

Title 7
AGRICULTURE AND ANIMALS
Part XXXIII. Meat and Poultry Inspections

**Chapter 1. Meat and Poultry
Inspection Program**

§101. Applicability of Federal Laws and Regulations

A. Notwithstanding any other provision of this Chapter to the contrary no provision of any regulation in this Chapter shall exempt any person subject to the Louisiana Meat and Poultry Inspection Law, (R.S. 3:4201 et seq.), or participating in the Louisiana Cooperative Federal/State Meat and Poultry Inspections Program from any applicable federal law or regulation, including but not limited to the following:

1. the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. §301 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
2. the Federal Meat Inspection Act, (21 U. S. C. §601 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
3. the Federal Poultry Products Inspection Act, (21 U.S.C. §451 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
4. the Federal Humane Methods of Livestock Slaughter Act, (7 U.S.C. §1901 et seq.) and regulations promulgated in the Code of Federal Regulations pursuant to the Act.

B. In respect to intrastate operations and commerce, notwithstanding any other provision of this Chapter to the contrary, no provision of any regulation in this Chapter shall be construed or interpreted as imposing, or requiring the enforcement of, any standards that are less than those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspections Act and regulations promulgated pursuant to those Acts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:708 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 30:196 (February 2004), LR 32:1011 (June 2006).

§103. Definitions

A. As used in this Chapter, the words and terms defined in R.S. 3:4201 and the following words and terms shall have the meanings given to them except where the context expressly indicates otherwise.

Combination Custom Slaughterer and Processor—a person which provides both slaughter and processing services solely for the owners of animals.

Commissioner—Commissioner of Agriculture and Forestry.

Custom Processor—any person which prepares, processes, and/or transports intrastate the meat of animals slaughtered for the owners of such animals.

Custom Slaughterer—any person which offers to the public the service of slaughtering cattle, sheep, poultry, swine, goats, horses, mules or other equines for the owners thereof.

Department—the Louisiana Department of Agriculture and Forestry, Office of Animal Health Services, Division of Meat and Poultry Inspection, Grading and Certification.

Establishment—each place of business of a licensee, registrant, or a person whose business is subject to inspection.

Meat Jobber—a person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, but who does not subsequently change the form of the product in any manner.

Meat Processor—any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of cattle, sheep, poultry, swine, goats, horses or other equines at the wholesale level; who receives the product in tact, and who changes the form of the product before shipping out again.

Normal Retail Quantities—sales to a single customer not exceeding the amounts shown below (see also 9 CFR 303.1.d.2.ii, Federal Meat and Poultry Inspection Regulations):

- a. cattle, 300 pounds;
- b. calves, 37.5 pounds;
- c. sheep, 27.5 pounds;
- d. swine, 100 pounds;
- e. goats, 25 pounds.

Person—an individual, company, corporation limited liability company, or firm as defined in R.S. 3:4201(2) and any other legal entity or other form of organization.

Prepared—slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

Primal Cut—the first or main cut.

Restaurant—any place of business:

a. where products are prepared solely for sale or service, as meals or entrees, directly to individual consumers at such establishments; and

b. where only federally or state inspected and passed products or products prepared in a retail store or outlet are used.

Retail Outlet—any place of business operated in the traditional or usual manner of operation or a retail store, with sales across-the-counter only in normal retail quantities. The term *retail outlet* applies solely to businesses with a single location.

Traditional or Usual Manner of Operation—

a. cutting up, slicing and trimming carcasses, halves, quarters or wholesale cuts into retail cuts such as steaks, chops and roasts, and freezing such cuts;

b. grinding and freezing products made from meat;

c. curing, cooking, smoking, rendering or refining of livestock fat or other preparation of products, except slaughtering or retort processing of canned products;

d. breaking bulk shipments of products;

e. wrapping or re-wrapping of products.

USDA—the United States Department of Agriculture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:709 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1012 (June 2006).

§105. Persons Required to Register

A. The following persons shall register with the department prior to conducting intrastate operations and commerce:

1. meat brokers, renderers and animal food manufacturers;

2. wholesalers of any carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines, whether the product is intended for human consumption or not;

3. public warehousemen who store carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines;

4. buyers, sellers, and transporters of any dead, dying, disabled or diseased animals or parts of carcasses of such animals;

5. meat brokers;

6. meat jobbers;

7. meat processors;

8. slaughters, including custom slaughters;

9. processors, including custom processors;

10. combination custom slaughterers and processors;

11. educational programs where carcasses or parts of carcasses are slaughtered, processed, or both;

12. any combination of the above.

B. All persons entering into any of the business activities listed in Subsection A shall apply for registration prior to engaging in such business. All persons shall be registered by category as shown in Subsection A above.

C. All registrants shall pay an initial registration fee of \$25 for each establishment at the time of application to cover the costs of processing of registrations and issuance of certificates of registration.

D. All persons must submit the following information in their applications for registration:

1. names and addresses of each establishment or place of business;

2. names and addresses of owner(s) and principal stockholder(s) and/ or names and addresses of members of boards of directors;

3. all trade names under which the person, firm, association, corporation or educational program conducts business.

E. All registrations must be renewed on or before April 1 of each year. The fee for renewal of registrations shall be the same as for the initial registration.

F. Each registrant shall receive a certificate of registration within 30 days after the application for registration is filed with the department if the registrant is in full compliance with applicable federal and state laws and regulations regarding slaughtering, processing, inspecting, packaging, handling, and transportation meat and poultry.

G. Penalties for failure to register or to annually renew a registration if the establishment is still in operation shall be assessed in accordance with R.S. 3:4233.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:709 (December 1980), amended LR 11:247 (March 1985) amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1012 (June 2006).

§107. Licenses for Establishments Coming under Inspection

A. All persons operating a slaughtering, processing, or combination slaughtering/processing establishment, or as a custom slaughterer, custom processor or a combination custom slaughterer and processor shall obtain a license from the department for each establishment prior to conducting intrastate operations or commerce.

B. All applications for licenses shall consist of a completed Form 401 submitted to the department at 5825 Florida Boulevard, Baton Rouge, LA 70806. Form AHS-09-54 is available on request from the department.

C. A license number shall be assigned to each establishment upon the department's approval of the application. The license shall be issued to the establishment within 30 days of final approval, in one of the following categories:

1. slaughter;
2. processing;
3. custom;
4. any combination of Paragraphs 1, 2 or 3 above.

D. All establishments receiving licenses shall display the license at a prominent location in the establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§109. Change of Ownership of Licensed Establishments

A. Whenever the ownership or operation of a licensed establishment changes, the new owner or operator must submit an application for a license to the department at least 30 days prior to the date the change in ownership or operation is to take place.

B. Within 30 days of change of ownership or operation, the new owner or operator shall submit to the department a certified copy of the act of sale, lease agreement or other legal document showing change of ownership or operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§111. Exemption

A. No person or establishment shall be exempt, under the Louisiana Meat and Poultry Inspection Law, from the inspections of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations except as provided in R.S. 3:4215 and 4216.

B. Establishment at which the slaughter of animals and the preparation of the carcasses, parts thereof, meat, poultry, and meat and poultry food products are exempt from inspection under R.S. 3:4215 and 4216 shall conduct slaughtering and processing operations under the same sanitary standards as are required of slaughter and processing establishments that engage in interstate operations or commerce.

C. No retail store, restaurant, or similar retail type establishment shall qualify for any exemption provided for in R.S. 3:4215 and 4216 unless the establishment otherwise qualifies as a retail store or restaurant under The Federal Meat Inspection Act and regulations promulgated pursuant to the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§113. Removal of Inspection Services

A. An assigned inspector may, upon proper justification, withhold inspection services for an inspected plant for a period not to exceed six hours, but may not withhold inspection services for a period longer than six hours. If for any reason the assigned inspector leaves the plant during the period when inspection services are withheld, he shall be available to the plant within one hour of notification of correction of the situation justifying the withholding of inspection services.

B. An area supervisor may, upon proper justification, withhold inspection services for a period not to exceed a total of 12 hours from the time when inspection services were first withheld.

C. The state office of the meat and poultry inspection program may withhold inspection services for an indefinite period of time upon proper justification.

D. An informal public hearing shall be held on the next working day following the initial withholding of inspection services upon the request of the establishment.

E. Inspection services may not be permanently withdrawn by the department except following a public hearing on the matter conducted in accordance with §121 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§115. Inspection Brands; Hot Brands; Replacement Brands

A. The department shall furnish an appropriate number of inspection brands to the establishment upon initial approval for inspection.

B. The establishment shall furnish the required number of hot brands and the number provided shall be provided to the department.

C. The establishment shall notify the assigned inspector when replacement brands are needed, providing the following information to the assigned inspector:

1. the name and address of the brand manufacturer preferred by the establishment; and
2. the number and kind of brands needed.

D. Upon receipt of the information required in §115.C, the inspector shall immediately notify the state office, which shall place the official order with instructions for the brands to be shipped direct to the establishment.

E. Upon receipt of the replacement brands, the establishment must deliver all unserviceable brands to the assigned inspector for transmittal to the department for destruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980) amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§117. Stamping of Carcasses

A. All beef, calf and veal carcasses must be stamped with not less than two stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Figure 7 in Appendices (§137.A and §139) attached immediately following.

B. All swine carcasses must be stamped with not less than two stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Figure 8 in Appendices (§141).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Certification, LR 32:1014 (June 2006).

§119. Inspection upon Movement of Meat and Meat Products

A. All carcasses, parts of carcasses, meat and meat products brought into any slaughtering, meat canning, salting, packing, rendering or similar establishment must originate from an establishment under inspection.

B. All carcasses, parts of carcasses, meat or meat products which are inspected and passed at any slaughtering, meat canning, salting, packing, rendering or similar establishment before movement there from, which is later returned to the same establishment, must be re-inspected upon return before further treatment or processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§121. Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program

A. Any person owning or operating an establishment that is subject to inspection or these rules and regulations may appeal any dispute of any decision made by an inspector in accordance with the procedures set forth in this rule.

B. If the person disputes the methods used by any inspector in the program, such person shall first make his objections known to the inspector.

C. If the person objecting and the inspector cannot resolve the dispute, the person objecting shall immediately notify the area supervisor of the dispute and the basis for the dispute.

D. If the dispute cannot be resolved by conference with the area supervisor, the person objecting shall then notify the department's program manager of the meat and poultry inspection program within three business days after the conference. Such notification may be verbal but shall be confirmed in writing within three days after the verbal notification.

E. If the person objecting and the program manager cannot resolve the dispute the person objecting may petition the commissioner, in writing, for a resolution of the dispute within three business days after the program manger makes his decision.

F. The commissioner may appoint a designee who does not work in the meat and poultry inspection program meditate the dispute. If the mediation is unsuccessful or the commissioner determines that a public hearing is necessary to resolve the dispute then the commissioner may set a public hearing to resolve the dispute. Any public hearing shall be conducted in accordance with the Administrative Procedure Act.

G. No license shall be suspended or revoked from any establishment without a full hearing on the matter in accordance with R.S. 3:4233 and the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§123. Taking of Blood Samples

A. A slaughter establishment under inspection shall be responsible for the identification of animals and the maintenance of records as provided in this rule.

B. Any cattle that are not officially backtagged upon receipt shall be identified by an official backtag, properly placed.

C. The name and address of the consignor and the name and address of the owner of the herd of origin, if different from the consignor, shall be recorded on forms provided by the department, the original of which shall be transmitted to the department and the copy of which shall be maintained in the establishment's files.

D. The assigned inspector shall take a blood sample from all cattle received at the establishment.

E. The assigned inspector shall be responsible for collection and identification of all blood samples, and for packaging and transmission of blood samples, corresponding backtags and forms to the diagnostic laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1015 (June 2006).

§125. Overtime and Holiday Inspection Service

A. The Department of Agriculture and Forestry shall perform inspection services for official establishments, without charge, up to a 40 hours workweek Monday through Friday.

B. The department shall charge to and be reimbursed by official establishments an hourly overtime rate per department employee providing overtime inspection services to the official establishment. The overtime periods and rate per period are as follows:

1. \$25 per hour for inspection services provided for more than 40 hours in any workweek Monday through Friday;

2. \$30 per hour for inspection services provided on a Saturday or Sunday that is not otherwise a legal holiday established by R.S. 1:55;

3. \$35 per hour for inspection services provided on days of public rest and legal holidays, other than Saturdays and Sundays, observed by the departments of the state in accordance with R.S. 1:55;

4. overtime inspection services shall be billed at a minimum of two hours at the appropriate rate. Time spent providing inspection services in excess of two hours shall be billed in increments of quarter hours, with the time being rounded up to the next quarter hour.

C. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime inspections will not be performed for official establishments having a delinquent account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:247 (March 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 31:1055 (May 2005), LR 32:1015 (June 2006).

§127. Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program

A. Any person, firm, association or corporation which is subject to any of the inspection procedures and/or requirements contained in the federal meat and poultry inspection regulations, USDA Handbook 191, or these rules and regulations may appeal any decision made thereunder in accordance with the procedures set forth in this rule.

B. If the person, firm, association or corporation disagrees with the methods used by any inspector in the program, such person, firm, association or corporation shall first make his objections known to the inspector.

C. If the differences cannot be resolved by this informal method, the person, firm, association or corporation objecting shall immediately notify the area supervisor of the objections and the basis therefor.

D. If the differences cannot be resolved by conference with the area supervisor, the person, firm, association or corporation objecting shall then notify the state office of the meat and poultry inspection program. Such notification may be verbal but shall be confirmed in writing within three days after the verbal notification.

E. If the difference cannot be resolved by this method, the person, firm, association or corporation may petition the commissioner of agriculture, in writing, for a full public hearing on the matter.

F. The commissioner of agriculture shall call a public hearing on the matter within 15 days of the date of receipt of such petition, which hearing shall be conducted within 30 days of the date on which the call is issued.

G. No permit shall be permanently removed from any establishment without a full hearing on the matter. Whenever, for any reason, the commissioner of agriculture contemplates the permanent withdrawal of a permit for inspection services, he shall call a public hearing on the matter.

H. Notice shall be given to the affected person, firm, association or corporation, as required by the Administrative Procedure Act, setting forth the following:

1. a statement of the time, place and nature of the hearing;

2. a statement of the legal authority and jurisdiction under which the hearing is to be held;

3. a reference to the particular Sections of the statutes and rules involved; and

4. a short and plain statement of the matters asserted.

I. Such notice of public hearing shall be mailed by certified mail, return receipt requested, at least 15 days prior to the date on which the hearing is scheduled to be held.

J. At any hearing called under this rule, the affected party(ies) shall have the right to counsel of his (their) own choosing and shall be afforded the opportunity:

1. to respond;

2. to present evidence on all issues of fact involved;

3. to present argument on all issues of law and policy involved;

4. to conduct such cross-examination as may be required for a true and full disclosure of the facts; and

5. to examine any evidence entered into the record.

K. All hearings called under this rule shall be conducted by the commissioner of agriculture or his designated hearing officer.

L. Any determination made as a result of such hearing shall be rendered in writing and shall be made available to all affected parties.

M. Any determination made at any hearing held in accordance with this rule shall be final and shall be binding upon the party(ies) notified as provided herein, whether or not such party(ies) appear at said hearing.

N. Whenever a settlement cannot be reached by the procedures set forth herein, the commissioner of agriculture and/or the affected party(ies) may appeal to a court of competent jurisdiction as provided by law, provided that all such matters shall be lodged in the parish in which the Department of Agriculture is domiciled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2276 and R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980).

§129. Hearings on Alleged Violations of Law and/or Regulations

A. Whenever any establishment which is subject to the requirements of the State Meat and Poultry Inspection Act (R.S. 40:2271-R.S. 40:2299), the Federal Meat and Poultry Inspection Regulations, USDA Handbook 191 and/or these rules and regulations appear to be in violation of any provision(s) thereof, the commissioner of agriculture shall convene a public hearing on the matter, which hearing shall be conducted in accordance with §127 hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980).

§131. Taking of Blood Samples

A. The slaughter establishment under inspection shall be responsible for the identification of animals and the maintenance of records as provided in this rule.

B. Any cattle that are not officially backtagged upon receipt shall be identified by an official backtag, properly placed.

C. The name and address of the consignor and the name and address of the owner of the herd of origin, if different from the consignor, shall be recorded on forms provided by the Department of Agriculture, the original of which shall be transmitted to the Department of Agriculture and the copy of which shall be maintained in the establishment's files.

D. The assigned inspector shall take a blood sample from all cattle received at the establishment.

E. The assigned inspector shall be responsible for collection and identification of all blood samples, and for packaging and transmission of blood samples, corresponding backtags and forms to the diagnostic laboratory.

F. Failure to comply with the provisions of this rule shall subject the slaughter establishment to prosecution under the provisions of R.S. 3:2096 and/or R.S. 40:2296.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2096, R.S. 40:2300 and R. S. 40:2296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980).

§133. Overtime and Holiday Inspection Service

A. The Department of Agriculture and Forestry shall perform inspection services for official establishments, without charge, up to a 40 hours workweek Monday through Friday.

B. The department shall charge to and be reimbursed by official establishments an hourly overtime rate per department employee providing overtime inspection services to the official establishment. The overtime periods and rate per period are as follows:

1. \$25 per hour for inspection services provided for more than 40 hours in any workweek Monday through Friday;

2. \$30 per hour for inspection services provided on any Saturday or Sunday that is not otherwise a legal holiday established by R.S. 1:55;

3. \$35 per hour for inspection services provided on days of public rest and legal holidays, other than Saturdays and Sundays, observed by the departments of the state in accordance with R.S. 1:55;

4. overtime inspection services shall be billed at a minimum of two hours at the appropriate rate. Time spent providing inspection services in excess of two hours shall be billed in increments of quarter hours, with the time being rounded up to the next quarter hour.

C. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime inspections will not be performed for official establishments having a delinquent account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:247 (March 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 31:1055 (May 2005).

§135. Meat, Poultry and Seafood Fee

A. There is hereby established and henceforth there shall be a monthly fee to be paid by retailers, as defined in R.S. 47:301, for red meat, poultry and seafood. The fee shall be an amount equal to 0.87 percent of the wholesale value of all sales of red meat, poultry and seafood sold in Louisiana. The fee shall be known as the meat, poultry and seafood fee. The department may adopt and publish guidelines which facilitate calculation and collection of this fee.

B. For purposes of administration and convenience, the meat, poultry and seafood fee shall be paid by retailers at the same time and in the same manner as retail sales taxes are remitted. The meat, poultry and seafood fee shall be forwarded by the retailer to the Department of Revenue and Taxation. The meat, poultry and seafood fee shall be delinquent if not paid by the due date provided in law for the remittance of Louisiana Retail Sales Tax.

C.1. Any retailer failing to pay the meat, poultry and seafood fee established herein shall be subject to a reasonable civil fine of not more than \$50, which fine may

be levied by the Department of Agriculture and Forestry upon a finding of intentional delinquency of all or a part of any fees due after the conduct of an adjudicatory hearing in accordance with the Louisiana Administrative Procedure Act. Each day of delinquency shall be considered a separate offense and violation.

2. In any such adjudicatory hearing pertaining to delinquency, the establishment by competent evidence that the respondent is a retailer of meat, poultry, or seafood products and that the fee has not been paid by the due date or that said fees received are less than the amount due based on respondent's purchases of meat, poultry or seafood, shall constitute a "prima facie" case of delinquency and burden of proof shall, thereafter, shift to the respondent.

D. Any authorized representative of the Department of Agriculture and Forestry or the Department of Revenue and Taxation shall have access to, and may enter at all reasonable hours, all places of business operated by retailers where meat, poultry or seafood are purchased, stored, processed, manufactured, or sold, or where the retailer maintains books, papers, accounts, records, or other documents related to such activities. The Department of Agriculture and Forestry may subpoena, and any authorized representative of the Departments of Agriculture and Forestry or Revenue and Taxation may inspect, copy, and/or audit any of such books, papers, records, accounts or documents, all for the purpose of determining whether the retailer is complying with the provisions of this regulation. The authority granted hereinabove shall also extend to books, papers, records, accounts, or other documents of persons doing business with retailers. Any information gained through utilization of the authority granted hereinabove in this Section shall be treated as confidential and shall be used only for the administration of this regulation; provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding or in any court proceeding, and provided further, that nothing contained in this regulation shall prevent the use

of any information procured by the department or the commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of retailers and compiled in such a manner as not to reveal individual information of any retailer.

E. This regulation shall expire 12 years from the date of adoption. The fees shall only be used to pay for all direct and indirect costs of the federal/state cooperative meat and poultry inspection program, meat, poultry and seafood grading and certification activities, animal disease prevention activities of the Livestock Sanitary Board, animal theft prevention of the Livestock Brand Commission, poultry related activities of the Poultry and Egg Division and for audit functions required by the aforementioned programs and are anticipated to generate \$6,090,000 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include, but are not limited to: Personal Services—\$3,757,266; Travel—\$69,064; Operating Expenses—\$620,122; Professional Services—\$7,590; Other Charges—\$612,665; Capital Outlays—\$20,580; Indirect Costs—\$1,017,457. The Department of Agriculture and Forestry shall suspend collections upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program. The commissioner of the Department of Agriculture and Forestry hereby certifies that written approval to adopt this regulation was received on July 1, 1988 from the commissioner of administration.

F. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulation shall nevertheless not be adversely affected thereby. This rule and the repeal of the existing Emergency Rule is effective July 10, 1988.

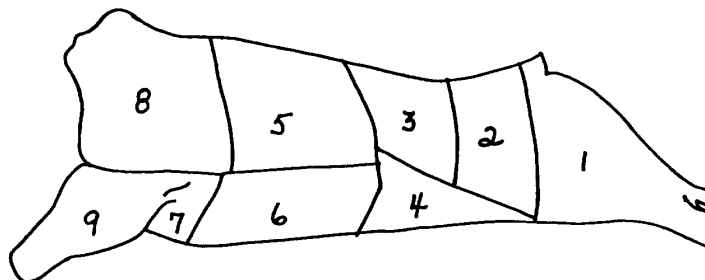
AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, LR 15:79 (February 1989).

§137. Practical Meat Cutting and Merchandising—Volume 1

A. Beef

Location of Primal and Subprimal Beef Cuts



AGRICULTURE AND ANIMALS

Primal and Subprimal Cuts	Combination Cuts
1. Round	Hindquarter: 1 + 2 + 3 + 4
2. Short hip	Sirlion round: 1 + 2
3. Short loin	Loin: 2 + 3
4. Flank	Forequarter: 5 + 6 + 7 + 8 + 9
5. Rib	Wing: 5 + 6
6. Short plate	Full plate: 6 + 7
7. Brisket	Armbone chuck: 8 + 9
8. Square cut chuck	Cross-cut chuck: 7 + 8 + 9
9. Foreshank	Triangle: 6 + 7 + 8 + 9
	Back: 5 + 8

1. Identification of Beef Cuts by Geographical Location and Trade

	New York Area	New England Area	Restaurant and Institutional Trade
Beef Round No. 1	Cross-Cut Round Beef Round Round Across Primal Round	Beef Round Primal Round	Beef Round (a) Primal Round (b) Primal Round with rump on or off, shank on or off, bone-in or boneless (c) Round, three-way boneless
Knuckle No. 1 (Taken from beef round)	Knuckle Face Top Sirloin	Sirloin Tip	Knuckle (a) Knuckle Steaks

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

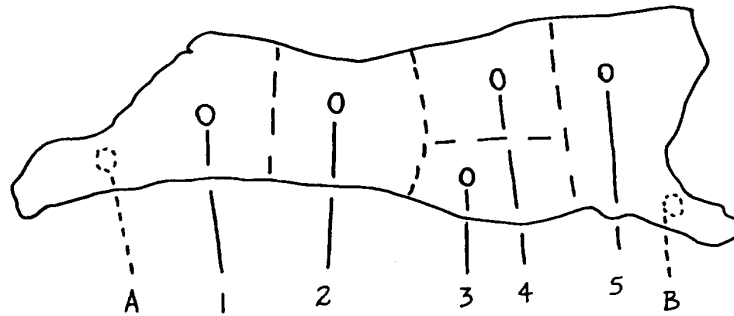
HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:708 (December 1980).

§139. Side of Beef

- A. Hind Shank
- B. Fore Shank

NOTE: A and B to be stamped on kill floor prior to shrouding or placing in cooler.

- 1. Round
- 2. Loin
- 3. Plate
- 4. Rib
- 5. Chuck

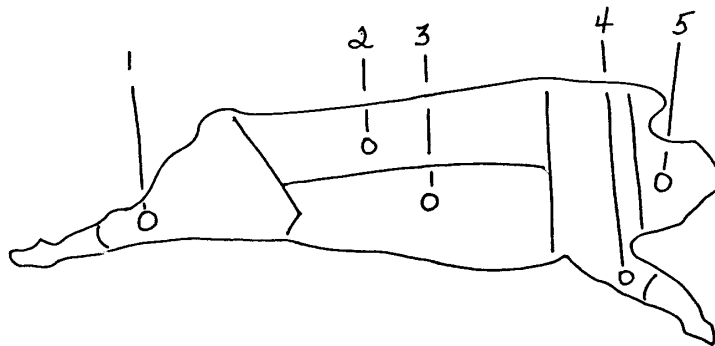


AUTHORITY NOTE: Promulgated in accordance with R. S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:712 (December 1980).

§141. Proper Stamping—Primal Cuts

- A. Side of Pork
 - 1. Outer surface of ham hock
 - 2. Skin side of each loin
 - 3. Skin side of each belly
 - 4. Outer surface of shoulder hock
 - 5. Skin surface of each jowl or head



AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:712 (December 1980).