

**Title 20. Public Health and Welfare**

**Chapter XL. Arkansas Board of Animal Health, Department of Agriculture**

**Subchapter A. Generally**

**Part 940. State Meat Inspection Program**

**Subpart 1. Generally**

**20 CAR § 940-101. Incorporation by reference of federal meat inspection laws and regulations.**

(a) The Department of Agriculture hereby incorporates by reference the most current revisions of the following federal laws and regulations as though set forth herein line for line and word for word:

(1) Title 7 of the United States Code, Chapter 48, Sections 1902 and 1906;

(2) Title 21 of the United States Code, Chapter 12, Subchapter I, Sections 601, 603, 604, 605, 606, 607, 608, 610, 611, 612, 613, 621, 622, 623, Subchapter II, Sections 641, 642, 643, 644, and Subchapter IV, Sections 671, 672, 673, 675, 676; and

(3) Title 9 of the Code of Federal Regulations, Chapter III, Subchapters A and E, excluding:

(A) Subchapter A Parts 300.1-300.4, 302.2, 303.1(c), 304.2(c), 307.4(b)-(d), 307.5, 307.6, 316.13(c), 317.7, 318.8, 318.12, 321, 322, 327, 329, 331, 332, 335, 351, 352, 354, 355, 362, 381; and

(B) Subchapter E Part 439.

(b)(1) However, unless context otherwise dictates, references to "we", "the Food Safety and Inspection Service", and the "United States Department of Agriculture" shall refer to the Department of Agriculture or department, and all words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

(2) Whenever an official mark, form, certificate, or seal is designated or required by federal law or regulation, the appropriate Department of Agriculture mark, form, certificate, or seal shall be substituted.

**Authority.** Arkansas Code § 20-60-206.

**20 CAR § 940-102. Exemptions from the State Meat Inspection Program.**

The following are exempted from the labeling, sanitary standards, practices, and procedures of the State Meat Inspection Program:

(1) Livestock producers with respect to livestock carcasses, parts of livestock carcasses, and meat food products, processed by the livestock producer from livestock of the livestock producer's own raising on the producer's own farm and used by the livestock producer for personal or private consumption;

(2) A person slaughtering livestock or otherwise processing or handling livestock carcasses, parts of livestock carcasses, or meat food products, that have been or are to be processed as required by recognized religious dietary laws; and

(3) Any establishment engaged in slaughtering livestock or processing livestock carcasses, parts of livestock carcasses, or meat food products for intrastate commerce and the livestock carcass, part of a livestock carcass, or meat food product processed by the establishment when the establishment is subject to inspection under a city ordinance that sets standards in conformity with the minimum standards of the State Meat Inspection Program.

**Authority.** Arkansas Code § 20-60-206.

**20 CAR § 940-103. Application for license and inspection.**

(a) An applicant for inspection shall submit to the Department of Agriculture an annual fee of one hundred dollars (\$100) at the time the application is submitted.

(b) Any establishment seeking exemption from the State Meat Inspection Program must submit to the department an application for exemption stating in writing the specific exemption sought by the establishment from the exemptions set in 20 CAR § 940-102 of this part.

(c) The department may accept or deny any application for license or exemption, but the application fee paid to the department, if applicable, shall be refunded to the applicant.

(d) The costs for routine inspection shall be borne by the state, but the cost of overtime and holiday work shall be borne and paid by the official establishment at the rates for overtime and holiday services established in Arkansas Code § 20-60-212(a)(2).

**Authority.** Arkansas Code §§ 20-60-206, 20-60-212.

**20 CAR § 940-104. Custom establishments.**

Livestock carcasses, parts of livestock carcasses, meat, and meat food products that are slaughtered by a custom establishment shall be:

(1) Separated at all times from inspected livestock carcasses, parts of livestock carcasses, meat, or meat food products prepared for sale; and

(2) Conspicuously and plainly marked "Not For Sale" immediately after preparation and shall remain so marked until delivered to the owner.

**Authority.** Arkansas Code § 20-60-206.

**20 CAR § 940-105. Inspection and appeals.**

(a)(1) Any livestock carcass, part of a livestock carcass, or meat food product found by an inspector to be unwholesome or adulterated in an official establishment shall be condemned.

(2) Condemned meat or meat food products:

(A) Shall be destroyed for human food purposes under the supervision of an inspector; or

(B) If the meat or meat food product may be made wholesome and unadulterated by reprocessing, the meat or meat food product may be reprocessed under the supervision of an inspector and may not be subject to destruction if the meat

or meat food product are then found by an inspector to be wholesome and unadulterated.

(b)(1) An official establishment may appeal an inspector's finding of condemnation.

(2) The meat or meat food product subject to condemnation shall be conspicuously marked and segregated pending the completion of inspection appeal.

(3) The official establishment shall provide its request for inspection appeal in writing to the department within forty-eight (48) hours of the initial finding of condemnation.

(4) The finding from the inspection appeal shall be the final finding, superseding the initial finding of condemnation.

(5) If on inspection appeal the meat or meat food product is condemned, the meat or meat food product will be subject to 20 CAR § 940-104, without further opportunity for appeal.

**Authority.** Arkansas Code § 20-60-206.

#### **20 CAR § 940-106. Hearings.**

Hearings and notices for hearings for the Department of Agriculture's withdrawal and denial of inspection or the department's determination that an advertisement or label is false or misleading shall be performed pursuant to the requirements of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code § 20-60-206.