

Senate Commerce Committee

Aaron Jones 271-2609

HB 396, relative to the processing of beef cows, swine, sheep, and goats at facilities not certified by the United States Department of Agriculture.

Hearing Date: February 10, 2026

Time Opened: 10:30 a.m.

Time Closed: 11:28 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, Murphy, McGough, Fenton and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill allows for a limited number of beef cows, swine, sheep, and goats to be processed per month by a farm or a producer at a facility that is not certified by the United States Department of Agriculture.

Sponsors:

Rep. Comtois

Rep. J. Aron

Rep. Granger

Rep. Kofalt

Rep. Layon

Sen. Innis

Sen. Pearl

Who supports the bill: 97 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who opposes the bill: 3 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who is neutral on the bill: 2 individuals were neutral. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Summary of testimony presented in support:

Senator Daniel Innis

- This bill was designed to open markets for small farmers throughout the state.
- Currently, beef, swine, goats and sheep must be processed at a USDA inspected facility if they are going to be available for retail sale. This does not apply to bison, red tail deer, or elk.

- If cows, swine, goats, and sheep are sold in New Hampshire, USDA rules would not apply under this bill.
- As a small farmer, Senator Innis said they only process about 10 animals a year. To process them, they must be sent hours away to a USDA facility. During this process, animals undergo stress, which can impact the quality of the meat. He said some facilities leave the animals in a trailer for days.
- Senator Innis read testimony that was submitted by The Pacific Legal Foundation.
- It can take up to two years to get an appointment to process an animal. In some cases, an appointment is booked before an animal is born.
- Senator Innis reiterated that this bill would simply open up a market for new customers and small farms as well as make it easier to do business in the state.
- **Senator Ricciardi** asked why there were discrepancies between the animals.
 - **Senator Innis** thought it was designed for the four large meat producers. In the beer market, for example, large producers were not concerned with small breweries until they began to increase their market share. It made sense to open up markets to help small farms and allow farm-to-table to occur. With local production, it is known where meat comes from. Farmers do not want to make mistakes because if an individual gets sick from their product, and it has their name on it, they are done. He said custom meat houses are cleaner than USDA facilities because they process fewer animals and they are cleaned every time an animal has been processed. With USDA facilities, cross contamination is possible because they are processing hundreds of animals.
- **Senator Ricciardi** said if this bill were passed, it would give individuals a choice. If they were bothered that a product was not inspected, they would not have to buy it.
 - **Senator Innis** said this was about expanding choice, helping small farmers, and providing better products to consumers.

Kim Fortune

- If this bill were passed, it would allow farms to be more sustainable.
- There is only one USDA certified facility in New Hampshire, which is in North Haverhill. This requires small farmers to plan ahead for an appointment.
- Each package of beef or steak from a carcass must be stamped. When an animal is processed at a USDA facility, they charge 30 cents per label per package.
- Ms. Fortune said their margins are already thin.
- To sell to their neighbors, even if their neighbors know their farm practices, they must go to a USDA facility in North Haverhill or Vermont.
- This bill would help farmers to sustain their neighborhoods and communities.

Representative Barbara Comtois

- Representative Comtois said this bill was about food sustainability, affordability, and giving individuals access to quality food products.
- The USDA through the Food Safety and Inspection Service (FSIS) has several ongoing recalls that are categorized as medium or high risk. These are health hazard situations where there is a reasonable probability that a product will cause adverse health consequences or death. Despite these risks, Representative Comtois said these products have been approved by the USDA.
- In New Hampshire, there was a USDA facility that had to be investigated. Meat was stamped and processed by the USDA facility, but it was freezer burned. When the meat was returned, another farm's label was placed on it. At the same facility, freezers were so packed that there was not enough air flow which caused white mold to be on the meat. When there is white mold, those parts of the beef are lost.
- Representative Comtois said some of the recalls included 2.3 million pounds of ready-to-eat Korean BBQ pork jerky and 4.9 million pounds of frozen chicken products.
- If a small farmer sells to a consumer or a restaurant, the food can easily be tracked.
- Rabbits, poultry, raw milk and nonamenable species can already be processed on a farm.
- Representative Comtois said they were being hamstrung by large corporations.
- **Senator Murphy** asked if ground beef was considered meat or a meat food product.
 - **Representative Comtois** said there is a chance for contamination with ground meat. She said they wanted to deliver a safe product, which is why they left it at cuts of meat.
- **Senator Murphy** asked if ground bison or elk was safer than ground beef.
 - **Representative Comtois** said no. This bill was drafted to try to appease the masses and get it through the Legislature.
- **Senator Reardon** said the reference to RSA 427:16, XII on Page 1, Line 16 was repealed in 2017. She asked if Representative Comtois had the correct citation.
 - **Representative Comtois** said an amendment would be needed.
- **Senator Reardon** asked what they should be looking for.
 - **Representative Comtois** said she was not sure. This bill left the House before it could be corrected.

Cherie Dennard

- Ms. Dennard said she has raised her own meat for 26 years, and no one has gotten sick from it.
- This bill would provide farmers with flexibility. If a family wanted half a pig, for example, it could be cut up in a way that was convenient for the purchaser as opposed to how it is packaged by the USDA.

- Ms. Dennard said on-farm slaughters were safer. Current strains of E. coli, for instance, have come from large slaughterhouses.
- Ms. Dennard said this bill would offer greater flexibility with pricing because there would be no cost associated with going to a USDA facility.

Brook DeLorme

- This issue dated back to the federal Meat Inspection Act (FMIA), which was passed in 1906. Since then, Ms. DeLorme said a lot of laws have changed because states have placed pressure on the federal government.
- Nationally, Ms. DeLorme said there are only a few large monopolistic beef producers. For example, JBS processes around 26 million cows a year.
- Two organizations have submitted Freedom of Information Act (FOIA) requests to FSIS for examples of illnesses from custom slaughterhouses or on-farm slaughter. In the past 10 years, there have been no responsive documents provided.
- Ms. DeLorme said she found only two examples where illnesses occurred from small on-farm slaughters. One of these included the consumption of raw pork at a private event as a cultural dish. In these examples, they did not violate existing permissions around on-farm slaughter.
- Ms. DeLorme said the legislative intent of the FMIA was not to impact small scale on-farm slaughters or intrastate commerce. It came to fruition due to a lawsuit in 1982, which involved a middleman who conducted intrastate sales.
- Ms. DeLorme said this bill had enough guardrails in place, and there was no evidence of illnesses being caused by on-farm slaughter.
- **Senator Innis** asked if she believed a farmer would be willing to try this.
 - **Ms. DeLorme** said yes.

River Sutton

- This bill would reduce government intervention, encourage rural employment, and foster values on a local level.
- The U.S. imports about 10 percent of total beef production from overseas, and about 1/4 of domestic ground beef production comes from imported cattle. During COVID, this created protein scarcities because importers could not bring in cattle for slaughter.
- Mr. Sutton said farmers must be able to freely raise, butcher, and sell their livestock without fear of contamination in federal facilities. He said these powers should be delegated to the people, not the federal government.
- Prior to FMIA in 1906, there was no federal regulation of intrastate commerce. This changed with the publication of *The Jungle*, which focused on big meat packing plants in Chicago and New York.
- When FMIA was enacted, it was designed to limit interstate commerce and export to foreign countries. Previously, the Supreme Court said that states cannot export or import to each other.

- When the Wholesome Meat Act (WMA) was passed in 1969, there was no economic consideration on how it would affect farmers. As a result of its passage, Mr. Sutton said many butcheries and small meat packing plants closed their doors.
- The first person was not prosecuted under WMA until 1980. Since then, there have only been 150 prosecutions. Of those, only 10 were prosecutions against packers, stores or butchers who sold meat without a USDA label. These cases were brought by states, not the U.S. Department of Justice (DOJ).
- About 20 years ago, the DOJ released both the *Ogden* and *Colt* memos on cannabis. These memos clarified that the federal government would not prosecute crimes if local law enforcement would not help them. In *Prince v. United States*, the Court found that the federal government could not commandeer local law enforcement.
- Like cannabis, there are other safeguards in place like insurance. Insurers provide insurance to dispensaries at a slightly higher premium to compensate for potential prosecution. If an individual pays higher premiums, they are incentivized to comply with state law.
- If bad meat is sold, there are civil remedies available to consumers.

Daniel Pepice

- Recently, the Trump Administration directed the DOJ to bring antitrust action against the four largest meat processors, which process about 85 percent of the country's beef.
- Mr. Pepice said this bill took a bottom-up approach by allowing New Hampshire to lead the charge against overreaching federal laws.
- When performing inspections at a USDA facility, inspectors ensure animals are not sick or lame by palpating their organs. Mr. Pepice asked if they were better at determining if an animal was fit for consumption than a farmer who knows the animal and deals with it daily.
- This bill would violate FMIA, but Mr. Pepice said there were 5 ways they could fix this issue.
 - First, FSIS has discretion over how they spend their resources. Instead of spending time and money on rural farms in New Hampshire, they should spend time focused on the big meat processors.
 - Second, if FSIS pursues action against an individual, they can hold it in abeyance.
 - Third, the FSIS Strategic Plan is going to be renewed this year, which would provide an opportunity for updated guidance to enable rural farmers to do the work they want to do.
 - Fourth, farmers should be able to self-certify that they are in compliance.
 - Finally, New Hampshire has the opportunity to be a test case.
- Mr. Pepice said as a state and a nation, they should do more to keep small farmers in business.

- Allowing farmers to do their own slaughtering will help to increase husbandry and herd sizes, thereby reducing prices.
- Mr. Pepice said food security is national security.

Abby Rockefeller

- Ms. Rockefeller said relationship with food is one of the strongest and most pleasurable bonds.
- For over 25 years, individuals have been able to produce 20 gallons or less of raw milk per day, which is not inspected or certified.
- Ms. Rockefeller said freedom from interference made communities stronger.

Amy Matarozzo

- Over the last 10 years, Ms. Matarozzo said her family has used 5 custom butchers and 2 USDA facilities.
- Two summers ago, she said they had a negative experience with a USDA facility that jeopardized the quality of their product. If meat is sold to an individual and they get sick, their name is on the label, and they would be the ones getting sued.
- Even at their peak in 2020, Ms. Matarozzo said they could not pay their bills solely with the farm. For most farmers, one person works on the farm and the other has a job elsewhere.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Colleen Smith, Bureau Chief, and Erica Davis, Administrator of Food Protection, Bureau of Public Health Protection, Department of Health and Human Services

- This bill would conflict with FMIA. While farmers would need to acknowledge they are in violation of federal law, no disclosures would be needed to restaurants and retail stores. These businesses could be impacted if meat is offered for sale, and it could be subject to seizure by the federal government.
- This bill is thorough in addressing safe and sanitary conditions for slaughter; however, there is no way to verify compliance.
- The Department would be responsible for addressing foodborne outbreaks or complaints.
- While the current law does allow bison, red deer, or elk without inspection, Ms. Smith said there are few producers that take advantage of it.
- By expanding to other types of animals, the Department would need resources to educate what is required for labeling at farms and retail stores as well as verifying compliance.

- **Senator Murphy** asked why the bill treated meat differently than meat products.
 - **Ms. Smith** said the current law for bison, elk, and red deer allows for ground products. With these additional animals, however, it would not be allowed.
- **Senator Ricciardi** said she saw value in adding disclosures for restaurant owners, so they can choose if they want meat that is inspected by the USDA or from a local farmer.
 - **Ms. Smith** said the impact would be beyond just farms. If it is sold in retail stores or restaurants, they could be impacted by agreeing to take meat that is uninspected.
- **Senator Reardon** asked who had the authority to ensure that existing animals that can be slaughtered follow requirements related to clean facilities, testing, and refrigeration.
 - **Ms. Smith** said these obligations would fall under the Department of Agriculture. Their Department has limited experience in enforcing this. Under the current regulations, there have been instances where protocols were not followed during a veterinarian examination. She said there is not a lot of regulatory oversight happening; instead, they are relying on farmers to follow the law.
- **Senator Innis** asked if beef cows were more susceptible to contamination at a custom meat house than bison.
 - **Ms. Smith** said it was outside of her expertise, but there was a size difference between the animals. In the marketplace, there are more instances of beef for sale than bison meat.