

AMENDED IN SENATE MARCH 22, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000
AMENDED IN ASSEMBLY APRIL 27, 1999
AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1173

Introduced by Assembly Member Frusetta

February 25, 1999

An act to amend Section 4301 of the Fish and Game Code, and to amend Sections 18943, 18946, 18947, 18991, 19000, 19001, 19013, 19016, 19020, and 19501 of, *and to add Section 18963 to*, the Food and Agricultural Code, relating to meat.

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, as amended, Frusetta. Fallow deer meat.

(1) Under existing law, it is unlawful to sell or purchase, or transport for the purpose of sale, any deer meat in this state unless imported, as prescribed. Cattle and other enumerated animals may be slaughtered, as provided. Any person engaged in raising any domesticated game mammal that normally exists in the wild in this state is required to obtain a domesticated game breeder's license.

This bill would provide that fallow deer may be slaughtered and prepared for transportation or sale, or transportation and sale under existing provisions of law currently applicable to cattle and other specified animals.

The bill would revise the definitions of “livestock,” “custom livestock slaughterhouse,” and “meat processing establishment” to include fallow deer, as prescribed, for the purposes of the California Meat and Poultry Inspection Act and the California Meat and Poultry Supplemental Inspection Act. Because a violation of these acts is a misdemeanor, the bill would expand the scope of existing crimes, thereby imposing a state-mandated local program.

The bill also would require a licensed livestock meat inspector under the provisions of the California Meat and Poultry Supplemental Inspection Act, after inspecting a meat processing establishment, to stamp passed carcasses and parts of this animal slaughtered and prepared for transportation or sale with an approved mark of inspection. *The bill would exempt from this requirement owners who slaughter, on their own premises, fallow deer under specified circumstances. The bill also would make a conforming change.*

(2) *This bill would require the Department of Food and Agriculture, on or before December 31, 2001, to adopt by regulation specified standards and requirements and prohibit any custom livestock slaughterhouse or meat processing establishment from obtaining approval by the department to slaughter or process fallow deer until adoption of these regulations.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4301 of the Fish and Game Code
 2 is amended to read:
 3 4301. (a) Subject to the provisions of this code
 4 permitting the sale of domestically raised game
 5 mammals, it is unlawful to sell or purchase, or transport



1 for the purpose of sale, any deer meat in this state
2 whether fresh, smoked, canned, or preserved by any
3 means, except fallow deer meat processed by a
4 slaughterer in accordance with Chapter 4 (commencing
5 with Section 18650) of, and Chapter 4.1 (commencing
6 with Section 18940) of, Part 3 of Division 9 of the Food and
7 Agricultural Code, and except that deer meat may be
8 imported into this state from a foreign country for the
9 purpose of processing (manufacturing) and selling a
10 product commonly known as venison or deer jerky or
11 venison or deer salami, properly labeled as such, for
12 human consumption. All deer meat imported into this
13 state shall meet all of the sanitary and inspection
14 requirements for wholesomeness, except an antemortem
15 inspection, but including a postmortem inspection, as
16 required for other meat imported for human
17 consumption. The deer meat shall be in an identifiable
18 condition and accompanied by a bill of lading, showing
19 the name of the consignor, the consignee, and the weight
20 of the deer meat shipped. A copy of the bill of lading shall
21 be delivered to the nearest office of the department
22 either prior to, or not later than, two days from the date
23 of receipt of the deer meat. No such deer meat imported
24 into this state may leave the premises of the original
25 consignee unless written permission is received from the
26 department, or unless it is processed into the form of the
27 product commonly known as jerky or salami.

28 (b) As used in this section, “deer” includes any animal
29 of the family Cervidae.

30 SEC. 1.5. Section 18943 of the Food and Agricultural
31 Code is amended to read:

32 18943. “Livestock” means any cattle, sheep, swine,
33 and goat, and pursuant to regulations adopted by the Fish
34 and Game Commission, for the purposes of Chapter 4
35 (commencing with Section 18650) and this chapter,
36 fallow deer (*Dama dama*) whether alive or dead.

37 SEC. 2. Section 18946 of the Food and Agricultural
38 Code is amended to read:

39 18946. “Custom livestock slaughterhouse” means a
40 licensed establishment where:



1 (a) Cattle, sheep, swine, or goats are slaughtered and
2 prepared for the owners of the livestock.

3 (b) Fallow deer are slaughtered and prepared for
4 transportation or sale, or transportation and sale.

5 SEC. 3. Section 18947 of the Food and Agricultural
6 Code is amended to read:

7 18947. "Meat processing establishment" means a
8 licensed establishment required to be inspected pursuant
9 to Chapter 4 (commencing with Section 18650) where
10 livestock or poultry products are prepared by curing,
11 drying, smoking, or rendering, or where livestock
12 products of swine are cooked, and the products are sold
13 on the premises to household consumers, and a licensed
14 establishment where fallow deer products may be
15 prepared for transportation or sale, or transportation and
16 sale.

17 SEC. 4. *Section 18963 is added to the Food and*
18 *Agricultural Code, to read:*

19 *18963. The department shall, on or before December*
20 *31, 2001, adopt, by regulations, standards and*
21 *requirements relating to inspection, sanitation, facilities,*
22 *equipment, reinspection, preparation, processing,*
23 *buying, selling, transporting, storing, identification,*
24 *recordkeeping, registration and labeling, and marking*
25 *for fallow deer slaughtered and processed under this*
26 *chapter. No custom livestock slaughterhouse or meat*
27 *processing establishment shall be approved by the*
28 *department to slaughter or process fallow deer until*
29 *adoption of these regulations.*

30 SEC. 5. Section 18991 of the Food and Agricultural
31 Code is amended to read:

32 18991. (a) A licensed livestock meat inspector, in
33 accordance with regulations adopted hereunder, shall
34 conduct antemortem examination of each animal to be
35 slaughtered in a licensed establishment and shall permit
36 the slaughter of apparently healthy animals and withhold
37 from slaughter all animals suspected, as well as those
38 plainly showing evidence, of a disease. Animals so
39 withheld shall be examined by a department employee



1 who shall order the disposition of the animal pursuant to
2 the regulations adopted hereunder.

3 (b) The licensed livestock meat inspector shall
4 conduct a postmortem examination and make
5 dispositions of carcasses and parts thereof in accordance
6 with regulations adopted hereunder.

7 (c) A licensed livestock meat inspector shall conduct
8 a sanitation inspection before the establishment
9 commences operations for the day, and make periodic
10 inspections throughout the day.

11 (d) The licensed livestock meat inspector shall order
12 the establishment not to begin operations or to cease
13 operations at any time that the establishment sanitation
14 fails to meet the requirements of this chapter and the
15 regulations adopted thereunder, or at any time any
16 product is not handled, retained, condemned, or disposed
17 of in violation of this chapter or the regulations
18 thereunder.

19 (e) (1) Passed carcasses and parts of cattle, sheep,
20 swine, and goat shall be stamped by the licensed livestock
21 meat inspector or under his or her supervision with an
22 approved California identification number.

23 (2) Passed carcasses and parts of fallow deer
24 slaughtered and prepared for transportation or sale shall
25 be stamped with an approved mark of inspection.

26 ~~SEC. 5.~~

27 *SEC. 6.* Section 19000 of the Food and Agricultural
28 Code is amended to read:

29 19000. Each person, before acting as a licensed
30 processing inspector in a retail meat processing
31 establishment, shall apply to the department and receive
32 from the department a license after passing an
33 examination and a demonstration that shows the
34 applicant's ability to understand laws and regulations that
35 pertain to meat inspection and a practical knowledge of
36 all the following:

37 (a) Conditions that affect adulteration, misbranding,
38 and wholesomeness of livestock and poultry products.

39 (b) Sanitary meat and poultry processing procedures.



1 (c) Sanitation of the facilities and the equipment used
2 in retail meat processing establishments.

3 ~~SEC. 6.~~

4 SEC. 7. Section 19001 of the Food and Agricultural
5 Code is amended to read:

6 19001. (a) A licensed processing inspector shall
7 conduct a sanitation inspection before the establishment
8 commences operations for the day, and shall make
9 periodic inspections throughout the day.

10 (b) The licensed processing inspector shall order the
11 establishment not to begin operations or to cease
12 operations at any time that the establishment sanitation
13 fails to meet the requirements of this chapter and the
14 regulations adopted thereunder, or at any time any
15 product is not handled, retained, condemned, or disposed
16 of in violation of this chapter or the regulations
17 thereunder.

18 (c) The licensed processing inspector shall direct the
19 application of the mark of inspection as provided by
20 regulations on products that are inspected by him or her
21 and found to be wholesome, not adulterated, and derived
22 from (1) United States Department of Agriculture
23 inspected carcasses, or (2) fallow deer carcasses at custom
24 livestock slaughterhouses.

25 ~~SEC. 7.~~

26 SEC. 8. Section 19013 of the Food and Agricultural
27 Code is amended to read:

28 19013. No person shall operate a meat processing
29 establishment unless all livestock and poultry products
30 used in processing and to be sold have been inspected by
31 the United States Department of Agriculture, fallow deer
32 products have been inspected at a custom livestock
33 slaughterhouse, or poultry products have been inspected
34 in accordance with the requirements of Chapter 3
35 (commencing with Section 24951) of Part 1 of Division 12
36 and the processing of the product is inspected by a
37 licensed processing inspector.

38 ~~SEC. 8.~~

39 SEC. 9. Section 19016 of the Food and Agricultural
40 Code is amended to read:



1 19016. (a) (1) Except as provided in paragraph (2),
2 all custom slaughtered livestock carcasses and parts shall
3 be marked in a manner required by the department to
4 identify the inspected premises and that the products are
5 not for sale.

6 (2) Fallow deer carcasses and parts thereof intended
7 for transportation or sale shall be marked in a manner
8 required by the department to identify the inspected
9 premises and to show that the products have been
10 inspected under this chapter.

11 (b) The department shall determine, by regulation,
12 the official design of the marks that are required by this
13 chapter.

14 ~~SEC. 9.~~

15 *SEC. 10.* Section 19020 of the Food and Agricultural
16 Code is amended to read:

17 19020. This chapter does not apply to any of the
18 following:

19 (a) (1) Owners who slaughter, on their own premises,
20 ~~cattle, swine, sheep, or goats of their own raising where~~
21 *livestock of their own raising where* the meat is not for
22 sale, but used exclusively by the owners, members of the
23 owner's household, the owner's employees, and
24 nonpaying guests.

25 (2) Owners who slaughter, on their own premises,
26 fallow deer for ~~their own consumption or for~~
27 transportation or sale, or transportation and sale *and who*
28 *elect to not have any fallow deer carcasses and parts*
29 *derived from the slaughter of fallow deer subject to state*
30 *meat and poultry inspection.*

31 (b) A mobile slaughter operator who provides services
32 to an owner as specified in subdivision (a) where the
33 slaughter occurs on the owner's premises and the meat is
34 thereafter transported for the owner to an establishment
35 for further processing.

36 (c) Persons solely engaged in cutting, wrapping, and
37 otherwise processing farm or custom slaughter livestock
38 or the processing and sale of fresh meats derived from
39 United States Department of Agriculture inspected
40 carcasses, except the curing, smoking, and preparing of



1 cooked or smoked sausages or cooked pork products that
2 are not exempted under subdivision (b) of Section 18814.

3 (d) Livestock slaughter and meat and poultry
4 processing inspected by the United States Department of
5 Agriculture.

6 ~~SEC. 10.~~

7 *SEC. 11.* Section 19501 of the Food and Agricultural
8 Code is amended to read:

9 19501. (a) Cattle, calves, horses, mules, sheep, swine,
10 goats, or fallow deer, or poultry shall be slaughtered by
11 the methods prescribed in this section. No state agency
12 shall contract for, purchase, procure, or sell all or any
13 portion of any animal, unless that animal is slaughtered in
14 conformity with this chapter. This chapter applies to any
15 person engaged in the business of slaughtering animals
16 enumerated in this section, or any person slaughtering
17 any of those animals when all, or any part of, that animal
18 is subsequently sold or used for commercial purposes.

19 (b) All cattle, calves, horses, mules, sheep, swine,
20 goats, or fallow deer subject to this part, or poultry subject
21 to Part 1 (commencing with Section 24501) of, Part 2
22 (commencing with Section 25401) of, and Part 3
23 (commencing with Section 26401) of, Division 12 shall be
24 slaughtered by either of the following prescribed
25 methods:

26 (1) The animal shall be rendered insensible to pain by
27 a captive bolt, gunshot, electrical or chemical means, or
28 any other means that is rapid and effective before being
29 cut, shackled, hoisted, thrown, or cast, with the exception
30 of poultry which may be shackled.

31 (2) The animal shall be handled, prepared for
32 slaughter, and slaughtered in accordance with ritual
33 requirements of the Jewish or any other religious faith
34 that prescribes a method of slaughter whereby the animal
35 suffers loss of consciousness by anemia of the brain caused
36 by the simultaneous and instantaneous severance of the
37 carotid arteries with a sharp instrument.

38 This section does not apply to the slaughter of spent
39 hens and small game birds, as defined by the department
40 by regulation.



1 ~~SEC. 11.~~

2 *SEC. 12.* No reimbursement is required by this act
3 pursuant to Section 6 of Article XIII B of the California
4 Constitution because the only costs that may be incurred
5 by a local agency or school district will be incurred
6 because this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition
10 of a crime within the meaning of Section 6 of Article
11 XIII B of the California Constitution.

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