

NEBRASKA MEAT AND POULTRY INSPECTION LAW

Administration: This Law is administered by the Nebraska Department of Agriculture, Bureau of Animal Industry, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-2351.

Revisions: The provisions of this Law were last revised during the 2003 session of the Nebraska Legislature.

Rules: A regulation has been promulgated under this Law, known as Title 23, Chapter 10, Nebraska Administrative Code - Rendering and Pet Feed Manufacturing.

INDEX

<u>Section</u>	<u>Subject</u>
54-1901.....	Act, how cited.
54-1902.....	Terms, defined.
54-1903.....	Intent of sections.
54-1904.....	License; application; inspection; renewal; fee; suspension; when.
54-1905.....	Hearings; how conducted; order; appeal.
54-1906.....	Director of Agriculture; rules and regulations; adopt; requirements.
54-1907.....	Records; contents; access.
54-1908.....	Director of Agriculture; powers.
54-1909.....	Unlawful acts.
54-1910.....	Inspection of products; when completed.
54-1911.....	Exempted product; adulterated or misbranded; seized by inspector; when.
54-1912.....	Product found adulterated or misbranded; seizure; destruction; procedure.
54-1913.....	Officer, inspector, employee of state; bribes, acceptances; interference; penalty.
54-1914.....	Director of Agriculture; violations; investigations; powers; subpoenas.
54-1915.....	Director of Agriculture; cooperate with United States Department of Agriculture.

54-1901. Act, how cited. Sections 54-1901 to 54-1915 may be cited as the Nebraska Meat and Poultry Inspection Law.

54-1902. Terms, defined. For purposes of the Nebraska Meat and Poultry Inspection Law, unless the context otherwise requires:

(1) Director shall mean the Director of Agriculture;

(2) Department shall mean the Department of Agriculture;

(3) Person shall include individuals, partnerships, limited liability companies, corporations, and associations and any officer, agent, partner, limited liability company member, or employee thereof;

(4) Hydrolyzed whole poultry shall mean the animal feed product resulting from the hydrolyzation of whole carcasses of culled or dead, undecomposed poultry as such product is defined in the Official Publication of the Association of American Feed Control Officials;

(5) Intrastate commerce shall mean commerce within this state;

(6) Livestock shall mean any cattle, sheep, swine, goats, horses, mules, other equines, and other mammalian species as the director may determine, either living or dead;

(7) Livestock product shall mean any carcass, part thereof, meat, or meat food product of any livestock;

(8) Meat food product shall mean any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry and which are exempt from definition as a meat food product by the director under such conditions as he or she may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines or other mammalian species as designated by the director shall have a meaning comparable to that provided in this subdivision with respect to cattle, sheep, swine, and goats;

(9) Mobile or remote processing unit shall mean any equipment for processing whole poultry by grinding, chopping, or other comparable method that is, or is intended to be, transported to or permanently located at locations away from a rendering establishment for purposes of collecting poultry carcasses processed for transport to a rendering establishment in liquid suspension;

(10) Poultry shall mean any domesticated bird or other avian species as the director may designate, either living or dead;

(11) Poultry product shall mean any poultry carcass or part thereof or any product which is made wholly or in part from any poultry carcass or part thereof, except products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry and which are exempt by the director from definition as a poultry product under such conditions as he or she may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products;

(12) Capable of use as human food shall apply to any wholesome livestock or poultry carcass or part or product of any such carcass, unless it is denatured or otherwise identified as required by regulations prescribed by the director to preclude its use as human food or it is naturally inedible by humans;

(13) Prepared shall mean slaughtered, canned, salted, stuffed, rendered, boned, cut up, frozen, or otherwise manufactured or processed in any manner;

(14) Adulterated shall apply to any livestock product or poultry product under one or more of the following circumstances:

(a) If it fails to conform to the requirements established by the Nebraska Pure Food Act;

(b) If it has been subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug and Cosmetic Act approved June 25, 1938, (52 Stat. 1040) and acts amendatory thereof or supplementary thereto; or

(c) If it is margarine containing animal fat and any of the raw material used therein consists in whole or in part of any filthy, putrid, or decomposed substance;

(15) Misbranded shall apply to any livestock product or poultry product under one or more of the following circumstances:

(a) If it fails to conform to the requirements established by the Nebraska Pure Food Act; or

(b) If it fails to bear directly thereon and on its containers, as the director may by regulation prescribe, the official inspection legend and establishment number of the establishment where the product was prepared and, unrestricted by any of the foregoing, such other information as the director may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition. Exemptions as to livestock products not in containers may be established by regulations prescribed by the director and exemptions as to small packages may be established for livestock products or poultry products in the same manner;

(16) Label shall mean a display of written, printed, or graphic matter upon any article or the immediate container, not including package liners, of any article;

(17) Labeling shall mean all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers or (b) accompanying such article;

(18) Container or package shall mean any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover;

(19) Shipping container shall mean any container used or intended for use in packaging the product packed in an immediate container;

(20) Immediate container shall mean any consumer package or any other container in which livestock products or poultry products which are not consumer-packaged are packed;

(21) Federal Meat Inspection Act shall mean the act so entitled approved March 4, 1907, (34 Stat. 1260) as amended by the Wholesome Meat Act (81 Stat. 584), federal Poultry Products

Inspection Act shall mean the act so entitled approved August 28, 1957, (71 Stat. 441) as amended by the Wholesome Poultry Products Act (82 Stat. 791), and federal acts shall mean the Federal Meat Inspection Act and the federal Poultry Products Inspection Act;

(22) Pesticide chemical, food additive, color additive, and raw agricultural commodity shall have the same meanings for purposes of the Nebraska Meat and Poultry Inspection Law as under the Federal Food, Drug and Cosmetic Act approved June 25, 1938, (52 Stat. 1040);

(23) Official mark shall mean the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article, livestock, or poultry under the Nebraska Meat and Poultry Inspection Law;

(24) Official inspection legend shall mean any symbol prescribed by regulations of the director showing that an article was inspected and passed in accordance with the Nebraska Meat and Poultry Inspection Law;

(25) Official certificate shall mean any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under the Nebraska Meat and Poultry Inspection Law;

(26) Official device shall mean any device prescribed or authorized by the director for use in applying any official mark;

(27) Establishment shall mean any building or structure in which slaughtering, butchering, meat canning, meat packing, meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet feed manufacturing, or rendering is carried on and the ground upon which such building or structure is erected and so much ground adjacent thereto as is used in carrying on the business of such establishment, including drains, gutters, and cesspools used in connection with the establishment and any place, including where a mobile or remote processing unit is located, or vehicle where livestock, poultry, livestock products, poultry products, meat food products, or poultry food products are prepared, manufactured, stored, sold, offered for sale, or exposed for sale. Establishment does not include operations under federal inspection;

(28) Rendering shall mean the business of processing livestock or poultry or carcasses or parts thereof not intended or capable for use as human food, including the processing of poultry carcasses into hydrolyzed whole poultry feed products;

(29) Pet feed manufacturing shall mean the business of processing livestock or poultry or carcasses or parts thereof into small animal feed;

(30) Official establishment shall mean any establishment as determined by the director at which ante mortem and post mortem inspection of livestock or poultry or the inspection of the manufacturing of livestock products or poultry products for human consumption is maintained under the authority of the Nebraska Meat and Poultry Inspection Law;

(31) Inspector shall mean an employee or official or agent of the State of Nebraska authorized by the director, or any employee or official of the federal government or any governmental subdivision of this state authorized by the director, to perform any inspection functions under the Nebraska Meat and Poultry Inspection Law under an agreement between the director and any governmental subdivision or other governmental agency;

(32) License shall mean a license issued under the Nebraska Meat and Poultry Inspection Law by the director;

(33) Licensed establishment shall mean any of the establishments as defined in this section which are licensed under the terms of the Nebraska Meat and Poultry Inspection Law or pursuant to the terms of any other act administered by the director; and

(34) Reinspection shall include inspection of the preparation of livestock products and poultry products, as well as reexamination of articles previously inspected.

54-1903. Intent of sections. The intent of sections 54-1901 to 54-1915 is to assure that only wholesome meat and poultry products enter regular commercial channels of commerce and to provide that same are identified and truthfully labeled. The director is designated as the administrator of sections 54-1901 to 54-1915 and the department is designated as the administrative state agency.

54-1904. License; application; inspection; renewal; fee; suspension; when. It shall be unlawful for any person to operate or maintain any establishment unless first licensed by the department. A license may be obtained by application to the director upon forms prescribed by him or her for that purpose. If the applicant is an individual, the application shall include the applicant's social security number. The license shall authorize and restrict the licensee to the operation or operations requested in his or her application and approved by the director.

Application for a livestock establishment or a poultry establishment license shall be accompanied by a fee of fifty dollars for each establishment. A license application for a rendering establishment or for a pet feed establishment shall be accompanied by a fee of three hundred dollars for each establishment. Such fee shall be deposited in the state treasury and deposited in the Livestock Auction Market Fund.

No license shall be issued until an inspection of the facilities described in the license application is completed showing the proposed facilities to be in conformity with the Nebraska Meat and Poultry Inspection Law and the rules and regulations adopted and promulgated thereunder by the director.

Licenses shall be renewable annually on or before their expiration. No license shall be transferable with respect to licensee or location. The renewal fee shall be the same as the application fee for each license.

Each license shall by order be summarily suspended whenever an inspection reveals that conditions in any establishment constitute a menace to the public health and shall remain suspended until such conditions are corrected, subject to review by the department and courts as is provided for in the Nebraska Meat and Poultry Inspection Law.

In addition, the director may, upon ten days' notice in writing, suspend or revoke any license issued hereunder or refuse to renew the same for violation of any of the provisions of the Nebraska Meat and Poultry Inspection Law or any rule or regulation duly adopted and promulgated by the director. The notice shall specify in writing the charges relied on, and the hearings, disposition, and court review shall be as prescribed by the Nebraska Meat and Poultry Inspection Law.

54-1905. Hearings; how conducted; order; appeal. Hearings shall be conducted by the director who may administer oaths, rule upon offers of proof and objections, and take such other action as may be necessary.

The director shall not be bound by formal rules of evidence as observed in courts of law but shall exclude irrelevant, immaterial, or unduly repetitious evidence. The burden of proof and of proceeding with the evidence shall be on the department, and every party shall have the right to compulsory process, to representation by counsel of his or her own choosing, and to cross-examination of and confrontation by witnesses against him or her. The final determination of the director may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

54-1906. Director of Agriculture; rules and regulations; adopt; requirements. The director shall promulgate and enforce such rules and regulations as are necessary to the proper administration and enforcement of the provisions of the Nebraska Meat and Poultry Inspection Law. Such rules and regulations shall require:

(1) Ante mortem and post mortem inspection, quarantine, segregation, sanitation standards and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments licensed in this state, except those exempted by subdivision (9) of section 54-1908, rendering establishments and pet feed manufacturing establishments;

(2) The identification of livestock and poultry for inspection purposes and the marking and labeling of livestock products or poultry products or their containers, or both, to clearly identify the products as inspected and passed if inspected and passed, or not for sale if not inspected, or condemned if they are found upon inspection to be adulterated. Condemned products shall be decharacterized or denatured or destroyed and shall not be sold or offered for sale as human food;

(3) Prohibition of entry into official establishments of livestock products and poultry products not prepared under federal inspection, or inspection pursuant to the Nebraska Meat and Poultry Inspection Law, and further limit the entry of such articles and other materials into such establishments under such

conditions as he or she deems necessary to effectuate the purposes of the Nebraska Meat and Poultry Inspection Law;

(4) That when a livestock product, meat food product, poultry product, or poultry food product leaves an official establishment it shall conform to the requirements of the Nebraska Pure Food Act;

(5) Prior approval of all labeling and containers to be used for such products when sold or transported in intrastate commerce to assure that they comply with the requirements of the Nebraska Pure Food Act;

(6) That necessary facilities, equipment, identification practices, sanitary standards, inspections of materials and ingredients be used in the preparation of products at a rendering establishment or a pet feed establishment for the protection of the health and welfare of the citizens of this state and their pets, livestock, and poultry. Inspections as described in this subdivision shall be at the expense of the establishment operator receiving the service;

(7) That the conveyance or conveyances used by pet feed manufacturers, renderers, and motor carriers are so constructed as to be leak proof, insect tight, readily cleaned, and disinfected and kept in a sanitary condition;

(8) That any mobile or remote processing unit used by renderers be kept in sanitary condition, transported, and utilized in a manner as determined prudent by the department to minimize the risk of the spread of disease;

(9) That the products of hydrolyzed whole poultry processing be processed in such a manner as to be suitable for animal food, including heating by boiling at two hundred twelve degrees Fahrenheit at sea level for thirty minutes, dry extrusion at a minimum temperature of two hundred eighty-four degrees Fahrenheit for thirty seconds with a pressure differential of approximately forty atmospheres as the product exits the extruder, or their equivalents as approved by the department unless it is shown to the satisfaction of the department that heating is not required to render the product suitable for animal food; and

(10) Inspection of all operations traditionally and usually conducted at retail stores where meat, meat food products, poultry, and poultry food products are sold, consumed, held for

sale or offered for sale, and in connection therewith, to cause such operations to be inspected to protect the consuming public from meat, poultry, meat food products, and poultry food products which may be adulterated or misbranded by seizure or embargo of such products pursuant to the terms of section 54-1912.

54-1907. Records; contents; access. The following classes of persons shall keep such records for such periods as are specified in regulations adopted by the director to fully and correctly disclose all transactions involved in their business, and shall afford to the director and his representatives access to such places of business, and opportunity, at all reasonable times, to examine the facilities, inventory and records thereof, to copy the records, and to secure samples or specimens of inventory after paying or offering to pay for such sample or specimen:

(1) Any persons who engage in or for intrastate commerce in the business of slaughtering any livestock or poultry, or preparing, freezing, packaging or labeling, buying or selling, transporting, or storing any livestock products or poultry products for human food or animal feed; or

(2) Any persons who engage in or for intrastate commerce in the business of rendering, pet feed manufacturing, buying, selling, storing, or transporting any wholesome or dead, dying, disabled or diseased livestock or poultry, or parts of the carcasses of any such livestock or poultry which died either by slaughter or otherwise.

54-1908. Director of Agriculture; powers. The director shall have the authority to:

(1) Remove inspection from any establishment that fails to abide by sections 54-1901 to 54-1915 or any rule or regulation promulgated thereunder;

(2) Refuse to provide inspection service under sections 54-1901 to 54-1915 with respect to any establishment for causes specified in section 401 of the Federal Meat Inspection Act or section 18 of the Federal Poultry Products Inspection Act;

(3) Order labeling and containers to be withheld from use if he determines that the labeling is false or misleading or the containers are of a misleading size or form;

(4) Require that equines be slaughtered and prepared in establishments separate from establishments where other livestock are slaughtered or their products are prepared;

(5) Appoint as his agent and prescribe the duties of such inspectors and personnel, including employees of the United States Department of Agriculture, as he deems necessary for the efficient execution of the provisions of sections 54-1901 to 54-1915; Provided, that inspection requested at times other than regularly scheduled inspection times shall be at the establishment operator's expense;

(6) Cooperate with the Secretary of Agriculture of the United States or with any governmental subdivision of this state in the administration of sections 54-1901 to 54-1915, and to accept federal assistance or assistance from any governmental subdivision of this state for that purpose, and to spend funds of this state appropriated for administration of sections 54-1901 to 54-1915; Provided, that if the director enters into an agreement with the Secretary of Agriculture of the United States involving the acceptance of federal assistance and the utilization of both state and federal personnel, the salaries of state personnel involved in carrying out the enforcement of sections 54-1901 to 54-1915 shall be comparable to those of their federal counterparts;

(7) Recommend to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts, such officials or employees of the department as the director shall designate;

(8) Serve as the representative of the Governor for consultation with the secretary under paragraph (c) of section 301 of the Federal Meat Inspection Act and paragraph (c) of section 5 of the Federal Poultry Products Inspection Act;

(9) Exempt the operations or any part of the operations at any establishment from inspection or other requirements of sections 54-1901 to 54-1915 to the extent he determines such operations are exempt under the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act when such exemption would not jeopardize the public health or welfare; or exempt from the inspection requirements of sections 54-1901 to 54-1915 the slaughter of livestock and poultry, preparation of livestock products and poultry products at any establishment in Nebraska when he determines that it is impractical to provide such inspection and that such exemption will otherwise facilitate

enforcement of sections 54-1901 to 54-1915 and not endanger the health and welfare of the people of this state. The director may refuse, withdraw, or modify any exemption under this subdivision whenever he determines such action is necessary to effectuate the purposes of sections 54-1901 to 54-1915;

(10) Promulgate regulations prescribing the sizes and style of type to be used for labeling information required under sections 54-1901 to 54-1915, and definitions and standards of identity or composition or standards of fill of container, consistent with federal standards, when he deems such action appropriate for the protection of the health and welfare of the public;

(11) Promulgate regulations prescribing conditions of storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing, or transporting such articles in or for intrastate commerce as brokers, wholesalers, common carriers, or otherwise to assure that such articles will not be adulterated or misbranded when delivered to the consumer;

(12) Promulgate rules and regulations as he deems necessary prescribing sanitation, ante mortem inspection, post mortem inspection, labeling requirements, and facility requirements for the slaughtering and preparation of horses, mules and other equines and other species in all establishments; and

(13) Promulgate rules and regulations as he deems necessary for the efficient execution of the provisions of sections 54-1901 to 54-1915, including rules of practice providing opportunity for hearing in connection with issuance of orders under section 54-1905 and prescribing procedure for proceedings in such cases.

54-1909. Unlawful acts. It shall be unlawful for any person to:

(1) Slaughter any livestock or poultry or prepare any livestock products or poultry products which are capable of use as human food, at any establishment, without first obtaining a license from the director and then only when slaughter or preparation is done in compliance with the requirements of sections 54-1901 to 54-1915 and regulations promulgated by the director;

(2) Engage in rendering or pet feed manufacturing without first obtaining a license from the director and then only when such activity is in compliance with the requirements of sections 54-1901 to 54-1915 and regulations promulgated by the director;

(3) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any such articles which (a) are capable of use as human food and (b) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or any articles required to be inspected under sections 54-1901 to 54-1915 unless they have been so inspected and passed;

(4) Slaughter livestock or poultry for regular commercial channels of commerce unless subjected to ante mortem and post mortem inspection, or to sell, offer for sale, expose for sale or have in possession for the purpose of sale, transport or receive for transportation any livestock product or poultry product capable of use as human food which was slaughtered without ante mortem and post mortem inspection and which fails to bear the marks of identification as required by sections 54-1901 to 54-1915 and rules and regulations thereunder. The possession of any quantity of livestock product or poultry product in an amount greater than meets the reasonable consumption of the owner thereof, including all members of his immediate household and nonpaying guests, shall be prima facie evidence of intent to sell same contrary to the provisions of sections 54-1901 to 54-1915;

(5) With respect to any such articles which are capable of use as human food, do any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded;

(6) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce or from any establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the director, except as may be authorized by such regulations;

(7) Fail to mark or identify any livestock or poultry, part or product of such carcass as required by sections 54-1901 to 54-1915 or regulations promulgated hereunder;

(8) Violate any provision of the regulations or orders of the director entered pursuant to section 54-1904 or 54-1905 or regulations promulgated pursuant to section 54-1906 to 54-1908;

(9) Cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation thereof, except as authorized by the director;

(10) Forge any official device, mark, or certificate or without authorization from the director use any official device, mark or certificate, or simulation thereof, or alter, detach, remove, deface, or destroy any official device, mark, or certificate required pursuant to the terms of sections 54-1901 to 54-1915 and regulations promulgated by the director;

(11) Knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, including poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark, or knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations promulgated by the director; or knowingly represent that any article has been inspected and passed, or exempted, under sections 54-1901 to 54-1915, when in fact it has not been so inspected and passed, or exempted;

(12) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce any carcasses of horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the director to show the kinds of animals from which they were derived;

(13) Buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any livestock products or poultry products, or dead, dying, disabled, or diseased livestock or poultry which are not intended for use as human food unless they are denatured or otherwise identified or decharacterized as required by the regulations of the director so as to prevent them from being used for human food purposes;

(14) Give, pay, or offer, directly or indirectly, to any officer or employee of this state authorized to perform any of the duties prescribed by sections 54-1901 to 54-1915 or by the regulations of the director, any money or other thing of value, with intent to influence such officer or employee in the discharge of any such duty;

(15) Neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the director; or

(16) Willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under sections 54-1901 to 54-1915 or regulations thereunder, or willfully make, or cause to be made, any false entry in any account, record or memorandum kept by any person subject to sections 54-1901 to 54-1915 or willfully neglect or fail to make or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person or that shall willfully remove out of the jurisdiction of this state, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any person subject to sections 54-1901 to 54-1915 or to willfully refuse to submit to the director or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to sections 54-1901 to 54-1915 in his possession or within his control; or for any inspector to make public any information obtained by the director, under the authority granted by sections 54-1901 to 54-1915, without first securing his authority to do so, unless directed by a court to divulge such information.

54-1910. Inspection of products; when completed. No inspection of products placed in any container at any official establishment shall be deemed to be complete until the products are sealed or enclosed therein under the supervision of an inspector.

54-1911. Exempted product; adulterated or misbranded; seized by inspector; when. Whenever any livestock product or poultry product or any product exempted from the definition of a livestock product and from the definition of a poultry product, or any dead, dying, disabled, or diseased livestock or poultry, is found by any authorized representative of the director upon any premises where it is held for purposes of distribution, or

during or after distribution, in intrastate commerce or is otherwise subject to sections 54-1901 to 54-1915, and the authorized representative or inspector has reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected and fails to bear an official mark or is otherwise in violation of the provisions of sections 54-1901 to 54-1915 or of the federal acts or the Nebraska Pure Food Act, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be seized and embargoed by such representative or inspector for a period not to exceed twenty days, pending action under section 54-1912 or notification of any federal authorities having jurisdiction over such article or animal, and shall not be moved by any person from the place at which it is located when so seized or embargoed until released by an inspector or representative of the department or by an order of a court having jurisdiction. All official marks may be required by such representative or inspector to be removed from such article or animal before it is released unless it appears to the satisfaction of the director that the article or animal is eligible to retain such mark or marks.

54-1912. Product found adulterated or misbranded; seizure; destruction; procedure. Any livestock product or poultry product or any dead, dying, disabled, or diseased livestock or poultry that is being transported in intrastate commerce or is otherwise subject to sections 54-1901 to 54-1915, or is held for sale in this state after such transportation, and that (1) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of sections 54-1901 to 54-1915 or any rules or regulations duly promulgated thereunder, or (2) is capable of use as a human food and found to be adulterated or misbranded, or (3) in any other way is in violation of sections 54-1901 to 54-1915, shall be seized and embargoed.

Upon receiving written permission from the owner or claimant, all articles, animals, or poultry under seizure or embargo shall be destroyed at the expense of the owner or claimant. When permission for destruction cannot be obtained, the director shall petition a judge of the district court in whose jurisdiction the article, animal, or poultry is seized or embargoed for a condemnation of such article, animal, or poultry. If the court finds that the seized or embargoed article, animal, or poultry is adulterated or misbranded, it shall, after entry of the decree, be destroyed at the expense of the claimant or owner thereof, under the supervision of the

director or an inspector, and all court costs and fees and storage and other proper expenses shall be taxed against the owner or claimant or his or her agent; Provided, that when the adulteration or misbranding can be corrected by proper labeling or further processing of the article of livestock or poultry, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond has been executed, conditioned that such article of livestock or poultry shall be so labeled or further processed, may by order direct that such article of livestock or poultry be delivered to claimant thereof for labeling or further processing under the supervision of an inspector. The expense of such supervision may be assessed against the claimant. The article of livestock or poultry shall be returned to the claimant on the representation to the court by the director that it is no longer in violation of sections 54-1901 to 54-1915, the Nebraska Pure Food Act, or of any federal act or acts, and that the expenses of such supervision have been paid. In the case of mislabeled or misbranded articles of livestock or poultry which are abandoned by the owner and for which no claimant appears, the same may be sold by the director or his or her agent and the proceeds of the sale shall be paid to the State Treasurer to be placed in the General Fund. No article, poultry, or livestock shall be sold contrary to the provisions of sections 54-1901 to 54-1915, the Nebraska Pure Food Act, the Wholesome Meat Act, or the Wholesome Poultry Products Act.

The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of sections 54-1901 to 54-1915, or other laws. The district courts of this state are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, sections 54-1901 to 54-1915 and shall have jurisdiction in all other kinds of cases arising under sections 54-1901 to 54-1915 except as otherwise provided for in sections 54-1901 to 54-1915.

54-1913. Officer, inspector, employee of state; bribes, acceptances; interference; penalty. (1) Any officer, inspector, or employee of this state authorized to perform any of the duties prescribed by sections 54-1901 to 54-1915 who shall accept any money, gift, or other thing of value from any person given with intent to influence his official action, or who shall receive or accept from any person engaged in intrastate commerce subject to sections 54-1901 to 54-1915 any gift, money, or other thing of value given with any purpose or intent whatsoever,

shall be deemed guilty of a Class III misdemeanor and shall be summarily discharged from office.

(2) Any person who forcibly assaults, resists, opposes, impedes, intimidates, bribes or attempts to bribe, or interferes with any inspector or employee while engaged in or on account of the performance of his official duties under sections 54-1901 to 54-1915, shall be deemed guilty of a Class II misdemeanor.

(3) Any person who violates any provisions of sections 54-1901 to 54-1915 or regulations duly promulgated thereunder, for which no other criminal penalty is provided by sections 54-1901 to 54-1915, shall be deemed guilty of a Class II misdemeanor, but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, such person shall be guilty of a Class IV felony.

54-1914. Director of Agriculture; violations; investigations; powers; subpoenas. The director shall have the following additional powers:

(1) Whenever he or she has reason to believe that any licensee may be in possession of information relevant to an investigation by him or her of suspected violations of the provisions of the Nebraska Meat and Poultry Inspection Law or regulations promulgated thereunder, the director may require such person to file with him or her in such form as he or she may prescribe special reports or answers in writing to specific questions, furnishing such information. Such reports and answers shall be made under oath and shall be filed with the director within such reasonable period as the director may prescribe, unless additional time is granted in any case upon prompt application for same.

(2) To have access to all establishments, including any premises where a mobile or remote processing unit is located or utilized, for the purposes of examination or inspection or both at all times and the right to copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person or the taking of a deposition relating to any matter under his or her investigation. The director may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence in accordance with the provisions of section 54-1905. In case of disobedience to a subpoena, the director

may invoke the aid of the district court of Lancaster County in requiring the attendance and testimony of witnesses and the production of documentary evidence. If any person fails to obey an order of the court, he or she may be punished by the court as for contempt thereof. Witnesses summoned or required to give depositions shall be paid the same fees that are paid witnesses in the district courts of this state and mileage at the same rate provided in section 81-1176 for state employees.

No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the director or in obedience to the subpoena of the director, whether such subpoena be signed or issued by the director or his or her delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the Nebraska Meat and Poultry Inspection Law, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or her may tend to incriminate him or her or subject him or her to a penalty or forfeiture; but no individual shall be prosecuted or subjected to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she is compelled, after having claimed his or her privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

54-1915. Director of Agriculture; cooperate with United States Department of Agriculture. The director is hereby authorized to cooperate with the United States Department of Agriculture for the exchange and cross certification of employees or inspectors to implement sections 54-1901 to 54-1915.

ACTAV.doc