

LEGISLATIVE HISTORY CHECKLIST
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(Meat & Poultry
Inspection Law)

LAWS OF: 1968

CHAPTER: 105

Bill No: A774

Sponsor(s): Moraites

Date Introduced: May 13, 1968

Committee: Assembly: Agriculture

Senate: -----

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CHAPTER 109
6-27-68

ASSEMBLY, No. 774

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1968

By Assemblymen MORAITES, WOODSON, RANDALL, VANDER
PLAAT, AZZOLINA, COLEMAN and KEAN

Referred to Committee on Agriculture, Conservation and
Natural Resources

AN ACT to provide for New Jersey meat and poultry inspection,
to regulate the disposition of dead animals, and repealing certain
statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Short title. This act may be cited as the New Jersey Meat and
2 Poultry Inspection Act.

1 2. Declaration of policy. It is essential to the public interest
2 that the health and welfare of consumers be protected by assuring
3 that meat and meat food products distributed to them are whole-
4 some, unadulterated, and properly marked, labeled and packaged.
5 Unwholesome, adulterated or mislabeled meat or meat food products
6 are injurious to the public health and welfare; and may provide
7 unfair competition to wholesome, unadulterated, and properly
8 labeled and packaged meat and meat food products. Therefore,
9 it is hereby declared to be the policy of the State of New Jersey
10 to provide for the inspection of animals to be slaughtered, and the
11 carcasses, parts thereof, meat and meat food products processed
12 therefrom, capable of use as human food, at certain establishments
13 in order to prevent the distribution, for human consumption, of
14 animals, meat and meat food products, which are unwholesome,
15 adulterated, misbranded, improperly labeled or otherwise unfit
16 for use as human food.

1 3. Definitions. For the purposes of this act, the following defini-
2 tions shall be applicable unless the context indicates otherwise:

3 "Animal" means cattle, poultry, sheep, swine, goats, horses or
4 other equines, and such other animals as the board may designate.

5 "Animal food manufacturer" means any person engaged in the
6 business of manufacturing or processing animal food derived
7 wholly or in part from carcasses, or parts or products of the car-

8 carcasses, of animals for purposes other than for use as human food
9 except as otherwise provided for by law or exempted by regulation
10 prescribed by the board.

11 "Board" means the State Board of Agriculture, Department of
12 Agriculture, State of New Jersey.

13 "Carcasses" means bodies or any part or portion of dead
14 animals.

15 "Container" or "package" means any box, can, tin, cloth, plastic,
16 or any other receptacle, wrapper or cover used to hold any animal
17 carcasses, meat or meat food product.

18 "Disposal plant" means a place of business or a location where
19 the carcasses of animals or meat-packing house refuse are received
20 or unloaded and where such carcasses or refuse either are processed
21 for the purpose of obtaining the hide, skin, grease, residue,
22 fertilizer, food for animals or any other by-product from said
23 animals or refuse, in any way whatsoever, or are fed to hogs, dogs,
24 fur-bearing or other animals.

25 "Handler-distributor" means a person who engages in the
26 business (other than for direct sale to the consumer), of buying,
27 selling or distributing, storing or transporting any animal carcass,
28 or part thereof, or meat or meat food product intended for use
29 as human food.

30 "Federal Meat Inspection Act" means the act so entitled ap-
31 proved March 4, 1907 (34 Stat. 1260), as amended by the Whole-
32 some Meat Act (81 Stat. 584), and acts amendatory thereof or
33 supplementary thereto, including those hereafter enacted.

34 "Inspector" means an employee or agent of the Department of
35 Agriculture authorized by the secretary to inspect animals or the
36 carcasses or parts thereof, meat or meat food products, under the
37 authority of this article.

38 "Label" means a display of written, printed, or graphic matter
39 upon the immediate wrapper, container or package (not including
40 package liners) of any article.

41 "Licensee" means any person licensed pursuant to this act.

42 "Meat" means any edible part of the carcass of any animal.

43 "Meat food product" means any article of food, or any article
44 intended for use as human food, which is derived or prepared, in
45 whole or in part, from any portion of any animal, unless exempted
46 by the board upon its determination that the article (1) contains
47 only a minimal amount of meat and is not represented as a meat
48 food product; or (2) is for medicinal purposes; or (3) is denatured
49 and is so labeled.

50 "Official inspection mark" means any symbol, formulated pur-
51 suant to rules and regulations prescribed by the board, stating that
52 an article was inspected and passed.

53 "Packing" means the activity of packaging or containing and
54 labeling any animal carcass or part thereof or meat or meat food
55 product intended for use as human food.

56 "Person" means any individual, proprietor, partnership, cor-
57 poration, association or business entity.

58 "Preparing" means the activity of slaughtering, canning, salt-
59 ing, rendering, boning, cutting-up or otherwise manufacturing or
60 processing any animal carcass, meat or meat food product intended
61 for use as human food.

62 "Primary establishment" or "licensed primary establishment"
63 means an establishment engaged in the slaughtering, processing,
64 preparing, or packaging of animals, the carcasses or parts thereof
65 or meat or meat food products intended for use as human food.

66 "Primary licensee" means a person who owns, operates or con-
67 ducts a primary establishment.

68 "Processing" means the activity of preparing, canning, salting,
69 freezing or otherwise manufacturing any animal carcass or part
70 thereof, meat or meat food product intended for use as human food.

71 "Secondary establishment" or "secondary licensed establish-
72 ment" means an establishment engaged in the slaughtering or
73 rendering of animals, the carcasses or parts thereof for purposes
74 other than for use as human food, or an animal food manufacturing
75 plant, or a disposal plant.

76 "Secondary licensee" means a person who owns, operates or
77 conducts a secondary establishment.

78 "Renderer" means any person engaged in the business of render-
79 ing carcasses, or parts or products of animals.

80 "Secretary" means the Secretary of Agriculture of the State
81 of New Jersey.

82 "Wholesome" means sound, healthful, clean and otherwise fit
83 for human consumption.

84 The board shall, by rule or regulation, prescribe such other defini-
85 tions as necessary in order to effectuate the purposes of this act;
86 provided, however, said definitions shall equal definitions under
87 the Federal Meat Inspection Act, when applicable.

1 4. Transfer of authority from Department of Health to Depart-
2 ment of Agriculture; General Power of Department of Agriculture.
3 The jurisdiction and authority to provide for the proper inspec-
4 tions of animals to be slaughtered and the carcasses, parts thereof,
5 meat and meat food products, animal food product or by-product

6 of animals; packaging and labeling of animal carcasses, parts
7 thereof, meat and meat food products, animal food products or
8 by-products of animals, is hereby transferred from the Department
9 of Health to the Department of Agriculture. The Department of
10 Agriculture is hereby declared to be the principal instrumentality
11 of the State for attaining the ends declared in this act. The de-
12 partment shall have all necessary power to carry out and enforce
13 the provisions of this act and the rules and regulations of the board.

1 5. General power of the board; rules and regulations. The board
2 is hereby vested with power as provided in this act. The board
3 shall have power to make rules and regulations to effectuate the
4 purposes and to carry out the provisions of this act and shall
5 implement this act by prescribing such rules and regulations neces-
6 sary to equal the Federal Meat Inspection Act. All such rules and
7 regulations shall be made in the name of the board over their
8 signatures.

1 6. General powers of the secretary. The secretary shall supervise
2 and enforce the proper administration of the provisions of this act
3 and all rules and regulations made thereunder for the purpose of
4 attaining the ends declared in this act.

1 7. Enforcement by municipalities. Municipalities may continue
2 conducting meat inspection programs within their jurisdiction and
3 shall enforce the provisions of this act under the supervision of the
4 secretary.

1 8. State inspectors, analysts and employees; continuation of
2 former practices and procedures for a period not in excess of 1
3 year. The secretary may appoint such analysts, chemists, chief in-
4 spectors and other inspectors and employees as may be authorized
5 by law, and the persons thus appointed shall perform such duties
6 as may be assigned to them by the secretary. The secretary shall
7 fix the salaries of all such officers and employees subject to the
8 provisions of Title 11, Civil Service, of the Revised Statutes except
9 when otherwise provided by statute. The secretary, in order to
10 facilitate the orderly transition and implementation of this act,
11 may continue the practices and procedures formerly conducted by
12 the Department of Health in administering the meat inspection
13 program for a period not in excess of 1 year from the effective date
14 of this act.

1 9. Local inspectors and analysts. A municipality may designate
2 from among its sanitary inspectors and meat inspectors one or
3 more inspectors who shall be known as local inspectors. The mu-
4 nicipality may also appoint one or more meat analysts.

1 10. Powers and duties of local inspectors. The local inspector
2 shall have, within the jurisdiction of the municipality appointing
3 him, all the power and authority given an inspector appointed by
4 the secretary under the authority of section 8 of this act.

1 11. Licenses and inspection service required of primary estab-
2 lishments. No person shall own, operate or conduct a primary
3 establishment unless he has first obtained a license to do so from
4 the secretary and has been provided with inspection service by the
5 secretary or by the Federal Government under the Federal Meat
6 Inspection Act. Any person who violates the provisions of this
7 section shall be guilty of a high misdemeanor and if convicted shall,
8 in addition to any other penalties imposed, be forever ineligible to
9 hold a license pursuant to the provisions of this act.

1 12. Licenses required of secondary establishments and handler-
2 distributor. No person shall own, operate, or conduct any second-
3 ary establishment or engage in the business of a handler-distributor
4 unless he has first obtained a license to do so from the secretary.

1 13. Application for license; form; prerequisite. The application
2 for a license to operate as a primary licensee, secondary licensee,
3 or handler-distributor shall be made on forms prescribed and
4 furnished by the secretary. The secretary may require an applicant
5 for a license to show that he has secured such other permits or
6 licenses as may be necessary for said applicant to carry on the
7 business of a primary licensee, secondary licensee, or handler-
8 distributor in the State and, upon his failure to do so, may refuse
9 to issue to said applicant a license.

1 14. Application for license; time for making; contents; display
2 of license. An application for a license to operate as a primary
3 licensee, secondary licensee, or handler-distributor shall be made
4 within 30 days after this act takes effect or before the applicant
5 shall commence business as a primary licensee, secondary licensee,
6 or handler-distributor, and annually thereafter. The applicant shall
7 state the nature of the business to be conducted, the full name of
8 the person applying for the license and, if the applicant be a firm
9 or association, the full name of each member, and if a corporation,
10 the names and addresses of all officers and directors and stock-
11 holders holding 10% or more of the issued and outstanding stock
12 of the corporation and the place or places at which the business is
13 to be conducted; that the applicant has complied with all rules and
14 regulations of the board and the orders of the secretary, and such
15 other facts with respect to the license as may be required by the
16 secretary. A license shall be granted to the applicant by the sec-
17 retary subject to the provisions of this act. The original or a

18 certified copy thereof shall be conspicuously displayed by the
 19 licensee at his principal place of business and in each of his plants
 20 in this State.

1 15. License fees. Every person or establishment required by this
 2 act to be licensed shall pay a nonrefundable annual license fee as
 3 follows:

4 Primary licensees—A person who owns, operates or
 5 conducts an establishment engaged in the slaughtering,
 6 processing, preparing or packaging of animals, the car-
 7 casses or parts thereof, meat or meat food products
 8 intended for use as human food; for each establishment
 9 or place of business \$25 00

10 Secondary licenses—A person who owns, operates, or
 11 conducts an establishment engaged in the slaughtering or
 12 rendering of animals, carcasses, or parts thereof for pur-
 13 poses other than for use as human food, or an animal food
 14 manufacturing or disposal plant; for each establishment
 15 or place of business \$10 00

16 Handler-distributor—A person who engages in the
 17 business (other than for direct sale to the consumer) of
 18 buying, selling, distributing, storing or transporting any
 19 animal carcass, or part thereof, or meat or meat food
 20 product \$10 00

1 16. License acceptance. By accepting a license, the licensee shall
 2 be deemed to have agreed to confer upon the Department of Agri-
 3 culture the authority to investigate, at any time, violations of this
 4 act and the rules and regulations prescribed thereunder and further
 5 to have consented to the amendment of the terms and conditions
 6 of the license by the board and/or secretary and the imposition of
 7 such conditions as the board and/or secretary may, from time to
 8 time, find necessary or desirable.

1 17. Inspections. For the purposes herein before set forth, the
 2 secretary shall cause to be made by inspectors an examination and
 3 inspection of animals, carcasses and parts thereof, meat and meat
 4 food products prepared in licensed establishments and of the sani-
 5 tary conditions of licensed establishments and the manner of han-
 6 dling of carcasses, parts thereof and meat and meat food products
 7 therefrom by any licensee and, for the purposes of an examination
 8 and inspection, said inspectors shall have access to every part of
 9 said establishment at any time, whether the establishment is in
 10 operation or not.

1 18. Disposition of dead animals. The board shall prescribe such
 2 rules and regulations for the disposition of animal carcasses as

3 it may deem necessary to discover and control contagious, infections
4 or communicable animal diseases and to protect the public health
5 and welfare. Any person owning or having custody of an animal
6 that has died shall dispose of the carcass in accordance with such
7 rules and regulations and under such conditions as the board pre-
8 scribes. No secondary licensee shall remove, render, or otherwise
9 dispose of any animal except in accordance with such rules and
10 regulations and under such conditions as the board prescribes.

1 19. Diseased or physically impaired animals. The board shall
2 have power to prescribe by regulations the type and extent of the
3 disease or other physical conditions found in any animals as shall
4 render it unfit for use as food for animal consumption.

1 20. Antemortem inspections. The secretary shall cause an ante-
2 mortem inspection of animals by duly authorized inspectors prior
3 to the entry of such animals into that area of any licensed primary
4 establishment wherein slaughtering or processing is conducted.

1 21. Unauthorized entry of uninspected animals prohibited. No
2 primary licensee shall permit or allow any animal to enter into that
3 area of any licensed primary establishment wherein slaughtering or
3A processing is conducted unless a duly authorized inspector has
4 examined and inspected such animal prior to the entry of such
5 animal into that area.

1 22. Separate slaughter of animals found to show symptoms of
2 disease. A licensee shall cause any animal found to show symptoms
3 of disease to be set apart and slaughtered separately from other
4 animals and, when so slaughtered, the carcasses of said animal
5 shall be subject to a careful examination and inspection and shall
6 be disposed of in accordance with the rules and regulations pre-
7 scribed by the board.

1 23. Separate slaughter and preparation of horsemeat. The secre-
2 tary, in order to effectuate the provisions of this act, may require
3 any primary licensee to conduct the slaughter and preparation of
3A horses, mules or other equines, the carcasses and parts thereof, and
4 meat and meat food products resulting therefrom, in licensed pri-
5 mary establishments, separate and apart from establishments in
6 which the slaughter and preparation of other animals, carcasses
7 and parts thereof, meat and meat food products are conducted.

1 24. Postmortem inspection. The secretary shall cause a post-
2 mortem inspection by duly authorized inspectors of animal carcasses
3 and parts thereof which are slaughtered in any licensed primary
4 establishment. Upon such examination and inspection, such
5 carcasses or parts thereof found to be unadulterated and wholesome

6 shall be labeled, marked, stamped or tagged with the official inspec-
7 tion mark.

1 25. Inspection mark required before processing. No primary
2 licensee shall permit or allow any animal carcass or part thereof
3 to be prepared, processed, packaged, shipped, sold or offered for
4 sale unless it has been examined and inspected by an inspector
5 and labeled, marked, stamped, or tagged with the official inspection
6 mark.

1 26. Inspection during processing or preparation. The secretary
2 shall cause an examination and inspection by duly authorized in-
3 spectors of all meat and meat food products processed or prepared
4 in any licensed primary establishment. Upon such examination
5 and inspection, such carcasses or parts thereof found to be unadul-
6 terated and wholesome shall be labeled, marked, stamped or tagged
7 with the official inspection mark.

1 27. Inspection required before packaging or shipment. No pri-
2 mary licensee shall permit or allow any meat or meat food product
3 to be packaged, shipped, sold or offered for sale unless it has been
4 examined and inspected by an inspector and labeled, marked,
5 stamped or tagged with the official inspection mark or has been
6 inspected and passed.

1 28. Condemnation; disposition. All animal carcasses and parts
2 thereof, meat and meat food products, found by an inspector to be
3 unwholesome or adulterated in any licensed primary establishment
4 shall be condemned and shall be labeled, marked, stamped, or tagged
5 as "New Jersey Inspected and Condemned" by said inspector; and
6 all carcasses and parts thereof thus inspected and condemned shall
7 be destroyed for food purposes by the said establishment in the
8 presence of the inspector; provided however, that articles which
9 may, by reprocessing, be made wholesome and unadulterated need
10 not be so condemned and destroyed, if the articles are within a
11 reasonable time thereafter reprocessed under the supervision of an
12 inspector and, upon such reprocessing, found to be wholesome and
13 unadulterated by said inspector.

1 29. Disposition of by-products. The board shall prescribe by
2 rule or regulation the manner and disposition of the by-products
3 of animals slaughtered or processed in any licensed primary
4 establishment.

1 30. Actions authorized. The secretary may cause, at any time,
2 such quarantine, segregation, embargo, seizure, detention, destruc-
3 tion, removal of the official inspection mark, re-examination or
4 re-inspection of any animal or carcass, part thereof, or meat or

5 meat food product as are necessary to effectuate the purposes of
6 this act.

1 31. Handling, transporting and storing. The secretary shall cause
2 to be made, from time to time, an examination and inspection of the
3 sanitary conditions existing in all licensed establishments, where-
4 houses, or transportation vehicles and the conditions under which
5 carcasses, parts thereof, meat and meat food products are handled,
6 transported or stored by licensees. The board shall, by rule or
7 regulation, prescribe minimum standards with regard to the sani-
8 tary conditions existing in licensed establishments or transport
9 vehicles and the conditions under which carcasses, parts thereof,
10 meat and meat food products are handled, transported or stored
11 by licensees.

1 32. Packaging. No primary licensee shall seal or enclose any
2 carcass, part thereof, or meat or meat food product into any package
3 or container unless said meat or meat food product bears the official
4 inspection mark or has been inspected and passed and is placed or
5 packaged into said package or container under the supervision of a
6 duly authorized inspector.

1 33. Contents of labels. The board may prescribe by rule or regu-
2 lation such information to appear on any container, package or label
3 bearing any animal carcass, part thereof, meat or meat food product
4 or animal food product as follows:

5 (a) The styles and sizes of types to be used with respect to ma-
6 terial required to be incorporated in labeling to avoid false or mis-
7 leading labeling of animal carcasses, parts thereof, meat or meat
8 food products or animal food products; provided, however, the
9 board must first obtain the advice and consent of the State Super-
10 intendent, Division of Weights and Measures, to such rules and
11 regulations.

12 (b) Definitions and standards of identity or composition of meat
13 or meat food products.

14 (c) Such other information as may be necessary in order to pre-
15 vent any false, misleading, deceptive or fraudulent labeling; mis-
16 labeling, misbranding or otherwise improper labeling; provided,
17 however, the board must first obtain the advice and consent of the
18 State Superintendent, Division of Weights and Measures, to such
19 rules and regulations.

20 Nothing herein shall be construed to confer authority upon the
21 board to prescribe rules and regulations affecting the quantitative
22 statement appearing on the container, package or label.

1 34. Registration of labels, marks. Primary and secondary
2 licensees shall register a facsimile copy of all names, labels, marks,

3 brands, trade names or identification used on animal carcasses,
 4 parts thereof, meat or meat food products or animal food products
 5 with the secretary upon forms to be provided and upon compliance
 6 with regulations prescribed by the board. The secretary shall cause
 7 to be set up a registry of such names, labels, marks, brands, trade
 8 names or other identifications for animal carcasses, parts thereof,
 9 meat or meat food products or animal food products.

1 35. Sale or shipment of mislabeled packages prohibited. No
 2 licensee shall sell, offer to sell or cause to be shipped any package or
 3 container which is falsely, deceptively or fraudulently labeled, mis-
 4 labeled, misbranded, improperly labeled or which fails to comply in
 5 any respect with the rules and regulations prescribed by the board.

1 36. Sale or shipment of unwholesome meat prohibited. No pri-
 2 mary licensee shall sell, offer for sale or cause to be shipped any
 3 adulterated, misbranded or unwholesome animal carcasses, parts
 4 thereof, meat or meat food products unless they are plainly and
 5 conspicuously labeled, marked, stamped or tagged as "New Jersey
 6 inspected and condemned."

1 37. Acceptance by handler-distributor of unwholesome meat pro-
 2 hibited. No "handler-distributor" shall knowingly accept for ship-
 3 ment, storage or distribution any adulterated, misbranded or un-
 4 wholesome animal carcass, part thereof, meat or meat food product
 5 unless they are plainly and conspicuously labeled, marked, stamped
 6 or tagged as "New Jersey inspected and condemned."

1 38. Sale or shipment of horsemeat prohibited. No licensee shall
 2 sell, offer for sale or cause to be shipped, any carcass of horses,
 3 mules, or other equines, or parts of such carcass, or the meat or
 4 meat food products thereof, unless they are plainly and conspic-
 5 uously marked, labeled or otherwise identified so as to show the
 6 animal or animals from which they were derived in accordance with
 7 the regulations prescribed by the board.

1 39. Vehicle permits. The secretary shall cause to be issued a
 2 permit for each vehicle used by a licensee to transport any animal
 3 carcasses, parts thereof, meat or meat food product, animal food
 4 products or by-products of animals. The board may by rules or
 5 regulation prescribe the minimum sanitary equipment and condi-
 6 tions in each vehicle, the use of each vehicle, and the method of
 7 handling animal carcasses, parts thereof, meat and meat food
 8 products, animal food products and by-products of animals in said
 9 vehicle.

1 40. Display of vehicle permits required. No vehicle shall be used
 2 by any licensee to transport any animal carcass, part thereof, meat
 3 or meat food products, animal food product or by-product of any

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4 animal unless he has first obtained a permit for said vehicle from
5 the secretary and has caused the permit number to be prominently
6 displayed on both sides of the body of the vehicle so as to be plainly
7 visible to the public.

1 41. Other applications of this act. The foregoing provisions shall
2 also apply to all carcasses, parts of carcasses, meat or meat food
3 products capable of use as human food, which may be brought into
4 any licensed primary establishment wherein examination and in-
5 spection under this act is maintained, and such examination and
6 inspection shall be made before the said carcasses or parts thereof,
7 meat or meat food products shall be allowed to enter into any
8 licensed primary establishment wherein the same are to be treated
9 or prepared for meat or meat food products; and the foregoing
10 provisions shall also apply to all such products which, after having
11 been shipped or transported from any establishment, shall be
12 returned to a licensed primary establishment wherein such exam-
13 ination and inspection are maintained. The secretary may limit the
14 entry of carcasses, parts of carcasses, meat and meat food products,
15 and other materials into any primary establishment at which
16 examination and inspection under this act is maintained under such
17 conditions as may assure that allowing the entry of such articles
18 into such licensed primary establishments will be consistent with the
19 purposes of this act.

1 42. Exemption from inspection. The provisions of this act re-
2 quiring inspection of the slaughter of animals and of the prepara-
3 tion of the carcasses, parts thereof, meat and meat food products
4 at establishments conducting such operations shall not apply to:

5 A. The slaughtering by any person of animals of his own raising,
6 and the preparation by him and transportation of the carcasses,
7 parts thereof, meat and meat food products of such animals exclu-
8 sively for use by him and members of his household and his non-
9 paying guests and employees; or

10 B. The custom slaughter by any person of any animal delivered
11 by the owner thereof for such slaughter, and the preparation by
12 such slaughterer and transportation of the carcasses, parts thereof,
13 meat and meat food products of such animals, exclusively for use,
14 in the household of such owner, by the members of his household and
15 his nonpaying guests and employees; provided that such custom
16 slaughterer does not engage in the business of buying or selling any
17 carcasses, parts of carcasses, meat or meat food products of any
18 animal; or

19 C. Operations of types traditionally and usually conducted at
20 retail stores and restaurants, when conducted at any retail store or

21 restaurant or similar retail-type establishment for sale in normal
22 retail quantities or service of such articles to consumers at such
23 establishments; or

24 D. The slaughter of animals or the preparation of any carcasses
25 or parts or products of such animals, which are not intended for
26 use as human food, but such articles shall, prior to their offer for
27 sale or shipment, unless naturally inedible by humans, be denatured
28 or otherwise identified to deter their use for human food as pre-
29 scribed by regulations of the board; or

30 E. Any licensed establishment in which Federal inspection serv-
31 ice is provided under the Federal Meat Inspection Act; or

32 F. Any licensed secondary establishment.

33 The slaughter of animals and preparation of articles referred to
34 in paragraphs B, C, D and F shall be conducted in accordance with
35 such sanitary conditions as the board may, by regulation, prescribe.
36 The adulterated and misbranding provisions of this act shall apply
37 to articles which are not required to be inspected under this section.

1 43. Removal of inspectors. The secretary, upon reasonable belief
2 that any provision of this act, the rules or regulations prescribed by
3 the board, or orders of the secretary have been violated, may
4 remove inspection service from any licensed establishment for a
5 period not in excess of 30 days.

1 44. Engaging in business prohibited after removal of inspectors.
2 No person shall continue to engage in business as a primary licensee
3 after the secretary has withdrawn inspection service in accordance
4 with the provisions of this act or the Federal Government has with-
5 drawn inspection service in accordance with the Federal Meat In-
6 spection Act. Any person who violates this section shall be guilty of
7 a high misdemeanor and, if convicted, shall, in addition to any other
8 penalties imposed, forfeit any license issued to him under this act
9 and shall be forever ineligible to hold a license pursuant to the pro-
10 visions of this act.

1 45. Acts of agents, servants and employees. When construing
2 and enforcing any provision of this act, the act, omission or failure
3 of any officer, agent, employee or other person acting for any
4 licensee shall be deemed to be the act, omission or failure of the
5 licensee, as well as that of the person committing said act, omission
6 or failure.

1 46. Books and records; rights of entry, inspection of premises.
2 The secretary may require all licensees or classes of licensees to
3 keep such records as will fully and correctly disclose all transac-
4 tions involved in their businesses; and all licensees subject to such
5 requirements shall, at all reasonable times, upon notice by the secre-

6 tary or his duly authorized agent or employee, afford the secretary
7 or such agent or employee access to their places of business and
8 afford the secretary, such agents or employees an opportunity to
9 examine the facilities, inventory and records thereof, to make copies
10 of all such records, and to take reasonable samples of their in-
11 ventory upon payment of the fair market value therefor. Any
12 record required to be maintained by this section shall be maintained
13 for such period of time as the secretary shall designate.

1 47. Reports of licensee. Each licensee shall, from time to time, as
2 required by the order of the secretary, make and file a verified
3 report on forms prescribed by the secretary of all matters on
4 account of which a record is required to be kept, together with such
5 other information or facts as may be necessary to effectuate the
6 purposes of this act.

1 48. Proceedings before the secretary. The secretary and his duly
2 authorized agents and employees are hereby empowered and
3 charged with the duty to hear, review and determine violations and
4 controversies arising under the provisions of this act, or the rules
5 and regulations prescribed thereunder.

1 49. Hearing procedures. Before declining to grant a license or
2 conditioning or limiting a license, or suspending or revoking a
3 license previously granted, the secretary or his duly authorized
4 agent or employee shall give notice to the applicant or licensee
5 personally or by certified mail addressed to his last known address,
6 and afford him an opportunity to appear and be heard with respect
7 thereto at a time and place specified in such notice. Such applicant
8 or licensee shall have the right to be heard in person or by attorney,
9 and to offer evidence pertinent to the subject of the hearing, and
10 to that end to invoke the powers of the secretary with respect to
11 the compulsory attendance of witnesses and the production of
12 books, accounts, papers, records and documents by subpoena. The
13 secretary may make such other rules, as may be reasonable and
14 appropriate, regulating the manner, form, time, terms and con-
15 ditions of such proceedings. The secretary or his duly authorized
16 agent or employee shall not be bound in such proceedings to apply
17 the technical rules of evidence prevailing in a court of law.

1 50. Issuance of subpoenas. The secretary and his duly authorized
2 agents and employees shall have the power to issue subpoenas to
3 compel the attendance of witnesses and the production of books,
4 papers, records and documents for the purpose of obtaining such
5 information as may be required to carry out the provisions of this
6 act. Such subpoenas shall be signed by the secretary.

1 51. Service of subpoenas; fees and mileage. The process of
2 subpoena authorized in this act shall be served in the same manner
3 and be of the same force and effect as like process of civil actions
4 in the Superior Court; and any person attending in pursuance of
5 such subpoena shall be entitled to the same fees and mileage as
6 witnesses in civil action in said Superior Court. The fees for the
7 attendance of the witnesses shall be paid by the party arranging
8 for the attendance of such witnesses.

1 52. Refusal to obey subpoena or testify; contempt. In case any
2 person so summoned by subpoena issued by said secretary shall
3 refuse to obey such subpoena or any directions therein, or to give
4 testimony, or to answer questions as required, or to produce any
5 book, papers, documents or records as required, the secretary or
6 party subpoenaing said witness may apply to the Superior Court
7 for process against such person, as for a contempt of the Superior
8 Court, and the court shall proceed to a hearing of the case and
9 make such orders and render judgment as in cases of contempt of
10 said court.

1 53. Oaths. The secretary or any person authorized by law is
2 hereby authorized to administer oaths to all such witnesses as may
3 appear or be brought before said secretary or his duly authorized
4 agent or employee.

1 54. Grounds for denying license. The secretary or his duly
2 authorized agent or employee, after conducting a hearing duly
3 held in accordance with the provisions of this act, may decline to
4 grant a license or may issue a license conditionally, or may suspend
5 or revoke a license already granted or may refuse to renew a
6 license when satisfied of the existence of any of the following:

7 A. That the applicant or licensee has violated any of the provi-
8 sions of this act, or any of the rules and regulations prescribed by
9 the board, or the orders of the secretary or has violated any of the
10 provisions of the meat or poultry inspection laws of the United
11 States or any other State or of the orders, rules and regulations
12 issued thereunder or the provisions of any meat or poultry inspec-
13 tion law which have preceded this act, or of orders, rules and regu-
13a lations issued thereunder.

14 B. That the applicant or licensee is a partnership, corporation,
15 firm or association and any individual holding any position or in-
16 terest or power or control therein has previously been responsible
17 in whole or in part in this State or any other State for any act on
18 account of which a license may be denied, suspended or revoked
19 pursuant to the provisions of this act.

20 C. That the applicant or licensee is unfit to engage in any business
21 requiring inspection because the applicant or licensee or anyone
22 responsibly connected with the applicant or licensee has been con-
23 victed in any Federal or State court of a violation of law punish-
24 able by imprisonment for a term exceeding 1 year, or more than
25 one violation of any law punishable by a lesser sentence, based
26 upon the acquiring, handling or distributing of unwholesome, mis-
27 labeled, or deceptively packaged food or upon fraud in connection
28 with transactions in food.

29 D. That the applicant or licensee has committed any act likely
30 to undermine sanitary regulations and standards as established by
31 this act or the rules and regulations promulgated by the board.

32 E. That the applicant or licensee is not qualified by character,
33 experience, financial responsibility or equipment to properly con-
34 duct the proposed business.

35 F. That the applicant or licensee has continued in a course of
36 dealing of such a nature as to satisfy the secretary of his inability
37 or unwillingness to properly conduct his business in accordance
38 with the provisions of this act.

39 G. That the applicant or licensee has continued in a course of
40 dealing of such nature as to satisfy the secretary of an intent to
41 deceive or defraud consumers, licensees, or other persons in those
42 matters regulated by the provisions of this act.

43 H. That the applicant or licensee has made false statements to
44 the secretary or the board or has testified falsely in any hearing
45 before the secretary or the board.

46 I. That the applicant or licensee has failed either to keep records
47 or to furnish the statements or information required by the secre-
48 tary under this act.

49 J. That the licensee has failed to file any annual or special report
50 required by this act, within the time fixed by the secretary for filing
51 the same.

52 K. That the licensee has wilfully made, or caused to be made,
53 any false entry or statement of fact in any report required to be
54 made under this act, or that such licensee has willfully neglected or
55 failed to make, or cause to be made, full, true, and correct entries
56 in such accounts, records or memoranda, of all facts and transac-
57 tions, or willfully mutilated, altered, or by any other means falsified
58 any documentary evidence or willfully refused to submit any record
59 or report to the secretary.

60 The secretary may, without hearing, continue any ruling or order
61 made as to any license or any applicant or licensee which was made
62 after hearing when any subsequent application for license is filed by

63 said applicant or licensee. The issuance or renewal by the secretary
64 of a license hereunder shall not preclude the Secretary from sus-
65 pending, conditioning or revoking such license for acts as set forth
65a in this section committed by the licensee prior to the license period
66 unless the secretary had proceeded against the applicant or licensee,
67 and the order made thereupon has been complied with by the appli-
68 cant or licensee.

1 55. Informal hearings on violations; adjustment. Upon receiv-
2 ing evidence of a violation of any of the provisions of this act, or
3 of any rules or regulations of the board or orders of the secretary
4 issued thereunder, any employee designated by the secretary is
5 hereby empowered to hold informal hearings upon said violation
6 or violations at such place or places as the secretary may fix and,
7 upon finding the violations to have been committed, to adjust same
8 with any licensee accused of such violations for such amounts, not
9 in excess of \$10,000.00 for the first offense and not in excess of
10 \$20,000.00 for any subsequent offense, or suspension of his license
11 for such period, or both, as may in the discretion of the secretary
12 be proper under the circumstances. In the event of the violator
13 complying with the terms of the adjustment, no further action shall
14 be had under section 54 upon any violation so adjusted.

1 56. Orders of the secretary; service. The secretary or his duly
2 authorized agent or employee shall make and enforce orders neces-
3 sary to carry out the provisions of this act. An order or determina-
4 tion applying only to a person named therein shall be served on
5 the person affected by personal delivery of a copy of said order
6 or by mailing a copy thereof to him at his last known address by
7 certified mail. All orders and determinations shall include the
8 findings of fact upon which such orders or determinations are based.

1 57. Records of the secretary; reports to the Attorney General.
2 The secretary shall keep a record of all his official acts, and shall
3 preserve copies of all decisions, rules and orders made by him. The
4 secretary shall make a semiannual report to the Attorney General
5 with regard to the number and type of violations of this act, the
6 facts incidental thereto and the disposition thereof.

1 58. Disposition of license fees, penalties, fines and costs. All
2 funds derived from fees for licenses issued hereunder, and the
3 proceeds of any adjustments, penalties, fines and costs imposed
4 by the secretary or any court hereunder, shall be paid to the State
5 Treasurer and shall become part of the General State Fund.

1 59. Review by Superior Court. Any person, applicant or licensee
2 aggrieved by any order or determination of the secretary, or his

3 agent or employee made pursuant to this act may obtain a review
4 of the action complained of by the Superior Court in a proceeding
5 in lieu of prerogative writ.

1 60. Violations. Any person who violates any provision of this
2 act, except sections 11 and 44, or any orders or rules or regulations
3 issued pursuant to this act, shall, in addition to any other penalty
4 herein provided, be a disorderly person and, if convicted as such,
5 be fined not more than \$1,000.00, or imprisoned for a period not in
6 excess of 1 year, or both.

1 61. Actions to restrain violations. Any habitual violation of this
2 act or of any of the orders or rules or regulations made pursuant
3 to this act may be restrained by the Superior Court in an action
4 brought for such purpose by the Attorney General on behalf of the
5 secretary.

1 62. Co-operation with United States Government. The Depart-
2 ment of Agriculture is authorized to co-operate with the Secretary
3 of Agriculture of the United States in developing and administering
4 the meat inspection program of the State of New Jersey. The
5 secretary is authorized, with the approval of the State Board of
6 Agriculture, to enter into agreements with the Secretary of Agricul-
7 ture of the United States for advisory assistance in planning and
8 otherwise enforcing this act, technical and laboratory assistance
9 and training, and financial and other aid for administration of this
10 act. The secretary, with the approval of the State board, may
11 recommend to the Secretary of Agriculture of the United States
12 such officials or employees of this State as the secretary shall
13 designate for appointment to the advisory committee provided for
14 in section 301 of the Federal Meat Inspection Act.

1 63. Agreements with other agencies. For the furtherance of the
2 objectives stated in this act, the secretary shall have authority to
3 enter into agreements with State, county and municipal agencies
4 and with other States.

1 64. Grant of specific powers not to impair general powers. The
2 operation and effect of any provision of this act conferring a
3 general power upon the board or the secretary shall not be impaired
4 or qualified by the granting to the board, the secretary, or an em-
5 ployee or agent of the secretary by this act of a specific power or
6 powers.

1 65. Foreign or interstate commerce. No provisions of this act
2 shall apply or be construed to apply to foreign or interstate com-
3 merce, except insofar as the same may be effective pursuant to the
4 United States Constitution and to the laws of the United States
5 enacted pursuant thereto.

1 66. Authority of Department of Health not abrogated or affected
2 except as authorized by this act. Nothing contained in this act or
3 the orders, rules or regulations adopted thereunder shall abrogate,
4 impair or affect the authority of the Department of Health or any
5 county or municipal board of health except as the same relates to
6 the slaughtering, processing or packaging of animals, carcasses,
7 parts thereof, meat or meat food product or animal food product
8 or the handling or distribution thereof as provided herein.

1 67. Authority of the Division of Weights and Measures not
2 abrogated or affected. Nothing herein contained in this act or the
3 orders, rules or regulations adopted thereunder shall abrogate,
4 impair or affect the authority, status, force or operation of the
5 Department of Law and Public Safety, Division of Weights and
6 Measures, Department of Law and Public Safety, or of any county
7 or municipal weights and measures authority.

1 68. Liberal construction. This act shall be construed liberally to
2 effectuate the legislative intent and as complete and independent
3 authority for the performance of each and every act and thing
4 herein authorized.

1 69. Inconsistent acts and rules and regulations superseded. All
2 acts and parts of acts, rules and regulations issued thereunder in-
3 consistent in whole or in part with the provisions of this act are to
4 such extent superseded.

1 70. Partial invalidity. If any section, subsection, paragraph,
2 sentence or other part of this act is adjudged unconstitutional or
3 invalid, such judgment shall not affect, impair or invalidate the
4 remainder of this act, but shall be confined in its effect to the section,
5 subsection, paragraph, sentence or other part of this act directly
6 involved in the controversy in which said judgment shall have been
7 rendered.

1 71. Repeal. The following acts and parts of acts are repealed:
2 section 24:5-21 of the Revised Statutes, section 24:6-8 of the Re-
3 vised Statutes, chapter 16 of Title 24 of the Revised Statutes,
4 chapter 415 of the laws of 1953, and section 2 of chapter 244 of the
5 laws of 1950.

1 72. Appropriation. The sum of \$100,000.00 is hereby appropri-
2 ated to the Department of Agriculture for the fiscal year beginning
3 July 1, 1968, for the purpose of carrying out the provisions of this
4 act.

1 73. Effective date. This act shall take effect July 1, 1968.

STATEMENT

The purpose of this bill is to revise the meat inspection system in New Jersey and transfer it from the Department of Health to the Department of Agriculture, as is the case in most states. The Federal Government, under Public Law 90-201, passed and signed in December, 1967, requires that States provide for a meat inspection system equal to the Federal Meat Inspection Program. The Federal Government will furnish advisory assistance in planning and otherwise developing a State meat inspection program under State law; and will provide technical and laboratory assistance and training, financial and other aid for administering the program.

The amount to be contributed to the State by the United States Department of Agriculture will not exceed 50% of the total cost of the co-operative program. It is expected that the Federal Government will provide approximately \$100,000.00 to match the State appropriation of \$100,000.00 provided in this bill.

The State Department of Agriculture will be in a good position to work effectively with the United States Department of Agriculture in a co-operative State-Federal program because the State function would be in line with the Federal function. The State Department of Agriculture has long conducted co-operative programs with the United States Department of Agriculture.

The State Department of Agriculture, through its established contacts with the livestock producers of the State, will have continuous control of the animal population from the farm to the dealers, auction markets, stockyards and slaughtering establishments with subsequent traceback of diseased animals to their origin. In effect, agriculture would be responsible from the farm to the package and the Department of Health from the package to the consumer. This is a logical division of authority and there would be checks between the 2 departments.

This law is good for the consumer, the industry and the producer of livestock.

The bill has been reviewed and discussed with interested parties, including the following organizations:

Meat Trade Institute, Inc.

American Meat Institute.

New Jersey State Federation of Women's Clubs.

New Jersey Department of Health.

Members of the Meat Industry including slaughterhouse owners, processors and packers.

United States Department of Agriculture Consumer and Marketing Section.

New Jersey Food Service Association.

New Jersey State Chamber of Commerce.

Veterinary Medical Association of New Jersey.

New Jersey Farm Bureau.

College of Agriculture and Environmental Science, Rutgers—
The State University.

New Jersey Home Economics Association, Public Service.

Amalgamated Food and Allied Workers Union Local 56.

Refrigeration, warehouses and locker plant representatives.

Municipal Health Representatives.

Amalgamated Meat Cutters and Food Store Employees Union,
Local 464, AFL-CIO.

Consumers League of New Jersey.

New Jersey Department of Law and Public Safety.

New Jersey State Grange.

New Jersey Livestock Co-operative Association, Inc.

Greater New York Association of Meat and Poultry Dealers, Inc.

New Jersey Health Officers' Association.

New Jersey Restaurant Association.