



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY **Agriculture**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **61-
23D**
RULE NAME **Inspection of Nontraditional, Domesticated Animals**

CITE AUTHORITY **§19-29-1, §19-29-4**

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.
Yes

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 61-23D



Rule Id: 16505



Document: 49908



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

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FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 23D
INSPECTION OF NONTRADITIONAL, DOMESTICATED ANIMALS

§61-23D-1. General.

1.1. Scope. -- This rule governs the inspection of nontraditional domesticated animals such as antelope, bison, buffalo, deer, elk, reindeer, and rabbit and edible products derived from these animals and implements the requirements of W. Va. Code §19-29-1 et seq. "Production of Nontraditional Agriculture Products". W. Va. Code §19-29-4 authorizes the Commissioner of Agriculture to promulgate rules to provide inspection of such animals, meat, and meat products.

1.2. Authority. -- W. Va. Code §§19-29-1 and §19-29-4.

1.3. Filing Date. -- ~~July 29, 2016~~

1.4. Effective Date. -- ~~August 2, 2016~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date.

§61-23D-2. Incorporation by Reference of Federal Regulations on Inspection of Exotic Animals and Rabbits.

2.1. The Regulations on Inspection of Exotic Animals (9 CFR, Part 352) and Inspection of Rabbits and Edible Products Thereof (9 CFR, Part 354) of the United States Department of Agriculture are incorporated by reference in this rule with the exception of sections 352.5; 352.7 (a) and (b); 354.1 (n) and (u); 354.2 (a), (b), and (c); 354.20 through 354.33; 354.63 (c); 354.64; 354.65; 354.100 through 354.110; 354.143; 354.160; ~~364.161~~ 354.161; ~~352.162~~ 354.162; and 354.248 of the regulations which are not incorporated.

§61-23D-3. Definitions.

3.1. Definitions in the incorporated parts of the Federal regulations (9 CFR, Parts 352 and 354) are amended to read as follows:

3.1.1. "The Act" means the W. Va. Code §19-29-1 et seq.

3.1.2. "The United States Department of Agriculture" means the West Virginia Department of Agriculture.

3.1.3. "Secretary" means the Commissioner of Agriculture.

3.1.4. "Administrator", "Regional Director", and "Area Supervisor" mean the Director of the Meat Inspection Division of the West Virginia Department of Agriculture.

3.1.5. "The Food Safety and Inspection Service", "Service", and "Program" mean the Meat Inspection Division of the West Virginia Department of Agriculture.

3.1.6. "Official Plant" means an establishment licensed by the Commissioner of Agriculture.

3.1.7. "Exotic Animal" means a nontraditional animal domesticated from wild stock, either native or nonnative, including rabbits.

3.1.8. "U. S. Inspected" means West Virginia Department of Agriculture Inspected.

3.1.9. "U. S. Suspect" means West Virginia Department of Agriculture Suspect.

§61-23D-4. The Place of Slaughter and Processing of Nontraditional, Domesticated Animals.

4.1. The slaughter and processing of nontraditional, domesticated animals may take place at any official plant.

4.2. The slaughter and processing of rabbits which are U.S. Inspected and intended for sale in commercial outlets shall take place in rabbit slaughterhouses or rabbit meat processing establishments constructed according to the technical and sanitary provisions of the incorporated Federal regulations (9 CFR, Part 354).

4.3. The slaughter of rabbits exempt from inspection as provided by subsections 6.2 or 6.3 of this rule may take place at any official plant or on such premises that are registered with the Commissioner for the purpose of rabbit slaughter and processing.

4.4. The slaughter and processing of nontraditional domesticated animals may be conducted at official plants provided that the slaughter and processing operations are separated in time or space from the slaughter and processing of cattle, swine, sheep, and goats. The carcasses of nontraditional, domesticated animals and products derived from these animals shall be kept physically separated and properly identified to avoid any possibility of commingling products.

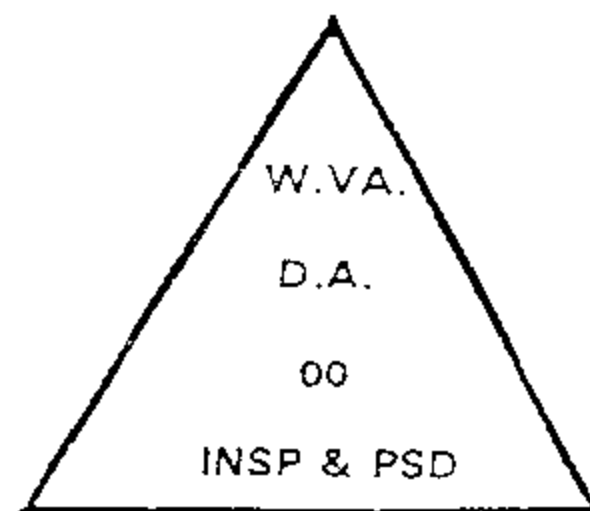
4.5. The slaughter of rabbits exempt from inspection as provided by subsection 6.3 of this rule may take place at the same premises where they were raised if the premises is registered with the Commissioner and the slaughter and processing is performed in a sanitary manner.

§61-23D-5. Official Inspection Marks.

5.1. Official Inspection Marks for Nontraditional, Domesticated Animals, Carcasses and Products Derived Therefrom, Except for Rabbits.

5.1.1. An authorized employee of the West Virginia Department of Agriculture or a plant employee working under his or her direct supervision shall apply the official inspection mark to inspected and passed carcasses and parts of carcasses.

5.1.2. The official inspection mark shall be in the form of a triangle and arrangement as shown in the example in this subdivision. The triangle side shall be approximately 2-1/2 inches (6.4 cm) long. It shall follow the wording: "West Virginia Department of Agriculture, Inspected and Passed", or its abbreviations as approved by the Director of the Meat Inspection Division. The number of the establishment where the animal was slaughtered or prepared, shall be used in lieu of "00".



5.2. Official Inspection Marks for Rabbits.

5.2.1. The official inspection mark approved for use on inspected and passed rabbit products shall be in the form of a circle and arranged as indicated in the example in this subsection. The circle shall be 1-3/4 inches (4.5 cm) in diameter. It shall include the following wording: "Inspected for Wholesomeness by WV Department of Agriculture." The number of the establishment where the rabbits were slaughtered or prepared shall be used in lieu of "00".



5.3. Official Inspection Marks on Labels.

5.3.1. The inspection mark to be shown on labels need not be of the size illustrated in subsection 5.2 of this section, provided that it is a sufficient size and of such color as to be conspicuously displayed and readily legible. The same proportions of letter size and boldness shall be maintained.

5.3.2. This inspection mark shall be applied by the licensed establishment using mechanical means and shall not be applied by a hand stamp.

5.3.3. The official inspection marks described in subsections 5.1 and 5.2 of this rule shall also be used on shipping containers, bond labels, artificial casings, and other articles with the approval of the Director of the Meat Inspection Division.

§61-23D-6. Exemptions.

6.1. This rule shall not apply to nontraditional, domesticated animals which are slaughtered and/or processed and are not intended for sale in commercial outlets.

6.2. Up to ~~one~~ twenty thousand (~~1,000~~ 20,000) rabbits per calendar year slaughtered and/or processed at an official plant are exempt from antemortem, postmortem, and processing inspection, provided that the rabbits are slaughtered and processed at an establishment licensed by the Commissioner of Agriculture and approved for rabbit slaughter operations.

6.3. Up to ~~one~~ twenty thousand (~~1,000~~ 20,000) rabbits per calendar year slaughtered and/or processed at the premises where they were raised ~~at one premises~~ are exempt from antemortem, postmortem, and processing inspection, and are eligible ~~for sale to individuals at the premise where they were raised, at farmers' markets and at consignment markets~~ to enter commerce.

6.3.a. The rabbits shall be slaughtered and processed using ~~WVDA approved~~ procedures submitted to and approved by WVDA ~~at the premises where they were raised~~ and the premises shall be registered with the Commissioner of Agriculture.

6.3.b. Rabbit producers must keep sale and production records for a minimum of two years, and must provide those to a WVDA compliance officer/inspector if and when requested.

6.3.c. Slaughter facilities operated pursuant to this exemption may be visited by a WVDA compliance officer/inspector without notice.



§61-23D-7. Overtime and Holiday Inspection Service.

7.1. The management of a licensed establishment shall reimburse the Department for the cost of inspection service furnished on any holiday as specified in subsection 7.3 of this Section, or for providing more than forty (40) hours in any administrative workweek Saturday through Friday.

7.2. When a licensed establishment requires inspection service on a holiday or for more than eight (8) hours on any other day, it shall request the veterinary supervisor to furnish inspection during such period. The request shall be made at least seven (7) days before the holiday and at least two (2) days in advance of planned overtime.

7.3. Holidays are specified in W. Va. Code §2-2-1 et seq.

7.4. The Commissioner shall determine from time to time the rate for overtime and holiday services.