

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2100  
(Agriculture and Veterans Affairs Committee)  
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact sections 4.1-31-01 and 4.1-31-16 of the North Dakota Century Code, relating to the definition of custom exempt establishments and official establishments and registration and licensure of meat processing businesses.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 4.1-31-01 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-31-01. Definitions.**

1. "Adulterated" means a carcass or meat food product:
  - a. That includes a poisonous or harmful substance that may render it injurious to health;
  - b. That includes a chemical pesticide that is unsafe under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
  - c. That includes a food or color additive that is unsafe under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
  - d. That includes a filthy, putrid, or decomposed substance or is for any other reason unfit for human food;
  - e. That has been prepared, packed, or held under unsanitary conditions;
  - f. That includes the product of an animal that has died in a manner other than slaughter or includes the product of an animal condemned by reason of disease that existed at the time of slaughter;
  - g. The container of which includes a poisonous or harmful substance that may make the contents harmful to health;
  - h. That has been intentionally subjected to radiation, unless the use of the radiation conformed with a regulation or exemption in effect under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.];
  - i. That is damaged or inferior and that damage or inferiority has been concealed; or
  - j. That has had a substance added to it or mixed or packed with it so as to increase its bulk or weight, or make it appear better or of greater value than it is.
2. "Animal" includes cattle, swine, sheep, goats, farmed cervidae, llama, horses, equines, bison, other large domesticated animals, domesticated rabbits, and poultry.
3. "Carcass" includes all or any part of an animal carcass.
4. "Container" means a receptacle of a meat food product.
5. "Custom exempt establishment" means an establishment as determined by the commissioner where slaughter and processing activities of an animal carcass or meat food products are

done as a service for only the owner of the animal and the meat is returned to the owner for personal use.

6. "Custom processing" means slaughtering, eviscerating, dressing, or processing an animal carcass or meat food products for the owner of the animal carcass or the meat food products, if all meat food products derived from the custom processing are returned to that owner.
- 6-7. "Inspector" means an inspector appointed by the commissioner to perform duties under this chapter.
- 7-8. "Intrastate commerce" means commerce within this state.
- 8-9. "Meat" means the edible flesh of an animal born and harvested for the purpose of human consumption.
- 9-10 "Meat food product" means a product usable as human food which contains any part of a carcass from an animal born and harvested for the purpose of human consumption. The term does not include any product that contains any part of an animal carcass in a relatively small proportion or which historically has not been considered by consumers as a product of the meat food industry, and which is not represented as a meat food product.
11. "Official establishment" means an establishment as determined by the commissioner at which state inspection of the slaughter of livestock or poultry or the processing of meat or meat food products for human consumption is maintained under the authority of this chapter, but does not include:
- a. Establishments subject to federal inspection.
  - b. Custom exempt establishments.
- 10-12. "Poultry" includes domesticated fowl bred for the primary purpose of producing eggs or meat, or both, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, but excluding doves and pigeons.
- 11-13. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

**SECTION 2. AMENDMENT.** Section 4.1-31-16 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-31-16. Registration and licensure of business.**

1. A person may not engage in intrastate business as a meat broker, renderer, or animal food manufacturer; a wholesaler of animal carcasses intended for human food or other purposes; a public warehouse operator storing carcasses of animals in or for intrastate commerce; or a buyer, seller, or transporter of dead, dying, disabled, or diseased animals, or the carcasses of animals that died other than by slaughter, unless the person first provides the commissioner with the person's name, the address of each place of business under which the person conducts business, and all trade names under which the person conducts business.
2. A person, in order to operate under this chapter, shall obtain a license in accordance with the rules adopted by the commissioner. Application for a license must be made on forms provided by the commissioner. The commissioner may refuse to issue a license if the applicant or the establishment of the applicant is not in compliance with this chapter and related rules. If the commissioner finds that the person to which the license is issued violates this chapter or related rules, the commissioner may suspend or revoke the license, or upon revocation and with good cause, refuse to issue a new license.

3. A person applying for a license pursuant to this section shall pay a license fee to the commissioner as follows:
  - a. The license fee for an official establishment is twenty-five dollars;
  - b. The license fee for a custom exempt establishment is twenty-five dollars; and
  - c. The license fee for any other establishment or entity required to be licensed under this chapter is twenty-five dollars.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2100.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 81            Nays 4            Absent 9

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State