 which are necessary for the efficient execution of this chapter, and all inspections and examinations made under this chapter shall be and made in a manner as described in the rules and regulations prescribed by the board not inconsistent with this chapter.

Section -21. Bribery. Any person or employee of any person, who shall give, pay, or offer, directly or indirectly, to any inspector, or any other officer or employee of the State authorized to perform any of the duties prescribed by this chapter or by the rules and regulations of the board, any money or other thing of value, with intent to influence the inspector, or other officer or employee of this State in the discharge of any duty shall be fined not more than \$5,000 or imprisoned not more than three years, or both; and any inspector, or other officer or employee of this State authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person engaged in intrastate commerce subject to this chapter any gift, money, or other thing of value given with or without intent to influence his official actions, shall be discharged from office and be fined not more than \$5,000 or imprisoned not more than three years, or both.

Section -22. Exemptions. (a) This chapter requiring inspection of the slaughtering of animals and the preparation of the carcasses, parts thereof, meat or meat products at establishments conducting such operations shall not apply:

(1) To the slaughtering by any person of animals of his own raising, and the preparation by him of the carcasses, parts thereof, meat or meat products of the animals exclusively for use by him and members of his household and his nonpaying guests and employees; provided that the slaughter of the animals is performed in compliance with part II, chapter 146.

(2) To the custom slaughter by any person of cattle, sheep, swine or goats delivered by the owner thereof or his agent for slaughter, and the preparation by slaughter of the carcasses, parts thereof, meat or meat products of the animals, exclusively for use, in the household of the owner, by him, and members of his household and his nonpaying guests and employees; provided, that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat products of any cattle, sheep, swine, goats or equines, capable of use as human food; and provided further that the slaughter of animals and preparation of meat or meat products shall be conducted in accordance with sanitary conditions, recordkeeping, registration and disease control provisions as the board may prescribe.

(b) The transportation of carcasses, parts thereof, meat or meat products produced without inspection under subsection (a) of this section is prohibited, except under permit issued by the board.

(c) This chapter requiring inspection of meat or meat products shall not apply to operations of types traditionally and usually conducted at retail stores

and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale at the establishments in normal retail quantities or service of meat or meat products to consumers, provided that the preparation, handling, and storage of meat or meat products is conducted in accordance with the sanitary conditions as the board may prescribe.

(d) In order to accomplish the objectives of this chapter, the board may by regulation exempt operations which the board determines would best be exempted to further the purposes of this chapter, to the extent that the exemptions conform to the Federal Inspection Act and the regulations thereunder.

(e) The adulteration and misbranding provisions of this chapter, other than the requirement of the official inspection legend, shall apply to meat or meat products which are not required to be inspected under this section.

Section -23. Storing, handling and transporting. The board may prescribe conditions under which carcasses, parts of carcasses, meat or meat products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing or transporting, in or for intrastate commerce, such meat or meat products, whenever the board deems action necessary to assure that such meat or meat products will not be adulterated or misbranded when delivered to the consumer. The violation of any regulation is prohibited.

PART V. MEAT PROCESSORS AND RELATED INDUSTRIES

Section -24. Inspection and sanitary requirements; sale; transportation. The board may provide for inspection and sanitary requirements under part IV of this chapter at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of animals, which are not intended for use as human food, but the meat or meat products shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by the board to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat products of any animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the board or are naturally inedible by humans.

Section -25. Records; subject to examination. (a) For the enforcement of this chapter, the following classes of persons shall keep records as the board may prescribe and all persons subject to the requirements shall, at all reasonable times, upon notice by a duly authorized representative of the board afford the representative and any duly authorized representative of the secretary of agriculture accompanied by the representative of the board access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

(1) Any person who engages, for intrastate commerce, in the business of

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slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any animals, for use as human food or animal food.

(2) Any person who engages in the business of buying or selling as meat broker, wholesaler or otherwise, or transporting; in intrastate commerce, or storing in or for commerce, any carcasses, or parts or products of carcasses, of any animals.

(3) Any person who engages in business, in or for intrastate commerce, as renderer, or engage in the business of buying, selling, or transporting, in commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of such animals that died otherwise than by slaughter.

(4) Any person who engages in the business of custom slaughtering any cattle, sheep, swine, goats, horses or other equines for use as human food or animal food.

(b) Any record required to be maintained by this section shall be maintained for the period of time as the board may prescribe.

Section -26. Registration. No person shall engage in business, in or for intrastate commerce, (a) as a meat broker, renderer, or animal food manufacturer, or (b) as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules, or other equines, whether intended for human food or other purposes, or (c) as a public warehouseman storing any meat or meat products in or for commerce, or (d) in buying, selling, or transporting any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any animal that died otherwise than by slaughter, unless he has registered with the board his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

Section -27. Dead, dying, disabled, or diseased animals. No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale for transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless the transaction or transportation is made in accordance with the regulations as the board may prescribe to assure that the animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

PART VI. INSPECTION SERVICE, WITHDRAWAL AND COMPENSATION

Section -28. Inspection; overtime compensation. All animals slaughtered by any slaughterhouse duly licensed under this part shall be inspected by an inspector duly authorized by the department, both before and after slaughtering, and no animal shall be slaughtered, or after slaughter be sold, transported, offered for sale or transportation, or received for transporta-

tion in intrastate commerce unless the slaughtering thereof or the use thereof in intrastate commerce, after slaughtering, is approved by an inspector.

The management of any processing establishment, slaughterhouse, or the owner of any animal to be slaughtered requiring the services of an inspector in any work day, or on Sundays, or other legal holidays, shall pay to the department for overtime inspection services, the current State overtime rate for each man-hour of work performed by the inspector.

The department shall pay the inspector for all overtime inspection services performed; provided that the party requesting or requiring the overtime inspection services shall sufficiently in advance of the overtime period arrange with the department for the services.

Section -29. Brand record to be certified. Whenever, pursuant to law, a veterinarian or inspector required to inspect animals when slaughtered inspects any slaughtered animal, the veterinarian or inspector shall certify to the correctness of the brand record kept by any licensee hereunder.

Section -30. Refusal and withdrawal of inspection. The board may for the period, or indefinitely, as it deems necessary to effectuate the purposes of this chapter, refuse to provide, or withdraw, inspection service under this chapter with respect to any establishment if it determines, after opportunity for a hearing is accorded to the applicant for, or a recipient of the service, that the applicant or recipient is unfit to engage in any business requiring inspection under this chapter because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This section shall not affect in any way this chapter for withdrawal of inspection services from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts thereof, or meat or meat products.

For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per cent or more of its voting stock or employee in a managerial or executive capacity. The determination and order of the board with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in part VII. Judicial review of any such order shall be upon the record upon which the determination and order are based.

PART VII. VIOLATIONS, PENALTIES, PROSECUTION COMPACTS, CONSTRUCTION

Section -31. Interstate and Federal compacts. (a) The board is hereby designated as the State agency which shall be responsible for cooperating with the secretary of agriculture under section 301 of the Federal Meat Inspection Act and the board is directed to cooperate with the secretary of agri-

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culture in developing and administering the meat inspection program of this State under this chapter to assure that not later than November 15, 1969, its 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 of this State under this chapter in a manner as will effectuate the purposes of this chapter and the Federal Meat Inspection Act.

(b) In cooperative efforts, the board may accept from the secretary of agriculture advisory assistance in planning and otherwise developing the State program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of the program.

(c) The board may recommend to the secretary of agriculture the officials or employees of this State as the board shall designate, for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act; and the board shall serve as the representative of the governor for consultation with the secretary of agriculture of the United States under paragraph (c) of section 301 of the Federal Meat Inspection Act unless the governor shall select another representative.

Section -32. Penalties; prosecution. Whenever any carcass, part of a carcass, meat or meat products of cattle, sheep, swine, goats, horses, mules or other equines or any product exempted from the definition of a meat or meat products, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the board upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any meat or meat products are adulterated or misbranded and are capable of use as human food, or that it has not been inspected, in violation of this chapter or of the Federal Meat Inspection Act or the Hawaii or Federal Food, Drug, and Cosmetic Act, or that the meat or meat products or animal have been or are intended to be, distributed in violation of any provisions, it may be detained by the representative for a period not to exceed twenty days, pending action or notification of any Federal authorities having jurisdiction over the meat or meat products or animal, and shall not be moved by any person from the place at which it is located when detained, until released by the representative. All official marks may be required by the representative to be removed from the meat and meat products or animal before it is released unless it appears to the satisfaction of the board that the meat or meat products or animal are eligible to retain the marks.

Any carcass, part of a carcass, meat or meat products 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 the transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this chapter, shall be liable to be proceeded against and seized and condemned, at any time, in any circuit court within the jurisdiction of

which the meat or meat products or animal are found. If the meat or meat products or animal are condemned they shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the general fund of this State, but the meat or meat products or animals shall not be sold contrary to this chapter, or the Federal Meat Inspection Act or the Hawaii or Federal Food, Drug, and Cosmetic Act; provided that upon the execution and delivery of a good and sufficient bond issued on the condition that the meat or meat products or animal shall not be sold or otherwise disposed of contrary to this chapter, or the laws of the United States, the court may direct that the meat or meat products or animal be delivered to the owner thereof subject to the supervision by authorized representatives of the board as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the meat or meat products or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the meat or meat products or animal.

The circuit courts of the State are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, provided however, the district courts of the State shall have jurisdiction over misdemeanors committed under this chapter.

Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than \$1,000 or imprisoned not more than three months, or both.

Any person who violates this chapter for which no other criminal penalty is provided by this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both, but if the violation involves intent to defraud, or any distribution or attempted distribution of meat or meat products that are adulterated the person shall be fined not more than \$10,000 or imprisoned for not more than three years, or both; provided that no person shall be subject to penalties under this section for receiving for transportation any meat or meat products or animal in violation of this chapter if the receipt was made in good faith, unless the person refuses to furnish on request of a representative of the board the name and address of the person from whom he received the meat or meat products or animal, and copies of all documents, if any there be, pertaining to the delivery of the meat or meat products or animal to him.

Nothing in this chapter shall be construed as requiring the board to report for prosecution or injunction proceedings, or minor violations of this chapter whenever it believes that the public interest will be adequately served by a suitable written notice of warning.

Any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the board shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

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Any person that shall wilfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter, or that shall wilfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter or that shall wilfully neglect or fail to make, or to cause to be made, full, true, and correct entries in the accounts, records, or memoranda, of all facts and transactions appertaining to the business of the person, or that shall wilfully remove out of the jurisdiction of the State, or wilfully mutilate, alter, or by any other means falsify any documentary evidence of any person, or that shall wilfully refuse to submit to the board or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person in his possession or within his control, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

If any person required by this chapter to file any annual or special report shall fail to do within the time fixed by the board for filing the same, and the failure shall continue for thirty days after notice of default, the person shall forfeit to this State the sum of \$100 for each and every day of the continuance of the failure, which forfeiture shall be payable into the State general fund, and shall be recoverable in a civil suit in the name of the State brought in the county where the person has his principal office or in any county in which he shall do business. It shall be the duty of the various county attorneys or corporation counsel of the respective counties within the State, upon request of the attorney general, to prosecute for the recovery of the forfeiture.

Any officer or employee of the State who shall make public any confidential information obtained by the board, unless directed by a court, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

Section -33. Construction. The licenses required by this chapter shall be in addition to any other licenses required by law.

The requirements of this chapter shall apply to persons, establishments, animals, and meat or meat products regulated under the Federal Meat Inspection Act only to the extent provided for in section 408 of the Federal Meat Inspection Act.

The operation and effect of this chapter conferring a general power shall not be impaired or qualified by the granting of a specific power or powers. Each provision of this chapter is intended to be construed liberally in light of the declaration set forth in section -2.

If any of the foregoing provisions are in conflict with any existing statute, ordinance or regulation, the provisions of this chapter shall take precedence.

Section -34. Severability. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.”

SECTION 2. Upon the effective date of this Act, Part I of Chapter 146,

Hawaii Revised Statutes, is repealed.

SECTION 3. This Act shall take effect on July 1, 1969.

(Approved July 14, 1969.)