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An Act To Create Regulatory Exemptions for Poultry

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2511, sub-§37-A is enacted to read:

37-A. Poultry producer. "Poultry producer" means a person who raises poultry offered for sale.

Sec. 2. 22 MRSA §2512, sub-§1, ¶A, as enacted by PL 1999, c. 777, §1, is amended to read:

A. Require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted under section 2517-C or exempted by the commissioner under subsection 2, paragraph K, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

Sec. 3. 22 MRSA §2517-C is enacted to read:

§ 2517-C. Slaughter and inspection; exemption for poultry

1. Exemption. Notwithstanding section 2512 and whether or not the poultry is intended for human consumption, inspection is not required for the slaughter of poultry or the preparation of poultry products as long as the poultry is slaughtered or the poultry products are prepared on the farm where the poultry was raised and:

- A. Fewer than 1,000 birds are slaughtered annually on the farm;
- B. No birds are offered for sale or transportation in interstate commerce;
- C. Any poultry products sold are sold only as whole birds;
- D. The poultry producer assigns a lot number to all birds sold and maintains a record of assigned lot numbers and the point of sale; and
- E. Any poultry products sold are sold by the person who raised the poultry:

(1) At the farm on which the poultry were raised;

(2) At a farmers' market as defined in Title 7, section 415; or

(3) To a restaurant licensed under section 2492.

2. Labeling requirements for sales at farmers' markets and to restaurants. A poultry producer may not sell poultry products that have not been inspected at a farmers' market or to a restaurant pursuant to subsection 1 unless the poultry products are labeled with:

- A. The name of the farm, the name of the poultry producer and the address of the farm including the zip code;
- B. The number of the license issued to the poultry producer in accordance with section 2514 and the lot number for the poultry products pursuant to subsection 1, paragraph D;
- C. The statement "Exempt under Title 22, section 2517-C NOT INSPECTED." The statement must be prominently displayed with such conspicuousness that it is likely to be read and understood; and
- D. Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils, and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

3. Information provided on restaurant menu. The owner or manager of a restaurant that purchases or otherwise obtains poultry exempt from inspection under subsection 1 may not offer an item containing the exempt poultry unless the item is identified on the menu with the words "poultry processed on the farm and not inspected" in close proximity to the menu item. The name of the farm from which the poultry was purchased must also be stated on the menu.

4. Additional requirements for poultry producers selling to restaurants. In addition to the labeling requirements under subsection 2, a poultry producer may not sell poultry products to a restaurant under this section unless the poultry producer provides the purchaser with a statement alerting the purchaser to the requirements under subsection 3.

A poultry producer shall procure a signed statement from any restaurant purchasing poultry products from the poultry producer under this section. The statement must verify that the restaurant is aware that the poultry is exempted from inspection under subsection 1 and that the menu of the restaurant must contain the information required under subsection 3. The poultry producer shall keep the signed statement on file while the poultry producer is selling poultry to the restaurant under this section. The poultry producer shall send a copy of signed statements, including the name of the poultry producer and the name of the purchasing restaurant, to the commissioner upon request.

5. Enforcement. The commissioner shall enforce the provisions of this section. An employee of the Department of Health and Human Services authorized to enter and inspect a restaurant for purposes of inspection under section 2497 may enforce subsection 3 and other provisions of this section as they apply to restaurants under a memorandum of agreement between the commissioner and the Commissioner of Health and Human Services.

6. Violation; penalty. A person who violates this section is subject to penalties under section 2524.

Sec. 4. 22 MRSA §2518, sub-§1, as enacted by PL 1999, c. 777, §1, is amended to read:

1. Review by inspector. The commissioner may cause establishments that are required to be licensed under section 2514 but are exempt from inspection under section 2512, subsection 2, paragraph K or section 2517-C to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

SUMMARY

This bill allows a poultry producer to sell uninspected poultry at the producer's farm, at farmers' markets and to restaurants. It establishes labeling requirements and requires identification of uninspected products on restaurant menus.