**A** **BILL**

TO AMEND SECTION 47‑19‑140 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE POULTRY PRODUCTS INSPECTION LAW, TO PROVIDE FOR AN EXEMPTION TO THE PROVISIONS IN THIS CHAPTER FOR CERTAIN POULTRY PRODUCERS OR OTHER PERSONS WHO SLAUGHTER OR PROCESS THE PRODUCTS OF MORE THAN FIVE THOUSAND TURKEYS OR AN EQUIVALENT NUMBER OF POULTRY OF ALL SPECIES IN THE CURRENT CALENDAR YEAR, AND TO MAKE TECHNICAL CORRECTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47‑19‑140 of the 1976 Code is amended to read:

Section 47‑19‑140. ~~(a)~~(A) The board shall, by regulation and under such conditions and requirements as to sanitary standards, practices and procedures as it may prescribe, exempt from specific provisions of this chapter with respect to processing of poultry or poultry products solely for intrastate commerce and distribution of poultry or poultry products only in such commerce:

(1) ~~Retail~~ retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

~~(2)~~ ~~For such period of time as the director determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this chapter, any person engaged in the processing of poultry or poultry products and the poultry or poultry products processed by such person; provided, however, that no such exemption shall continue in effect after October 29, 1969;~~

~~(3)~~(2) ~~Persons~~ persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the director determines necessary to avoid conflict with such requirements while still effectuating the purposes of this chapter;

~~(4)~~(3) ~~The~~ the slaughtering by any person of poultry of his own raising, and the processing by him and transportation of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

~~(5)~~(4) ~~The~~ the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation of the poultry products exclusively for use in the household of such owner by him and members of his household and his nonpaying guests and employees; provided, that such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

~~(6)~~(5) ~~The~~ the slaughtering and processing of poultry products by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person of the poultry products derived from such operations if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded and are sound, clean and fit for human food when so distributed; and

~~(7)~~(6) ~~The~~ the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry by any poultry producer or other person for distribution by him directly to household consumers, restaurants, hotels, and boarding houses for use in their own dining rooms, or in the preparation of meals for sales direct to consumers if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor and if they are not otherwise misbranded and are sound, clean and fit for human food when distributed by such processor.

~~(b)~~(B) In addition to the specific exemptions authorized in ~~paragraph (a) of this section~~ subsection (A), the director shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for the exemption of the operation and products of small enterprises, ~~(~~including poultry producers~~)~~, not exempted under ~~paragraph (a) of this section~~ subsection (A), which are engaged in slaughtering or cutting up poultry for distribution as carcasses or parts ~~thereof~~, solely for distribution within this State, from ~~such~~ the provisions of this chapter as he deems appropriate, while still protecting the public from adulterated or misbranded products, under ~~such~~ the conditions and sanitary requirements as he shall prescribe to effectuate the purposes of this chapter.

~~(c)~~(C) The exemptions provided for in ~~subparagraphs (a) (5) and (6) of this section~~ items (A)(4), (5), and (6) shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such subparagraphs. No exemption under ~~subparagraph (a) (5) or (6)~~ items (A)(4), (5), or (6) or ~~paragraph (b)~~ subsection (B) of this section shall apply to any poultry producer or other person who slaughters or processes the products of more than five thousand turkeys or an equivalent number of poultry of all species in the current calendar year ~~(four birds of other species being deemed the equivalent of one turkey)~~.

~~(d)~~(D) The provisions of this chapter requiring inspection shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail‑type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments, if no poultry or poultry products are processed at the establishment for distribution outside this State or otherwise subject to inspection under the Federal Poultry Products Inspection Act.

~~(e)~~(E) The provisions of this chapter shall not apply to poultry producers with respect to poultry of their own raising on their own farms if:

~~(i)~~(1) ~~such producers slaughter~~ the poultry producer slaughters not more than two hundred fifty turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined ~~(four birds of other species being deemed the equivalent of one turkey)~~;

~~(ii)~~(2) ~~such~~ the poultry ~~producers do~~ producer does not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and

~~(iii)~~(3) ~~such~~ the poultry moves only in intrastate commerce.

~~(f)~~(F) The adulteration and misbranding provisions of this chapter, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under ~~paragraph (a), (b) or (e)~~ subsections (A), (B), and (E).

~~(g)~~(G) The director may by order suspend or terminate any exemption under ~~paragraph (a)~~ subsections (A) or ~~(b)~~ (B) ~~of this section~~ with respect to any person whenever he finds that ~~such action~~ suspension or termination will aid in effectuating the purposes of this chapter.

(H) For the purposes of this section, four birds of other species are deemed to be the equivalent of one turkey.”

SECTION 2. This act takes effect upon approval by the Governor.

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