CHAPTER 180
HB 119-FN - FINAL VERSION

16Mar2023... 0629h
05/18/2023 1895s
29Jun2023... 2224CofC

2023 SESSION

23-0111
08/10

HOUSE BILL ***119-FN***

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

SPONSORS: Rep. Ankarberg, Straf. 7; Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Coulon, Graf. 5; Rep. Jonathan. Smith, Carr. 5

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer. The changes relative to inspection of elk and red deer are prospectively repealed in 2025.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

Be it Enacted by the Senate and House of Representatives in General Court convened:

180:1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

VII. Homestead food operations selling [~~less than a maximum annual gross sales of $35,000 of~~] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead residence, at the owner's farm stand, or at farmers' markets.

180:2 Food Services Licensure; Exemption. Amend RSA 143-A:5, IX to read as follows:

IX. A farm owned or operated by any person, firm, or corporation that raises bison***, elk, or red deer*** for human consumption, and the direct sale within this state of the carcasses, parts, meat, and meat food products of such animals, when slaughtered and processed in accordance with RSA 427:2-a, IV, to the consumer from such farm, at the producer's farm stand, and by the producer at farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

180:3 Meat from Uninspected Bison, Elk, and Red Deer. Amend the subdivision heading preceding RSA 143-A:18 to read as follows:

Meat from Uninspected Bison***, Elk, or Red Deer***

180:4 Food Services Licensure; Cervidae Animals Added. Amend RSA 143-A:18 through RSA 143-A:20 to read as follows:

143-A:18 Definition of Uninspected Bison***, Elk, or Red Deer***. For purposes of this subdivision, "uninspected ***bison, elk, or red deer***" means carcasses, parts, meat, and meat food products of bison***, elk, or red deer*** slaughtered and processed in accordance with RSA 427:16, XII and sold or to be sold as provided in RSA 427:2-a, IV.

143-A:19 Labeling; Meat from Uninspected Bison***, Elk, or Red Deer***. All packaging containing uninspected bison***, elk, or red deer*** shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

143-A:20 Purchase of Uninspected Bison***, Elk, or Red Deer*** by Licensed Restaurants.

I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison***, elk, or red deer*** producers uninspected bison***, elk or red deer*** that is labeled in accordance with RSA 143-A:19.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected bison***, elk, or red deer*** with the following statement: "This product was slaughtered at the farm and is exempt from state and federal inspection."

180:5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

IV. The slaughter of bison***, elk, or red deer*** on a farm for purposes of sale, as provided in RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products for sale within this state to the public. The slaughter of a bison***, elk, or red deer*** under this paragraph shall be permitted only:

(a) When the owner of the bison***, elk, or red deer*** designates a slaughter area on the farm premises.

(b) When the bison***, elk, or red deer*** is slaughtered in a humane method, as defined in RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

(c) From September 1 to April 30.

(d) When no more than 12 hours passes from the time of slaughter to the placement of the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

(e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem examination of each [~~bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem examination of the carcass, and documents his or her examinations in the report required under subparagraph (f).~~] ***herd on an annual basis and the documents related to his or her examination are kept on file with all relevant information including:***

(1) Species being inspected;

(2) Herd condition; and

(3) Location and time of inspection.

~~(f) When the veterinarian and owner make a report of the slaughter on a form or forms provided by the state veterinarian which contains the following:~~

~~(1) Name, address, and phone number of animal owner and the location of the farm.~~

~~(2) Identification number on animal to assure same carcass arrives at the processing facility.~~

~~(3) Date and time of slaughter and the time of each examination.~~

~~(4) Statement that examinations were visual.~~

~~(5) Statement that live animal was examined both at rest and in motion.~~

~~(6) Ante-mortem examination stating live animal is free from any observed abnormalities, including but not limited to:~~

~~(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked abdomen, arched back, extended neck or tail, etc.).~~

~~(B) No abnormal discharges or odors.~~

~~(C) No blisters or vesicles observed.~~

~~(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

~~(E) Animal did not appear abnormally nervous or restless, excessively anxious or upset, depressed, disinterested, or blind.~~

~~(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch excessively.~~

~~(G) Both eyes present and normal.~~

~~(7) Post-mortem examination stating carcass is free from any observed abnormalities, including but not limited to:~~

~~(A) Mouth, tongue, and eyes appear normal.~~

~~(B) Lymph nodes appear normal.~~

~~(C) No observed lumps, bumps, or growths.~~

~~(D) No abnormal odors or discharges.~~

~~(E) No adhesions or ongoing infectious processes.~~

~~(8) This statement: "A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered in good faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the products of this animal." Liability for any illness or product quality failure shall rest solely and completely with the animal owner.~~

~~(9) A certification by the animal owner that this animal is free from antibiotic, dewormer, and chemical residues, and that the label instructions were followed regarding the withdrawal of such substances.~~

~~(10) Signature blocks for both the veterinarian and the animal owner, signed by both.~~

~~(g)~~] *(f)* When such animal is transported to and processed at a facility that is eligible to conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and associated Departmental regulations.

[~~(h)~~] *(g)* When the owner of the bison*, elk, or red deer* retains the original copy of the report made in subparagraph[~~(f)~~] *(e)*. A copy of such report shall accompany the *bison, elk, or red deer* carcass to the processing facility. The processing facility shall retain a copy of the report for one year.

[~~(i)~~] *(h)* When bison*, elk, or red deer* meat is ground for sale, [~~it is~~] *ground meat from every second animal processed shall be* tested by the processing facility for Escherichia coli and salmonella at the [~~bison~~] owner's expense. All aspects of the testing, including sampling, shall be done in a manner that complies with standards and procedures of the USDA, and may include the services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt of the test result that indicates the product is safe to eat. The test result shall be kept by the owner for at least one year.

[~~(j)~~] *(i)* Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-A:19.

(j) When the elk or red deer are sourced, kept, and propagated consistent with the rules pursuant to RSA 207:14, RSA 212:25, and RSA 436:24.

(k) When, in the event any atypical death of a red deer or elk on the farm, that animal's carcass is tested for chronic wasting disease under rules established by the department of fish and game and the resulting test is negative.

180:6 New Paragraph; Definitions. Amend RSA 427:2 by inserting after paragraph XXIV the following new paragraph:

XXV. "Atypical death" means the death of a livestock animal not resulting from slaughter as defined in RSA 427:2, XXII.

180:7 Prospective Amendment; 2025. The subdivision heading preceding RSA 143-A:18 is repealed and reenacted to read as follows:

Meat from Uninspected Bison

180:8 Prospective Amendment; 2025; Cervidae Animals Removed. Amend RSA 143-A:18 through RSA 143-A:20 to read as follows:

143-A:18 Definition of Uninspected Bison[~~, Elk, or Red Deer~~]. For purposes of this subdivision, "uninspected bison [~~,elk, or red deer~~]" means carcasses, parts, meat, and meat food products of bison[~~, elk, or red deer~~] slaughtered and processed in accordance with RSA 427:16, XII and sold or to be sold as provided in RSA 427:2-a, IV.

143-A:19 Labeling; Meat from Uninspected Bison[~~, Elk, or Red Deer~~]. All packaging containing uninspected bison[~~, elk, or red deer~~] shall be clearly labeled to include a description of the product, the name, address, and telephone number of the farm where the product originates, and the date of slaughter.

143-A:20 Purchase of Uninspected Bison[~~, Elk, or Red Deer~~] by Licensed Restaurants.

I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison[~~, elk, or red deer~~] producers uninspected bison[~~, elk or red deer~~] that is labeled in accordance with RSA 143-A:19.

II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on file the receipt of purchase to include the product purchased, the date of purchase, the name of the producer, the name and address of the farm, and phone number.

III. The licensed restaurant shall clearly label any menu item containing uninspected bison[~~, elk, or red deer~~] with the following statement: "This product was slaughtered at the farm and is exempt from state and federal inspection."

180:9 Prospective Amendment; 2025. RSA 427:2-a, IV is repealed and reenacted to read as follows:

IV. The slaughter of bison on a farm for purposes of sale, as provided in RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products for sale within this state to the public. The slaughter of a bison under this paragraph shall be permitted only:

(a) When the owner of the bison designates a slaughter area on the farm premises.

(b) When the bison is slaughtered in a humane method, as defined in RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

(c) From September 1 to April 30.

(d) When no more than 12 hours passes from the time of slaughter to the placement of the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

(e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem examination of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem examination of the carcass, and documents his or her examinations in the report required under subparagraph (f).

(f) When the veterinarian and owner make a report of the slaughter on a form or forms provided by the state veterinarian which contains the following:

(1) Name, address, and phone number of animal owner and the location of the farm.

(2) Identification number on animal to assure same carcass arrives at the processing facility.

(3) Date and time of slaughter and the time of each examination.

(4) Statement that examinations were visual.

(5) Statement that live animal was examined both at rest and in motion.

(6) Ante-mortem examination stating live animal is free from any observed abnormalities, including but not limited to:

(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked abdomen, arched back, extended neck or tail, etc.).

(B) No abnormal discharges or odors.

(C) No blisters or vesicles observed.

(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.

(E) Animal did not appear abnormally nervous or restless, excessively anxious or upset, depressed, disinterested, or blind.

(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch excessively.

(G) Both eyes present and normal.

(7) Post-mortem examination stating carcass is free from any observed abnormalities, including but not limited to:

(A) Mouth, tongue, and eyes appear normal.

(B) Lymph nodes appear normal.

(C) No observed lumps, bumps, or growths.

(D) No abnormal odors or discharges.

(E) No adhesions or ongoing infectious processes.

(8) This statement: "A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made for services rendered in good faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the products of this animal." Liability for any illness or product quality failure shall rest solely and completely with the animal owner.

(9) A certification by the animal owner that this animal is free from antibiotic, dewormer, and chemical residues, and that the label instructions were followed regarding the withdrawal of such substances.

(10) Signature blocks for both the veterinarian and the animal owner, signed by both.

(g) When such animal is transported to and processed at a facility that is eligible to conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and associated Departmental regulations.

(h) When the owner of the bison retains the original copy of the report made in subparagraph (f). A copy of such report shall accompany the bison carcass to the processing facility. The processing facility shall retain a copy of the report for one year.

(i) When bison meat is ground for sale, it is tested by the processing facility for Escherichia coli and salmonella at the bison owner's expense. All aspects of the testing, including sampling, shall be done in a manner that complies with standards and procedures of the USDA, and may include the services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt of the test result that indicates the product is safe to eat. The test result shall be kept by the owner for at least one year.

(j) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-A:19.

180:10 Repeal. RSA 427:2, XXV, relative to the definition of atypical death, is repealed.

180:11 Effective Date.

I. Sections 7-10 of this act shall take effect July 1, 2025.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date:
I. Sections 7-10 effective July 1, 2025
II. Remainder effective October 3, 2023