

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 324

FINAL READING

Introduced by Brandt, 32; Blood, 3; Brewer, 43; Briese, 41; Cavanaugh, J., 9; Day, 49; Dorn, 30; Erdman, 47; Gragert, 40; Halloran, 33; Hansen, B., 16; Lindstrom, 18; Linehan, 39; Lowe, 37; Pansing Brooks, 28; Slama, 1; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27; Hansen, M., 26.

Read first time January 13, 2021

Committee: Agriculture

1 A BILL FOR AN ACT relating to the Nebraska Meat and Poultry Inspection
2 Law; to amend sections 54-1901, 54-1902, 54-1903, 54-1908, 54-1909,
3 54-1911, 54-1912, 54-1913, and 54-1915, Reissue Revised Statutes of
4 Nebraska; to define a term and alphabetize terms; to provide for
5 animal share sales as prescribed; to create the Independent
6 Processor Assistance Program; to provide powers and duties for the
7 Department of Agriculture; to harmonize provisions; and to repeal
8 the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-1901, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 54-1901 Sections 54-1901 to 54-1915 and sections 10 and 11 of this
4 act shall be known and may be cited as the Nebraska Meat and Poultry
5 Inspection Law.

6 Sec. 2. Section 54-1902, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 54-1902 For purposes of the Nebraska Meat and Poultry Inspection
9 Law, unless the context otherwise requires:

10 (1) Adulterated shall apply to any livestock product or poultry
11 product under one or more of the following circumstances:

12 (a) If it fails to conform to the requirements established by the
13 Nebraska Pure Food Act;

14 (b) If it has been subjected to radiation, unless the use of the
15 radiation was in conformity with a regulation or exemption in effect
16 pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act
17 approved June 25, 1938, (52 Stat. 1040) and acts amendatory thereof or
18 supplementary thereto; or

19 (c) If it is margarine containing animal fat and any of the raw
20 material used therein consists in whole or in part of any filthy, putrid,
21 or decomposed substance;

22 (2) Animal share means an ownership interest in an animal or herd of
23 animals created by a written contract between an informed end consumer
24 and a farmer or rancher that includes a bill of sale to the consumer for
25 an ownership interest in the animal or herd and a boarding provision
26 under which the consumer boards the animal or herd with the farmer or
27 rancher for care and processing and the consumer is entitled to receive a
28 share of meat from the animal or herd;

29 (3) Capable of use as human food shall apply to any wholesome
30 livestock or poultry carcass or part or product of any such carcass,
31 unless it is denatured or otherwise identified as required by rules and

1 regulations prescribed by the director to preclude its use as human food
2 or it is naturally inedible by humans;

3 (4) Container or package shall mean any box, can, tin, cloth,
4 plastic, or other receptacle, wrapper, or cover;

5 (5) Department shall mean the Department of Agriculture;

6 (6) ~~(1)~~ Director shall mean the Director of Agriculture;

7 (7) Establishment shall mean any building or structure in which
8 slaughtering, butchering, meat canning, meat packing, meat manufacturing,
9 poultry canning, poultry packing, poultry manufacturing, pet feed
10 manufacturing, or rendering is carried on and the ground upon which such
11 building or structure is erected and so much ground adjacent thereto as
12 is used in carrying on the business of such establishment, including
13 drains, gutters, and cesspools used in connection with the establishment
14 and any place, including where a mobile or remote processing unit is
15 located, or vehicle where livestock, poultry, livestock products, poultry
16 products, meat food products, or poultry food products are prepared,
17 manufactured, stored, sold, offered for sale, or exposed for sale.
18 Establishment does not include operations under federal inspection;

19 (8) Federal Meat Inspection Act shall mean the act so entitled
20 approved March 4, 1907, (34 Stat. 1260) as amended by the Wholesome Meat
21 Act (81 Stat. 584), federal Poultry Products Inspection Act shall mean
22 the act so entitled approved August 28, 1957, (71 Stat. 441) as amended
23 by the Wholesome Poultry Products Act (82 Stat. 791), and federal acts
24 shall mean the Federal Meat Inspection Act and the federal Poultry
25 Products Inspection Act;

26 ~~(2) Department shall mean the Department of Agriculture;~~

27 ~~(3) Person shall include individuals, partnerships, limited~~
28 ~~liability companies, corporations, and associations and any officer,~~
29 ~~agent, partner, limited liability company member, or employee thereof;~~

30 (9) ~~(4)~~ Hydrolyzed whole poultry shall mean the animal feed product
31 resulting from the hydrolyzation of whole carcasses of culled or dead,

1 undecomposed poultry as such product is defined in the Official
2 Publication of the Association of American Feed Control Officials;

3 (10) Immediate container shall mean any consumer package or any
4 other container in which livestock products or poultry products which are
5 not consumer-packaged are packed;

6 (11) Inspector shall mean an employee or official or agent of the
7 State of Nebraska authorized by the director, or any employee or official
8 of the federal government or any governmental subdivision of this state
9 authorized by the director, to perform any inspection functions under the
10 Nebraska Meat and Poultry Inspection Law under an agreement between the
11 director and any governmental subdivision or other governmental agency;

12 (12) ~~(5)~~ Intrastate commerce shall mean commerce within this state;

13 (13) Label shall mean a display of written, printed, or graphic
14 matter upon any article or the immediate container, not including package
15 liners, of any article;

16 (14) Labeling shall mean all labels and other written, printed, or
17 graphic matter (a) upon any article or any of its containers or wrappers
18 or (b) accompanying such article;

19 (15) License shall mean a license issued under the Nebraska Meat and
20 Poultry Inspection Law by the director;

21 (16) Licensed establishment shall mean any of the establishments as
22 defined in this section which are licensed under the terms of the
23 Nebraska Meat and Poultry Inspection Law or pursuant to the terms of any
24 other act administered by the director;

25 (17) ~~(6)~~ Livestock shall mean any cattle, sheep, swine, goats,
26 horses, mules, other equines, and other mammalian species as the director
27 may determine, either living or dead;

28 (18) ~~(7)~~ Livestock product shall mean any carcass, part thereof,
29 meat, or meat food product of any livestock;

30 (19) ~~(8)~~ Meat food product shall mean any product capable of use as
31 human food which is made wholly or in part from any meat or other portion

1 of the carcass of any cattle, sheep, swine, or goats, except products
2 which contain meat or other portions of such carcasses only in a
3 relatively small proportion or historically have not been considered by
4 consumers as products of the meat food industry and which are exempt from
5 definition as a meat food product by the director under such conditions
6 as the director ~~he or she~~ may prescribe to assure that the meat or other
7 portions of such carcass contained in such product are not adulterated
8 and that such products are not represented as meat food products. This
9 term as applied to food products of equines or other mammalian species as
10 designated by the director shall have a meaning comparable to that
11 provided in this subdivision with respect to cattle, sheep, swine, and
12 goats;

13 (20) Misbranded shall apply to any livestock product or poultry
14 product under one or more of the following circumstances:

15 (a) If it fails to conform to the requirements established by the
16 Nebraska Pure Food Act; or

17 (b) If it fails to bear directly thereon and on its containers, as
18 the director may by rule and regulation prescribe, the official
19 inspection legend and establishment number of the establishment where the
20 product was prepared and, unrestricted by any of the foregoing, such
21 other information as the director may require in such rules and
22 regulations to assure that it will not have false or misleading labeling
23 and that the public will be informed of the manner of handling required
24 to maintain the article in a wholesome condition. Exemptions as to
25 livestock products not in containers may be established by rules and
26 regulations prescribed by the director and exemptions as to small
27 packages may be established for livestock products or poultry products in
28 the same manner;

29 (21) ~~(9)~~ Mobile or remote processing unit shall mean any equipment
30 for processing whole poultry by grinding, chopping, or other comparable
31 method that is, or is intended to be, transported to or permanently

1 located at locations away from a rendering establishment for purposes of
2 collecting poultry carcasses processed for transport to a rendering
3 establishment in liquid suspension;

4 (22) Official certificate shall mean any certificate prescribed by
5 rules and regulations of the director for issuance by an inspector or
6 other person performing official functions under the Nebraska Meat and
7 Poultry Inspection Law;

8 (23) Official device shall mean any device prescribed or authorized
9 by the director for use in applying any official mark;

10 (24) Official establishment shall mean any establishment as
11 determined by the director at which antemortem and postmortem inspection
12 of livestock or poultry or the inspection of the manufacturing of
13 livestock products or poultry products for human consumption is
14 maintained under the authority of the Nebraska Meat and Poultry
15 Inspection Law;

16 (25) Official inspection legend shall mean any symbol prescribed by
17 rules and regulations of the director showing that an article was
18 inspected and passed in accordance with the Nebraska Meat and Poultry
19 Inspection Law;

20 (26) Official mark shall mean the official inspection legend or any
21 other symbol prescribed by regulations of the director to identify the
22 status of any article, livestock, or poultry under the Nebraska Meat and
23 Poultry Inspection Law;

24 (27) Person shall include individuals, partnerships, limited
25 liability companies, corporations, and associations and any officer,
26 agent, partner, limited liability company member, or employee thereof;

27 (28) Pesticide chemical, food additive, color additive, and raw
28 agricultural commodity shall have the same meanings for purposes of the
29 Nebraska Meat and Poultry Inspection Law as under the Federal Food, Drug,
30 and Cosmetic Act approved June 25, 1938, (52 Stat. 1040);

31 (29) Pet feed manufacturing shall mean the business of processing

1 livestock or poultry or carcasses or parts thereof into small animal
2 feed;

3 ~~(30) (10)~~ Poultry shall mean any domesticated bird or other avian
4 species as the director may designate, either living or dead;

5 ~~(31) (11)~~ Poultry product shall mean any poultry carcass or part
6 thereof or any product which is made wholly or in part from any poultry
7 carcass or part thereof, except products which contain poultry
8 ingredients only in a relatively small proportion or historically have
9 not been considered by consumers as products of the poultry food industry
10 and which are exempt by the director from definition as a poultry product
11 under such conditions as the director ~~he or she~~ may prescribe to assure
12 that the poultry ingredients in such products are not adulterated and
13 that such products are not represented as poultry products;

14 ~~(12) Capable of use as human food shall apply to any wholesome~~
15 ~~livestock or poultry carcass or part or product of any such carcass,~~
16 ~~unless it is denatured or otherwise identified as required by regulations~~
17 ~~prescribed by the director to preclude its use as human food or it is~~
18 ~~naturally inedible by humans;~~

19 ~~(32) (13)~~ Prepared shall mean slaughtered, canned, salted, stuffed,
20 rendered, boned, cut up, frozen, or otherwise manufactured or processed
21 in any manner;

22 ~~(33)~~ Reinspection shall include inspection of the preparation of
23 livestock products and poultry products, as well as reexamination of
24 articles previously inspected;

25 ~~(34)~~ Rendering shall mean the business of processing livestock or
26 poultry or carcasses or parts thereof not intended or capable for use as
27 human food, including the processing of poultry carcasses into hydrolyzed
28 whole poultry feed products; and

29 ~~(14)~~ Adulterated shall apply to any livestock product or poultry
30 product under one or more of the following circumstances:

31 ~~(a) If it fails to conform to the requirements established by the~~

1 ~~Nebraska Pure Food Act;~~

2 ~~(b) If it has been subjected to radiation, unless the use of the~~
3 ~~radiation was in conformity with a regulation or exemption in effect~~
4 ~~pursuant to section 409 of the Federal Food, Drug and Cosmetic Act~~
5 ~~approved June 25, 1938, (52 Stat. 1040) and acts amendatory thereof or~~
6 ~~supplementary thereto; or~~

7 ~~(c) If it is margarine containing animal fat and any of the raw~~
8 ~~material used therein consists in whole or in part of any filthy, putrid,~~
9 ~~or decomposed substance;~~

10 ~~(15) Misbranded shall apply to any livestock product or poultry~~
11 ~~product under one or more of the following circumstances:~~

12 ~~(a) If it fails to conform to the requirements established by the~~
13 ~~Nebraska Pure Food Act; or~~

14 ~~(b) If it fails to bear directly thereon and on its containers, as~~
15 ~~the director may by regulation prescribe, the official inspection legend~~
16 ~~and establishment number of the establishment where the product was~~
17 ~~prepared and, unrestricted by any of the foregoing, such other~~
18 ~~information as the director may require in such regulations to assure~~
19 ~~that it will not have false or misleading labeling and that the public~~
20 ~~will be informed of the manner of handling required to maintain the~~
21 ~~article in a wholesome condition. Exemptions as to livestock products not~~
22 ~~in containers may be established by regulations prescribed by the~~
23 ~~director and exemptions as to small packages may be established for~~
24 ~~livestock products or poultry products in the same manner;~~

25 ~~(16) Label shall mean a display of written, printed, or graphic~~
26 ~~matter upon any article or the immediate container, not including package~~
27 ~~liners, of any article;~~

28 ~~(17) Labeling shall mean all labels and other written, printed, or~~
29 ~~graphic matter (a) upon any article or any of its containers or wrappers~~
30 ~~or (b) accompanying such article;~~

31 ~~(18) Container or package shall mean any box, can, tin, cloth,~~

1 ~~plastic, or other receptacle, wrapper, or cover;~~

2 ~~(35) (19) Shipping container shall mean any container used or~~
3 ~~intended for use in packaging the product packed in an immediate~~
4 ~~container. ;~~

5 ~~(20) Immediate container shall mean any consumer package or any~~
6 ~~other container in which livestock products or poultry products which are~~
7 ~~not consumer-packaged are packed;~~

8 ~~(21) Federal Meat Inspection Act shall mean the act so entitled~~
9 ~~approved March 4, 1907, (34 Stat. 1260) as amended by the Wholesome Meat~~
10 ~~Act (81 Stat. 584), federal Poultry Products Inspection Act shall mean~~
11 ~~the act so entitled approved August 28, 1957, (71 Stat. 441) as amended~~
12 ~~by the Wholesome Poultry Products Act (82 Stat. 791), and federal acts~~
13 ~~shall mean the Federal Meat Inspection Act and the federal Poultry~~
14 ~~Products Inspection Act;~~

15 ~~(22) Pesticide chemical, food additive, color additive, and raw~~
16 ~~agricultural commodity shall have the same meanings for purposes of the~~
17 ~~Nebraska Meat and Poultry Inspection Law as under the Federal Food, Drug~~
18 ~~and Cosmetic Act approved June 25, 1938, (52 Stat. 1040);~~

19 ~~(23) Official mark shall mean the official inspection legend or any~~
20 ~~other symbol prescribed by regulations of the director to identify the~~
21 ~~status of any article, livestock, or poultry under the Nebraska Meat and~~
22 ~~Poultry Inspection Law;~~

23 ~~(24) Official inspection legend shall mean any symbol prescribed by~~
24 ~~regulations of the director showing that an article was inspected and~~
25 ~~passed in accordance with the Nebraska Meat and Poultry Inspection Law;~~

26 ~~(25) Official certificate shall mean any certificate prescribed by~~
27 ~~regulations of the director for issuance by an inspector or other person~~
28 ~~performing official functions under the Nebraska Meat and Poultry~~
29 ~~Inspection Law;~~

30 ~~(26) Official device shall mean any device prescribed or authorized~~
31 ~~by the director for use in applying any official mark;~~

1 ~~(27) Establishment shall mean any building or structure in which~~
2 ~~slaughtering, butchering, meat canning, meat packing, meat manufacturing,~~
3 ~~poultry canning, poultry packing, poultry manufacturing, pet feed~~
4 ~~manufacturing, or rendering is carried on and the ground upon which such~~
5 ~~building or structure is erected and so much ground adjacent thereto as~~
6 ~~is used in carrying on the business of such establishment, including~~
7 ~~drains, gutters, and cesspools used in connection with the establishment~~
8 ~~and any place, including where a mobile or remote processing unit is~~
9 ~~located, or vehicle where livestock, poultry, livestock products, poultry~~
10 ~~products, meat food products, or poultry food products are prepared,~~
11 ~~manufactured, stored, sold, offered for sale, or exposed for sale.~~
12 ~~Establishment does not include operations under federal inspection;~~

13 ~~(28) Rendering shall mean the business of processing livestock or~~
14 ~~poultry or carcasses or parts thereof not intended or capable for use as~~
15 ~~human food, including the processing of poultry carcasses into hydrolyzed~~
16 ~~whole poultry feed products;~~

17 ~~(29) Pet feed manufacturing shall mean the business of processing~~
18 ~~livestock or poultry or carcasses or parts thereof into small animal~~
19 ~~feed;~~

20 ~~(30) Official establishment shall mean any establishment as~~
21 ~~determined by the director at which antemortem and postmortem inspection~~
22 ~~of livestock or poultry or the inspection of the manufacturing of~~
23 ~~livestock products or poultry products for human consumption is~~
24 ~~maintained under the authority of the Nebraska Meat and Poultry~~
25 ~~Inspection Law;~~

26 ~~(31) Inspector shall mean an employee or official or agent of the~~
27 ~~State of Nebraska authorized by the director, or any employee or official~~
28 ~~of the federal government or any governmental subdivision of this state~~
29 ~~authorized by the director, to perform any inspection functions under the~~
30 ~~Nebraska Meat and Poultry Inspection Law under an agreement between the~~
31 ~~director and any governmental subdivision or other governmental agency;~~

1 ~~(32) License shall mean a license issued under the Nebraska Meat and~~
2 ~~Poultry Inspection Law by the director;~~

3 ~~(33) Licensed establishment shall mean any of the establishments as~~
4 ~~defined in this section which are licensed under the terms of the~~
5 ~~Nebraska Meat and Poultry Inspection Law or pursuant to the terms of any~~
6 ~~other act administered by the director; and~~

7 ~~(34) Reinspection shall include inspection of the preparation of~~
8 ~~livestock products and poultry products, as well as reexamination of~~
9 ~~articles previously inspected.~~

10 Sec. 3. Section 54-1903, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 54-1903 The intent of the Nebraska Meat and Poultry Inspection Law
13 ~~sections 54-1901 to 54-1915~~ is to assure that only wholesome meat and
14 poultry products enter regular commercial channels of commerce and to
15 provide that same are identified and truthfully labeled. The director is
16 designated as the administrator of the Nebraska Meat and Poultry
17 Inspection Law ~~sections 54-1901 to 54-1915~~ and the department is
18 designated as the administrative state agency.

19 Sec. 4. Section 54-1908, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 54-1908 The director shall have the authority to:

22 (1) Remove inspection from any establishment that fails to abide by
23 the Nebraska Meat and Poultry Inspection Law ~~sections 54-1901 to 54-1915~~
24 or any rule or regulation adopted and promulgated under such law
25 thereunder;

26 (2) Refuse to provide inspection service under the Nebraska Meat and
27 Poultry Inspection Law ~~sections 54-1901 to 54-1915~~ with respect to any
28 establishment for causes specified in section 401 of the Federal Meat
29 Inspection Act or section 18 of the federal ~~Federal~~ Poultry Products
30 Inspection Act;

31 (3) Order labeling and containers to be withheld from use if the

1 ~~director~~ he determines that the labeling is false or misleading or the
2 containers are of a misleading size or form;

3 (4) Require that equines be slaughtered and prepared in
4 establishments separate from establishments where other livestock are
5 slaughtered or their products are prepared;

6 (5) Appoint as his or her agent and prescribe the duties of such
7 inspectors and personnel, including employees of the United States
8 Department of Agriculture, as he or she deems necessary for the efficient
9 execution of the provisions of the Nebraska Meat and Poultry Inspection
10 Law, except sections 54-1901 to 54-1915; Provided, that inspection
11 requested at times other than regularly scheduled inspection times shall
12 be at the establishment operator's expense;

13 (6) Cooperate with the Secretary of Agriculture of the United States
14 or with any governmental subdivision of this state in the administration
15 of the Nebraska Meat and Poultry Inspection Law sections 54-1901 to
16 54-1915, and to accept federal assistance or assistance from any
17 governmental subdivision of this state for that purpose, and to spend
18 funds of this state appropriated for administration of the Nebraska Meat
19 and Poultry Inspection Law, except sections 54-1901 to 54-1915; Provided,
20 that if the director enters into an agreement with the Secretary of
21 Agriculture of the United States involving the acceptance of federal
22 assistance and the utilization of both state and federal personnel, the
23 salaries of state personnel involved in carrying out the enforcement of
24 the Nebraska Meat and Poultry Inspection Law sections 54-1901 to 54-1915
25 shall be comparable to those of their federal counterparts;

26 (7) Recommend to the Secretary of Agriculture of the United States
27 for appointment to the advisory committees provided for in the federal
28 acts, such officials or employees of the department as the director shall
29 designate;

30 (8) Serve as the representative of the Governor for consultation
31 with the secretary under paragraph (c) of section 301 of the Federal Meat

1 Inspection Act and paragraph (c) of section 5 of the ~~federal~~ Federal
2 Poultry Products Inspection Act;

3 (9) Exempt the operations or any part of the operations at any
4 establishment from inspection or other requirements of the Nebraska Meat
5 and Poultry Inspection Law sections 54-1901 to 54-1915 to the extent the
6 director ~~he~~ determines such operations are exempt under the Federal Meat
7 Inspection Act or the ~~federal~~ Federal Poultry Products Inspection Act
8 when such exemption would not jeopardize the public health or welfare; or
9 exempt from the inspection requirements of the Nebraska Meat and Poultry
10 Inspection Law sections 54-1901 to 54-1915 the slaughter of livestock and
11 poultry, preparation of livestock products and poultry products at any
12 establishment in Nebraska when the director ~~he~~ determines that it is
13 impractical to provide such inspection and that such exemption will
14 otherwise facilitate enforcement of the Nebraska Meat and Poultry
15 Inspection Law sections 54-1901 to 54-1915 and not endanger the health
16 and welfare of the people of this state. The director may refuse,
17 withdraw, or modify any exemption under this subdivision whenever the
18 director ~~he~~ determines such action is necessary to effectuate the
19 purposes of the Nebraska Meat and Poultry Inspection Law sections 54-1901
20 to 54-1915;

21 (10) Adopt and promulgate rules and ~~Promulgate~~ regulations
22 prescribing the sizes and style of type to be used for labeling
23 information required under the Nebraska Meat and Poultry Inspection Law
24 sections 54-1901 to 54-1915, and definitions and standards of identity or
25 composition or standards of fill of container, consistent with federal
26 standards, when the director ~~he~~ deems such action appropriate for the
27 protection of the health and welfare of the public;

28 (11) Adopt and promulgate rules and ~~Promulgate~~ regulations
29 prescribing conditions of storage and handling of livestock products and
30 poultry products by persons engaged in the business of buying, selling,
31 freezing, storing, or transporting such articles in or for intrastate

1 commerce as brokers, wholesalers, common carriers, or otherwise to assure
2 that such articles will not be adulterated or misbranded when delivered
3 to the consumer;

4 (12) Adopt and promulgate ~~Promulgate~~ rules and regulations as the
5 director ~~he~~ deems necessary prescribing sanitation, antemortem
6 inspection, postmortem inspection, labeling requirements, and facility
7 requirements for the slaughtering and preparation of horses, mules, and
8 other equines and other species in all establishments; and

9 (13) Adopt and promulgate ~~Promulgate~~ rules and regulations as the
10 director ~~he~~ deems necessary for the efficient execution of the provisions
11 of the Nebraska Meat and Poultry Inspection Law sections 54-1901 to
12 54-1915, including rules of practice providing opportunity for hearing in
13 connection with issuance of orders under section 54-1905 and prescribing
14 procedure for proceedings in such cases.

15 Sec. 5. Section 54-1909, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 54-1909 It shall be unlawful for any person to:

18 (1) Slaughter any livestock or poultry or prepare any livestock
19 products or poultry products which are capable of use as human food, at
20 any establishment, without first obtaining a license from the director
21 and then only when slaughter or preparation is done in compliance with
22 the requirements of the Nebraska Meat and Poultry Inspection Law sections
23 54-1901 to 54-1915 and rules and regulations adopted and promulgated by
24 the director;

25 (2) Engage in rendering or pet feed manufacturing without first
26 obtaining a license from the director and then only when such activity is
27 in compliance with the requirements of the Nebraska Meat and Poultry
28 Inspection Law sections 54-1901 to 54-1915 and rules and regulations
29 adopted and promulgated by the director;

30 (3) Sell, transport, offer for sale or transportation, or receive
31 for transportation, in intrastate commerce, any such articles which (a)

1 are capable of use as human food and (b) are adulterated or misbranded at
2 the time of such sale, transportation, offer for sale or transportation,
3 or receipt for transportation; or any articles required to be inspected
4 under the Nebraska Meat and Poultry Inspection Law sections 54-1901 to
5 ~~54-1915~~ unless they have been so inspected and passed;

6 (4) Slaughter livestock or poultry for regular commercial channels
7 of commerce unless subjected to antemortem and postmortem inspection, or
8 to sell, offer for sale, expose for sale or have in possession for the
9 purpose of sale, or transport or receive for transportation any livestock
10 product or poultry product capable of use as human food which was
11 slaughtered without antemortem and postmortem inspection and which fails
12 to bear the marks of identification as required by the Nebraska Meat and
13 Poultry Inspection Law sections 54-1901 to 54-1915 and rules and
14 regulations adopted and promulgated under such law thereunder. The
15 possession of any quantity of livestock product or poultry product in an
16 amount greater than meets the reasonable consumption of the owner
17 thereof, including all members of such person's ~~his~~ immediate household
18 and nonpaying guests, shall be prima facie evidence of intent to sell the
19 same contrary to the Nebraska Meat and Poultry Inspection Law provisions
20 ~~of sections 54-1901 to 54-1915~~;

21 (5) With respect to any such articles which are capable of use as
22 human food, do any act while they are being transported in intrastate
23 commerce or held for sale after such transportation, which is intended to
24 cause or has the effect of causing such articles to be adulterated or
25 misbranded;

26 (6) Sell, transport, offer for sale or transportation, or receive
27 for transportation, in intrastate commerce or from any establishment, any
28 slaughtered poultry from which the blood, feathers, feet, head, or
29 viscera have not been removed in accordance with rules and regulations
30 adopted and promulgated by the director, except as may be authorized by
31 such rules and regulations;

1 (7) Fail to mark or identify any livestock or poultry, part or
2 product of such carcass as required by the Nebraska Meat and Poultry
3 Inspection Law sections 54-1901 to 54-1915 or rules and regulations
4 adopted and promulgated under such law hereunder;

5 (8) Violate any provision of the rules, regulations, or orders of
6 the director entered pursuant to section 54-1904 or 54-1905 or rules and
7 regulations adopted and promulgated pursuant to section 54-1906 or
8 54-1908;

9 (9) Cast, print, lithograph, or otherwise make any device containing
10 any official mark or simulation thereof, or any label bearing any such
11 mark or simulation thereof, except as authorized by the director;

12 (10) Forge any official device, mark, or certificate or without
13 authorization from the director use any official device, mark, or
14 certificate, or simulation thereof, or alter, detach, remove, deface, or
15 destroy any official device, mark, or certificate required pursuant to
16 the terms of the Nebraska Meat and Poultry Inspection Law sections
17 54-1901 to 54-1915 and rules and regulations adopted and promulgated by
18 the director;

19 (11) Knowingly possess, without promptly notifying the director or
20 the director's ~~his~~ representative, any official device or any
21 counterfeit, simulated, forged, or improperly altered official
22 certificate or any device or label or any carcass of any animal,
23 including poultry, or part or product thereof, bearing any counterfeit,
24 simulated, forged, or improperly altered official mark, or knowingly make
25 any false statement in any shipper's certificate or other nonofficial or
26 official certificate provided for in the rules and regulations adopted
27 and promulgated by the director; or knowingly represent that any article
28 has been inspected and passed, or exempted, under the Nebraska Meat and
29 Poultry Inspection Law sections 54-1901 to 54-1915, when in fact it has
30 not been so inspected and passed, or exempted;

31 (12) Sell, transport, offer for sale or transportation, or receive

1 for transportation, in intrastate commerce, any carcasses of horses,
2 mules, or other equines or parts of such carcasses, or the meat or meat
3 food products thereof, unless they are plainly and conspicuously marked
4 or labeled or otherwise identified as required by rules and regulations
5 prescribed by the director to show the kinds of animals from which they
6 were derived;

7 (13) Buy, sell, transport, or offer for sale or transportation, or
8 receive for transportation, in intrastate commerce, any livestock
9 products or poultry products, or dead, dying, disabled, or diseased
10 livestock or poultry which are not intended for use as human food unless
11 they are denatured or otherwise identified or decharacterized as required
12 by the rules and regulations of the director so as to prevent them from
13 being used for human food purposes;

14 (14) Give, pay, or offer, directly or indirectly, to any officer or
15 employee of this state authorized to perform any of the duties prescribed
16 by the Nebraska Meat and Poultry Inspection Law sections 54-1901 to
17 54-1915 or by the rules and regulations of the director, any money or
18 other thing of value, with intent to influence such officer or employee
19 in the discharge of any such duty;

20 (15) Neglect or refuse to attend and testify or to answer any lawful
21 inquiry, or to produce documentary evidence, if in such person's ~~his~~
22 power to do so, in obedience to the subpoena or lawful requirement of the
23 director; or

24 (16) Willfully make, or cause to be made, any false entry or
25 statement of fact in any report required to be made under the Nebraska
26 Meat and Poultry Inspection Law sections 54-1901 to 54-1915 or rules and
27 regulations adopted and promulgated under such law thereunder, or
28 willfully make, or cause to be made, any false entry in any account,
29 record, or memorandum kept by any person subject to the Nebraska Meat and
30 Poultry Inspection Law sections 54-1901 to 54-1915 or willfully neglect
31 or fail to make or to cause to be made, full, true, and correct entries

1 in such accounts, records, or memoranda, of all facts and transactions
2 appertaining to the business of such person or that shall willfully
3 remove out of the jurisdiction of this state, or willfully mutilate,
4 alter, or by any other means falsify any documentary evidence of any
5 person subject to the Nebraska Meat and Poultry Inspection Law sections
6 ~~54-1901 to 54-1915~~ or to willfully refuse to submit to the director or to
7 any of the director's ~~his~~ authorized agents, for the purpose of
8 inspection and taking copies, any documentary evidence of any person
9 subject to the Nebraska Meat and Poultry Inspection Law sections ~~54-1901~~
10 ~~to 54-1915~~ in such person's ~~his~~ possession or within such person's ~~his~~
11 control; or for any inspector to make public any information obtained by
12 the director, under the authority granted by the Nebraska Meat and
13 Poultry Inspection Law sections ~~54-1901 to 54-1915~~, without first
14 securing the director's ~~his~~ authority to do so, unless directed by a
15 court to divulge such information.

16 Sec. 6. Section 54-1911, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 54-1911 Whenever any livestock product or poultry product or any
19 product exempted from the definition of a livestock product and from the
20 definition of a poultry product, or any dead, dying, disabled, or
21 diseased livestock or poultry, is found by any authorized representative
22 of the director upon any premises where it is held for purposes of
23 distribution, or during or after distribution, in intrastate commerce or
24 is otherwise subject to the Nebraska Meat and Poultry Inspection Law
25 sections ~~54-1901 to 54-1915~~, and the authorized representative or
26 inspector has reason to believe that any such article is adulterated or
27 misbranded and is capable of use as human food, or that it has not been
28 inspected and fails to bear an official mark or is otherwise in violation
29 of the Nebraska Meat and Poultry Inspection Law ~~provisions of sections~~
30 ~~54-1901 to 54-1915~~ or of the federal acts or the Nebraska Pure Food Act,
31 or that such article or animal has been or is intended to be distributed

1 in violation of any such provisions, it may be seized and embargoed by
2 such representative or inspector for a period not to exceed twenty days,
3 pending action under section 54-1912 or notification of any federal
4 authorities having jurisdiction over such article or animal, and shall
5 not be moved by any person from the place at which it is located when so
6 seized or embargoed until released by an inspector or representative of
7 the department or by an order of a court having jurisdiction. All
8 official marks may be required by such representative or inspector to be
9 removed from such article or animal before it is released unless it
10 appears to the satisfaction of the director that the article or animal is
11 eligible to retain such mark or marks.

12 Sec. 7. Section 54-1912, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 54-1912 Any livestock product or poultry product or any dead, dying,
15 disabled, or diseased livestock or poultry that is being transported in
16 intrastate commerce or is otherwise subject to the Nebraska Meat and
17 Poultry Inspection Law sections 54-1901 to 54-1915, or is held for sale
18 in this state after such transportation, and that (1) is or has been
19 prepared, sold, transported, or otherwise distributed or offered or
20 received for distribution in violation of the Nebraska Meat and Poultry
21 Inspection Law sections 54-1901 to 54-1915 or any rules or regulations
22 duly adopted and promulgated under such law thereunder, or (2) is capable
23 of use as a human food and found to be adulterated or misbranded, or (3)
24 in any other way is in violation of the Nebraska Meat and Poultry
25 Inspection Law sections 54-1901 to 54-1915, shall be seized and
26 embargoed.

27 Upon receiving written permission from the owner or claimant, all
28 articles, animals, or poultry under seizure or embargo shall be destroyed
29 at the expense of the owner or claimant. When permission for destruction
30 cannot be obtained, the director shall petition a judge of the district
31 court in whose jurisdiction the article, animal, or poultry is seized or

1 embargoed for a condemnation of such article, animal, or poultry. If the
2 court finds that the seized or embargoed article, animal, or poultry is
3 adulterated or misbranded, it shall, after entry of the decree, be
4 destroyed at the expense of the claimant or owner thereof, under the
5 supervision of the director or an inspector, and all court costs and fees
6 and storage and other proper expenses shall be taxed against the owner or
7 claimant or such owner's or claimant's ~~his or her~~ agent, except ;
8 ~~Provided~~, that when the adulteration or misbranding can be corrected by
9 proper labeling or further processing of the article of livestock or
10 poultry, the court, after entry of the decree and after such costs, fees,
11 and expenses have been paid and a good and sufficient bond has been
12 executed, conditioned that such article of livestock or poultry shall be
13 so labeled or further processed, may by order direct that such article of
14 livestock or poultry be delivered to the claimant thereof for labeling or
15 further processing under the supervision of an inspector. The expense of
16 such supervision may be assessed against the claimant. The article of
17 livestock or poultry shall be returned to the claimant on the
18 representation to the court by the director that it is no longer in
19 violation of the Nebraska Meat and Poultry Inspection Law ~~sections~~
20 ~~54-1901 to 54-1915~~, the Nebraska Pure Food Act, or of any federal act or
21 acts, and that the expenses of such supervision have been paid. In the
22 case of mislabeled or misbranded articles of livestock or poultry which
23 are abandoned by the owner and for which no claimant appears, the same
24 may be sold by the director or the director's ~~his or her~~ agent and the
25 proceeds of the sale shall be paid to the State Treasurer to be placed in
26 the General Fund. No article, poultry, or livestock shall be sold
27 contrary to the Nebraska Meat and Poultry Inspection Law ~~provisions of~~
28 ~~sections 54-1901 to 54-1915~~, the Nebraska Pure Food Act, the Wholesome
29 Meat Act, or the Wholesome Poultry Products Act.

30 The provisions of this section shall in no way derogate from
31 authority for condemnation or seizure conferred by other provisions of

1 ~~the Nebraska Meat and Poultry Inspection Law sections 54-1901 to 54-1915,~~
2 or other laws. The district courts of this state are vested with
3 jurisdiction specifically to enforce, and to prevent and restrain
4 violations of, the Nebraska Meat and Poultry Inspection Law sections
5 ~~54-1901 to 54-1915~~ and shall have jurisdiction in all other kinds of
6 cases arising under the Nebraska Meat and Poultry Inspection Law sections
7 ~~54-1901 to 54-1915~~ except as otherwise provided under such law for in
8 sections ~~54-1901 to 54-1915~~.

9 Sec. 8. Section 54-1913, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 54-1913 (1) Any officer, inspector, or employee of this state
12 authorized to perform any of the duties prescribed by the Nebraska Meat
13 and Poultry Inspection Law sections 54-1901 to 54-1915 who shall accept
14 any money, gift, or other thing of value from any person given with
15 intent to influence his or her official action, or who shall receive or
16 accept from any person engaged in intrastate commerce subject to the
17 Nebraska Meat and Poultry Inspection Law sections 54-1901 to 54-1915 any
18 gift, money, or other thing of value given with any purpose or intent
19 whatsoever, shall be deemed guilty of a Class III misdemeanor and shall
20 be summarily discharged from office.

21 (2) Any person who forcibly assaults, resists, opposes, impedes,
22 intimidates, bribes or attempts to bribe, or interferes with any
23 inspector or employee while engaged in or on account of the performance
24 of his or her official duties under the Nebraska Meat and Poultry
25 Inspection Law sections 54-1901 to 54-1915, shall be deemed guilty of a
26 Class II misdemeanor.

27 (3) Any person who violates any provisions of the Nebraska Meat and
28 Poultry Inspection Law sections 54-1901 to 54-1915 or any rules and
29 regulations duly adopted and promulgated under such law thereunder, for
30 which no other criminal penalty is provided by the Nebraska Meat and
31 Poultry Inspection Law sections 54-1901 to 54-1915, shall be deemed

1 guilty of a Class II misdemeanor, but if such violation involves intent
2 to defraud, or any distribution or attempted distribution of an article
3 that is adulterated, such person shall be guilty of a Class IV felony.

4 Sec. 9. Section 54-1915, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 54-1915 The director is hereby authorized to cooperate with the
7 United States Department of Agriculture for the exchange and cross
8 certification of employees or inspectors to implement the Nebraska Meat
9 and Poultry Inspection Law sections 54-1901 to 54-1915.

10 Sec. 10. (1) The acquisition of meat from livestock by an informed
11 end consumer shall not constitute the sale of meat products in
12 contravention of the Nebraska Meat and Poultry Inspection Law and shall
13 not be prohibited if all of the following conditions are met:

14 (a) The meat is made available pursuant to an animal share and is:
15 (i) Received by or on behalf of an owner of an animal share; and
16 (ii) Obtained from the particular livestock subject to the animal
17 share;

18 (b) Ownership of the particular livestock is established by contract
19 prior to slaughter;

20 (c) The name and address of each individual with an ownership
21 interest in the particular livestock is presented to the processor prior
22 to slaughter; and

23 (d) Information describing the standards used by the farm or ranch
24 with respect to livestock health and in the processing of meat from the
25 livestock is provided to the informed end consumer by the farmer or
26 rancher.

27 (2) A farmer or rancher that sells an animal share shall:

28 (a) Be a resident of the State of Nebraska; and

29 (b) Maintain a record of each animal share sold under this section.

30 (3) No person who obtains meat in accordance with this section shall
31 sell, donate, or commercially redistribute the meat in any way. No farmer

1 or rancher shall publish any statement that implies the department's
2 approval or endorsement of meat made available pursuant to an animal
3 share. The requirement for a license under section 54-1904 or for
4 inspection under the Nebraska Meat and Poultry Inspection Law shall not
5 apply to the sale of meat products pursuant to this section.

6 Sec. 11. (1) The Independent Processor Assistance Program is
7 created. The department shall administer the program contingent on funds
8 being made available for such purpose.

9 (2) The purpose of the Independent Processor Assistance Program is
10 to:

11 (a) Address supply chain disruptions caused by a public health
12 emergency;

13 (b) Increase and improve livestock slaughter and meat processing
14 capacity;

15 (c) Expand market access for small livestock producers; and

16 (d) Facilitate workforce development.

17 (3) In administering the Independent Processor Assistance Program,
18 the department may develop policies and procedures for the disbursement
19 of funds authorized by this section that include, at a minimum, the
20 following:

21 (a) Applicant eligibility standards. At a minimum, such standards
22 shall require that eligible applicants:

23 (i) Operate as a federally inspected, state-inspected, or custom-
24 exempt slaughter and processing facility domiciled in Nebraska;

25 (ii) Demonstrate existing sales revenue of less than two million
26 five hundred thousand dollars and employment of fewer than twenty-five
27 employees; and

28 (iii) Be registered in good standing with the Secretary of State to
29 do business in Nebraska; and

30 (b) Expense eligibility standards. At a minimum, such standards
31 shall include:

1 (i) Capital improvements to expand capacity, including expansion and
2 modifications to existing buildings or construction of new buildings at
3 existing facilities;

4 (ii) Upgrades to utilities, including water, electric, heat,
5 refrigeration, freezing, and waste facilities;

6 (iii) Livestock intake and storage equipment;

7 (iv) Processing and manufacturing equipment, including cutting
8 equipment, mixers, grinders, sausage stuffers, smokers, curing equipment,
9 pipes, motors, pumps, and valves;

10 (v) Packaging and handling equipment, including sealing, bagging,
11 boxing, labeling, conveying, and product-moving equipment;

12 (vi) Warehouse equipment, including storage and curing racks;

13 (vii) Waste treatment and management equipment, including tanks,
14 blowers, separators, dryers, digesters, and equipment that uses waste to
15 produce energy, fuel, or industrial products;

16 (viii) Technology that allows increased capacity or business
17 resilience, including software and hardware related to business
18 functions, logistics, inventory management, plant production controls,
19 temperature monitoring controls, and web site design that enables e-
20 commerce;

21 (ix) Rental of buildings, facilities, or equipment necessary to
22 expand capacity, including mobile slaughter units and mobile
23 refrigeration units used exclusively for meat or poultry processing;

24 (x) Costs associated with increased inspections or becoming
25 inspected, including overtime inspection services by the Food Safety and
26 Inspection Service of the United States Department of Agriculture and
27 hazard analysis and critical control point consultation services; and

28 (xi) Educational and workforce training provided either by the
29 facility or by an institution of higher education.

30 (4) The department may adopt and promulgate rules and regulations to
31 carry out the purposes of the Independent Processor Assistance Program.

1 Sec. 12. Original sections 54-1901, 54-1902, 54-1903, 54-1908,
2 54-1909, 54-1911, 54-1912, 54-1913, and 54-1915, Reissue Revised Statutes
3 of Nebraska, are repealed.