

LEGISLATIVE COMMITTEE MINUTES

HB119

Bill as
Introduced

HB 119-FN - AS AMENDED BY THE HOUSE

16Mar2023... 0629h

2023 SESSION

23-0111
08/10

HOUSE BILL

119-FN

AN ACT

relative to homestead food operation licensure.

SPONSORS:

Rep. Ankarberg, Straf. 7; Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Coulon, Graf. 5; Rep. Jonathan. Smith, Carr. 5

COMMITTEE:

Environment and Agriculture

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to homestead food operation licensure.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

2 VII. Homestead food operations selling ~~less than a maximum annual gross sales of \$35,000~~
3 of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead
4 residence, at the owner's farm stand, or at farmers' markets.

5 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 119-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to homestead food operation licensure.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General license fees	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Food

METHODOLOGY:

This bill increases the homestead food operations threshold from \$35,000 to \$70,000 in annual gross sales. Entities selling less than the threshold amount are not subject to licensure and inspection requirements under RSA 143-A. The Department of Health and Human Services states that since it does not track homestead food operations by gross sales, it is unable to determine how many establishments would no longer require inspections or pay the annual food service licensure fee. The fiscal impact to the state general fund (into which the fees are deposited) is therefore indeterminable. The impact on department workload due to a presumed decrease in inspections is likewise indeterminable.

It is assumed there will be no fiscal impact until FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services

HB 119-FN - AS AMENDED BY THE SENATE

16Mar2023... 0629h
05/18/2023 1895s

2023 SESSION

23-0111
08/10

HOUSE BILL **119-FN**

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

SPONSORS: Rep. Ankarberg, Straf. 7; Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Coulon, Graf. 5; Rep. Jonathan. Smith, Carr. 5

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 119-FN - AS AMENDED BY THE SENATE

16Mar2023... 0629h
05/18/2023 1895s

23-0111
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

2 VII. Homestead food operations selling [~~less than a maximum annual gross sales of \$35,000~~
3 ~~of~~] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead
4 residence, at the owner's farm stand, or at farmers' markets.

5 2 Food Services Licensure; Exemption. Amend RSA 143-A:5, IX to read as follows:

6 IX. A farm owned or operated by any person, firm, or corporation that raises bison, ***elk, or***
7 ***red deer*** for human consumption, and the direct sale within this state of the carcasses, parts, meat,
8 and meat food products of such animals, when slaughtered and processed in accordance with RSA
9 427:2-a, IV, to the consumer from such farm, at the producer's farm stand, and by the producer at
10 farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

11 3 Meat from Uninspected Bison, Elk, and Red Deer. Amend the subdivision heading preceding
12 RSA 143-A:18 to read as follows:

13 Meat from Uninspected Bison, ***Elk, or Red Deer***

14 4 Food Services Licensure; Cervidae Animals Added. Amend RSA 143-A:18 through RSA 143-
15 A:20 to read as follows:

16 143-A:18 Definition of Uninspected Bison, ***Elk, or Red Deer***. For purposes of this subdivision,
17 "uninspected ***bison, elk, or red deer***" means carcasses, parts, meat, and meat food products of
18 bison, ***elk, or red deer*** slaughtered and processed in accordance with RSA 427:16, XII and sold or to
19 be sold as provided in RSA 427:2-a, IV.

20 143-A:19 Labeling; Meat from Uninspected Bison, ***Elk, or Red Deer***. All packaging containing
21 uninspected bison, ***elk, or red deer*** shall be clearly labeled to include a description of the product,
22 the name, address, and telephone number of the farm where the product originates, and the date of
23 slaughter.

24 143-A:20 Purchase of Uninspected Bison, ***Elk, or Red Deer*** by Licensed Restaurants.

25 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison, ***elk, or***
26 ***red deer*** producers uninspected bison, ***elk or red deer*** that is labeled in accordance with RSA 143-
27 A:19.

1 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
2 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
3 producer, the name and address of the farm, and phone number.

4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison,
5 *elk, or red deer* with the following statement: "This product was slaughtered at the farm and is
6 exempt from state and federal inspection."

7 5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

8 IV. The slaughter of bison, *elk, or red deer* on a farm for purposes of sale, as provided in
9 RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the
10 slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products
11 for sale within this state to the public. The slaughter of a bison, *elk, or red deer* under this
12 paragraph shall be permitted only:

13 (a) When the owner of the bison, *elk, or red deer* designates a slaughter area on the
14 farm premises.

15 (b) When the bison, *elk, or red deer* is slaughtered in a humane method, as defined in
16 RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

17 (c) From September 1 to April 30.

18 (d) When no more than 12 hours passes from the time of slaughter to the placement of
19 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

20 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
21 examination of each [~~bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem~~
22 ~~examination of the carcass, and documents his or her examinations in the report required under~~
23 ~~subparagraph (f).]~~ *herd on an annual basis and the documents related to his or her*
24 *examination are kept on file with all relevant information including:*

25 (1) *Species being inspected;*

26 (2) *Herd condition; and*

27 (3) *Location and time of inspection.*

28 (f) ~~When the veterinarian and owner make a report of the slaughter on a form or forms~~
29 ~~provided by the state veterinarian which contains the following:~~

30 (1) ~~Name, address, and phone number of animal owner and the location of the farm.~~

31 (2) ~~Identification number on animal to assure same carcass arrives at the processing~~
32 ~~facility.~~

33 (3) ~~Date and time of slaughter and the time of each examination.~~

34 (4) ~~Statement that examinations were visual.~~

35 (5) ~~Statement that live animal was examined both at rest and in motion.~~

36 (6) ~~Ante-mortem examination stating live animal is free from any observed~~
37 ~~abnormalities, including but not limited to:~~

1 ~~(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked~~
2 ~~abdomen, arched back, extended neck or tail, etc.);~~

3 ~~(B) No abnormal discharges or odors.~~

4 ~~(C) No blisters or vesicles observed.~~

5 ~~(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other~~
6 ~~skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

7 ~~(E) Animal did not appear abnormally nervous or restless, excessively anxious or~~
8 ~~upset, depressed, disinterested, or blind.~~

9 ~~(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch~~
10 ~~excessively.~~

11 ~~(G) Both eyes present and normal.~~

12 ~~(7) Post mortem examination stating carcass is free from any observed~~
13 ~~abnormalities, including but not limited to:~~

14 ~~(A) Mouth, tongue, and eyes appear normal.~~

15 ~~(B) Lymph nodes appear normal.~~

16 ~~(C) No observed lumps, bumps, or growths.~~

17 ~~(D) No abnormal odors or discharges.~~

18 ~~(E) No adhesions or ongoing infectious processes.~~

19 ~~(8) This statement: "A veterinarian licensed to practice in the state shall be held~~
20 ~~harmless from either criminal or civil liability for any decisions made for services rendered in good~~
21 ~~faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a~~
22 ~~lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the~~
23 ~~products of this animal." Liability for any illness or product quality failure shall rest solely and~~
24 ~~completely with the animal owner.~~

25 ~~(9) A certification by the animal owner that this animal is free from antibiotic,~~
26 ~~dewormer, and chemical residues, and that the label instructions were followed regarding the~~
27 ~~withdrawal of such substances.~~

28 ~~(10) Signature blocks for both the veterinarian and the animal owner, signed by~~
29 ~~both.~~

30 ~~(g)] (f) When such animal is transported to and processed at a facility that is eligible to~~
31 ~~conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and~~
32 ~~associated Departmental regulations.~~

33 ~~[(h)] (g) When the owner of the bison, *elk, or red deer* retains the original copy of the~~
34 ~~report made in subparagraph~~[(f)] (e). A copy of such report shall accompany the *bison, elk, or red*~~
35 ~~*deer* carcass to the processing facility. The processing facility shall retain a copy of the report for~~
36 ~~one year.~~~~

HB 119-FN - AS AMENDED BY THE SENATE

- Page 4 -

1 ~~[(h)]~~ **(h)** When bison, *elk*, or *red deer* meat is ground for sale, ~~[(it is)]~~ *ground meat from*
2 *every second animal processed shall be* tested by the processing facility for Escherichia coli and
3 salmonella at the ~~[bison]~~ owner's expense. All aspects of the testing, including sampling, shall be
4 done in a manner that complies with standards and procedures of the USDA, and may include the
5 services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt
6 of the test result that indicates the product is safe to eat. The test result shall be kept by the owner
7 for at least one year.

8 ~~[(i)]~~ **(i)** Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA
9 143-A:19.

10 6 Effective Date. This act shall take effect 60 days after its passage.

HB 119-FN- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDMENT #2023-1895s)

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Food License Fees			

METHODOLOGY:

This bill increases the homestead food operations threshold from \$35,000 to \$70,000 in annual gross sales. Entities selling less than the threshold amount are not subject to licensure and inspection requirements under RSA 143-A. The Department of Health and Human Services states that since it does not track homestead food operations by gross sales, it is unable to determine how many establishments would no longer require inspections or pay the annual food service licensure fee. The fiscal impact to the state general fund (into which the fees are deposited) is therefore indeterminable. The impact on Department workload due to a presumed decrease in inspections is likewise indeterminable.

In addition to the change above, the bill as amended by the Senate expands food service and meat inspection regulations to cover bison, elk, and red deer. The Department expects these changes to have minimal fiscal impact (less than \$500 per year).

It is assumed there will be no fiscal impact until FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services

HB 119-FN - VERSION ADOPTED BY BOTH BODIES

16Mar2023... 0629h
05/18/2023 1895s
29Jun2023... 2224CofC

2023 SESSION

23-0111
08/10

HOUSE BILL **119-FN**

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COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer. The changes relative to inspection of elk and red deer are prospectively repealed in 2025.

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8 and meat food products of such animals, when slaughtered and processed in accordance with RSA
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10 farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

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12 RSA 143-A:18 to read as follows:

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17 "uninspected ***bison, elk, or red deer***" means carcasses, parts, meat, and meat food products of
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21 uninspected bison, ***elk, or red deer*** shall be clearly labeled to include a description of the product,
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23 slaughter.

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26 ***red deer*** producers uninspected bison, ***elk or red deer*** that is labeled in accordance with RSA 143-
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4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison,
5 *elk, or red deer* with the following statement: "This product was slaughtered at the farm and is
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7 5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

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9 RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the
10 slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products
11 for sale within this state to the public. The slaughter of a bison, *elk, or red deer* under this
12 paragraph shall be permitted only:

13 (a) When the owner of the bison, *elk, or red deer* designates a slaughter area on the
14 farm premises.

15 (b) When the bison, *elk, or red deer* is slaughtered in a humane method, as defined in
16 RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

17 (c) From September 1 to April 30.

18 (d) When no more than 12 hours passes from the time of slaughter to the placement of
19 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

20 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
21 examination of each [bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem
22 examination of the carcass, and documents his or her examinations in the report required under
23 subparagraph (f)] *herd on an annual basis and the documents related to his or her*
24 *examination are kept on file with all relevant information including:*

25 (1) *Species being inspected;*

26 (2) *Herd condition; and*

27 (3) *Location and time of inspection.*

28 ~~(f) When the veterinarian and owner make a report of the slaughter on a form or forms~~
29 ~~provided by the state veterinarian which contains the following:~~

30 ~~(1) Name, address, and phone number of animal owner and the location of the farm.~~

31 ~~(2) Identification number on animal to assure same carcass arrives at the processing~~
32 ~~facility.~~

33 ~~(3) Date and time of slaughter and the time of each examination.~~

34 ~~(4) Statement that examinations were visual.~~

35 ~~(5) Statement that live animal was examined both at rest and in motion.~~

36 ~~(6) Ante mortem examination stating live animal is free from any observed~~
37 ~~abnormalities, including but not limited to:~~

1 ~~(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked~~
2 ~~abdomen, arched back, extended neck or tail, etc.).~~

3 ~~(B) No abnormal discharges or odors.~~

4 ~~(C) No blisters or vesicles observed.~~

5 ~~(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other~~
6 ~~skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

7 ~~(E) Animal did not appear abnormally nervous or restless, excessively anxious or~~
8 ~~upset, depressed, disinterested, or blind.~~

9 ~~(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch~~
10 ~~excessively.~~

11 ~~(G) Both eyes present and normal.~~

12 ~~(7) Post-mortem examination stating carcass is free from any observed~~
13 ~~abnormalities, including but not limited to:~~

14 ~~(A) Mouth, tongue, and eyes appear normal.~~

15 ~~(B) Lymph nodes appear normal.~~

16 ~~(C) No observed lumps, bumps, or growths.~~

17 ~~(D) No abnormal odors or discharges.~~

18 ~~(E) No adhesions or ongoing infectious processes.~~

19 ~~(8) This statement: "A veterinarian licensed to practice in the state shall be held~~
20 ~~harmless from either criminal or civil liability for any decisions made for services rendered in good~~
21 ~~faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a~~
22 ~~lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the~~
23 ~~products of this animal." Liability for any illness or product quality failure shall rest solely and~~
24 ~~completely with the animal owner.~~

25 ~~(9) A certification by the animal owner that this animal is free from antibiotic,~~
26 ~~dewormer, and chemical residues, and that the label instructions were followed regarding the~~
27 ~~withdrawal of such substances.~~

28 ~~(10) Signature blocks for both the veterinarian and the animal owner, signed by~~
29 ~~both.~~

30 ~~(g)] (f) When such animal is transported to and processed at a facility that is eligible to~~
31 ~~conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and~~
32 ~~associated Departmental regulations.~~

33 ~~[(h)] (g) When the owner of the bison, *elk, or red deer* retains the original copy of the~~
34 ~~report made in subparagraph[-(f)] (e). A copy of such report shall accompany the *bison, elk, or red*~~
35 ~~*deer* carcass to the processing facility. The processing facility shall retain a copy of the report for~~
36 ~~one year.~~

1 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
2 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
3 producer, the name and address of the farm, and phone number.

4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison[,
5 elk, or red deer] with the following statement: "This product was slaughtered at the farm and is
6 exempt from state and federal inspection."

7 9 Prospective Amendment; 2025. RSA 427:2-a, IV is repealed and reenacted to read as follows:

8 IV. The slaughter of bison on a farm for purposes of sale, as provided in RSA 143-A:5, IX,
9 shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of
10 animals and preparation of the carcasses, parts thereof, meat, and meat food products for sale within
11 this state to the public. The slaughter of a bison under this paragraph shall be permitted only:

12 (a) When the owner of the bison designates a slaughter area on the farm premises.

13 (b) When the bison is slaughtered in a humane method, as defined in RSA 427:33, III, by
14 the owner or the owner's full time or seasonal employee.

15 (c) From September 1 to April 30.

16 (d) When no more than 12 hours passes from the time of slaughter to the placement of
17 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

18 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
19 examination of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem
20 examination of the carcass, and documents his or her examinations in the report required under
21 subparagraph (f).

22 (f) When the veterinarian and owner make a report of the slaughter on a form or forms
23 provided by the state veterinarian which contains the following:

24 (1) Name, address, and phone number of animal owner and the location of the farm.

25 (2) Identification number on animal to assure same carcass arrives at the processing
26 facility.

27 (3) Date and time of slaughter and the time of each examination.

28 (4) Statement that examinations were visual.

29 (5) Statement that live animal was examined both at rest and in motion.

30 (6) Ante-mortem examination stating live animal is free from any observed
31 abnormalities, including but not limited to:

32 (A) No observed lameness, stiffness, abnormal body positions (e.g. tucked
33 abdomen, arched back, extended neck or tail, etc.).

34 (B) No abnormal discharges or odors.

35 (C) No blisters or vesicles observed.

36 (D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other
37 skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.

HB 119-FN - VERSION ADOPTED BY BOTH BODIES

- Page 6 -

1 (E) Animal did not appear abnormally nervous or restless, excessively anxious or
2 upset, depressed, disinterested, or blind.

3 (F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch
4 excessively.

5 (G) Both eyes present and normal.

6 (7) Post-mortem examination stating carcass is free from any observed
7 abnormalities, including but not limited to:

8 (A) Mouth, tongue, and eyes appear normal.

9 (B) Lymph nodes appear normal.

10 (C) No observed lumps, bumps, or growths.

11 (D) No abnormal odors or discharges.

12 (E) No adhesions or ongoing infectious processes.

13 (8) This statement: "A veterinarian licensed to practice in the state shall be held
14 harmless from either criminal or civil liability for any decisions made for services rendered in good
15 faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a
16 lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the
17 products of this animal." Liability for any illness or product quality failure shall rest solely and
18 completely with the animal owner.

19 (9) A certification by the animal owner that this animal is free from antibiotic,
20 dewormer, and chemical residues, and that the label instructions were followed regarding the
21 withdrawal of such substances.

22 (10) Signature blocks for both the veterinarian and the animal owner, signed by
23 both.

24 (g) When such animal is transported to and processed at a facility that is eligible to
25 conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and
26 associated Departmental regulations.

27 (h) When the owner of the bison retains the original copy of the report made in
28 subparagraph (f). A copy of such report shall accompany the bison carcass to the processing facility.
29 The processing facility shall retain a copy of the report for one year.

30 (i) When bison meat is ground for sale, it is tested by the processing facility for
31 Escherichia coli and salmonella at the bison owner's expense. All aspects of the testing, including
32 sampling, shall be done in a manner that complies with standards and procedures of the USDA, and
33 may include the services of an outside laboratory. The owner of the meat shall not sell it until he or
34 she is in receipt of the test result that indicates the product is safe to eat. The test result shall be
35 kept by the owner for at least one year.

36 (j) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-
37 A:19.

1 10 Repeal. RSA 427:2, XXV, relative to the definition of atypical death, is repealed.

2 11 Effective Date.

3 I. Sections 7-10 of this act shall take effect July 1, 2025.

4 II. The remainder of this act shall take effect 60 days after its passage.

HB 119-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-1895s)

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other Food License Fees			

METHODOLOGY:

This bill increases the homestead food operations threshold from \$35,000 to \$70,000 in annual gross sales. Entities selling less than the threshold amount are not subject to licensure and inspection requirements under RSA 143-A. The Department of Health and Human Services states that since it does not track homestead food operations by gross sales, it is unable to determine how many establishments would no longer require inspections or pay the annual food service licensure fee. The fiscal impact to the state general fund (into which the fees are deposited) is therefore indeterminable. The impact on Department workload due to a presumed decrease in inspections is likewise indeterminable.

In addition to the change above, the bill as amended by the Senate expands food service and meat inspection regulations to cover bison, elk, and red deer. The Department expects these changes to have minimal fiscal impact (less than \$500 per year).

It is assumed there will be no fiscal impact until FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services

CHAPTER 180
HB 119-FN - FINAL VERSION

16Mar2023... 0629h
05/18/2023 1895s
29Jun2023... 2224CofC

2023 SESSION

23-0111
08/10

HOUSE BILL ***119-FN***

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

SPONSORS: Rep. Ankarberg, Straf. 7; Rep. Berezhny, Graf. 11; Rep. Cushman, Hills. 28; Rep. Coulon, Graf. 5; Rep. Jonathan. Smith, Carr. 5

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer. The changes relative to inspection of elk and red deer are prospectively repealed in 2025.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 180
HB 119-FN - FINAL VERSION

16Mar2023... 0629h
05/18/2023 1895s
29Jun2023... 2224CofC

23-0111
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to homestead food operation licensure and making provisions for the sale of meat from uninspected bison, elk, or red deer.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 180:1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

2 VII. Homestead food operations selling [~~less than a maximum annual gross sales of \$35,000~~
3 of] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead
4 residence, at the owner's farm stand, or at farmers' markets.

5 180:2 Food Services Licensure; Exemption. Amend RSA 143-A:5, IX to read as follows:

6 IX. A farm owned or operated by any person, firm, or corporation that raises bison, **elk, or**
7 **red deer** for human consumption, and the direct sale within this state of the carcasses, parts, meat,
8 and meat food products of such animals, when slaughtered and processed in accordance with RSA
9 427:2-a, IV, to the consumer from such farm, at the producer's farm stand, and by the producer at
10 farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

11 180:3 Meat from Uninspected Bison, Elk, and Red Deer. Amend the subdivision heading
12 preceding RSA 143-A:18 to read as follows:

13 Meat from Uninspected Bison, **Elk, or Red Deer**

14 180:4 Food Services Licensure; Cervidae Animals Added. Amend RSA 143-A:18 through RSA
15 143-A:20 to read as follows:

16 143-A:18 Definition of Uninspected Bison, **Elk, or Red Deer**. For purposes of this subdivision,
17 "uninspected **bison, elk, or red deer**" means carcasses, parts, meat, and meat food products of
18 bison, **elk, or red deer** slaughtered and processed in accordance with RSA 427:16, XII and sold or to
19 be sold as provided in RSA 427:2-a, IV.

20 143-A:19 Labeling; Meat from Uninspected Bison, **Elk, or Red Deer**. All packaging containing
21 uninspected bison, **elk, or red deer** shall be clearly labeled to include a description of the product,
22 the name, address, and telephone number of the farm where the product originates, and the date of
23 slaughter.

24 143-A:20 Purchase of Uninspected Bison, **Elk, or Red Deer** by Licensed Restaurants.

25 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison, **elk, or**
26 **red deer** producers uninspected bison, **elk or red deer** that is labeled in accordance with RSA 143-
27 A:19.

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1 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
2 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
3 producer, the name and address of the farm, and phone number.

4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison,
5 *elk, or red deer* with the following statement: "This product was slaughtered at the farm and is
6 exempt from state and federal inspection."

7 180:5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

8 IV. The slaughter of bison, *elk, or red deer* on a farm for purposes of sale, as provided in
9 RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the
10 slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products
11 for sale within this state to the public. The slaughter of a bison, *elk, or red deer* under this
12 paragraph shall be permitted only:

13 (a) When the owner of the bison, *elk, or red deer* designates a slaughter area on the
14 farm premises.

15 (b) When the bison, *elk, or red deer* is slaughtered in a humane method, as defined in
16 RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

17 (c) From September 1 to April 30.

18 (d) When no more than 12 hours passes from the time of slaughter to the placement of
19 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

20 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
21 examination of each [~~bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem~~
22 ~~examination of the carcass, and documents his or her examinations in the report required under~~
23 ~~subparagraph (f).~~] *herd on an annual basis and the documents related to his or her*
24 *examination are kept on file with all relevant information including:*

25 (1) *Species being inspected;*

26 (2) *Herd condition; and*

27 (3) *Location and time of inspection.*

28 ~~(f) When the veterinarian and owner make a report of the slaughter on a form or forms~~
29 ~~provided by the state veterinarian which contains the following:~~

30 ~~(1) Name, address, and phone number of animal owner and the location of the farm.~~

31 ~~(2) Identification number on animal to assure same carcass arrives at the processing~~
32 ~~facility.~~

33 ~~(3) Date and time of slaughter and the time of each examination.~~

34 ~~(4) Statement that examinations were visual.~~

35 ~~(5) Statement that live animal was examined both at rest and in motion.~~

36 ~~(6) Ante-mortem examination stating live animal is free from any observed~~
37 ~~abnormalities, including but not limited to:~~

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HB 119-FN - FINAL VERSION
- Page 3 -

1 (A) ~~No observed lameness, stiffness, abnormal body positions (e.g. tucked~~
2 ~~abdomen, arched back, extended neck or tail, etc.)~~.

3 (B) ~~No abnormal discharges or odors.~~

4 (C) ~~No blisters or vesicles observed.~~

5 (D) ~~No abnormal growths, swellings, enlargements, injuries, loss of hair or other~~
6 ~~skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

7 (E) ~~Animal did not appear abnormally nervous or restless, excessively anxious or~~
8 ~~upset, depressed, disinterested, or blind.~~

9 (F) ~~Animal did not stagger, circle, head press, salivate excessively, rub or scratch~~
10 ~~excessively.~~

11 (G) ~~Both eyes present and normal.~~

12 (7) ~~Post mortem examination stating carcass is free from any observed~~
13 ~~abnormalities, including but not limited to:~~

14 (A) ~~Mouth, tongue, and eyes appear normal.~~

15 (B) ~~Lymph nodes appear normal.~~

16 (C) ~~No observed lumps, bumps, or growths.~~

17 (D) ~~No abnormal odors or discharges.~~

18 (E) ~~No adhesions or ongoing infectious processes.~~

19 (8) ~~This statement: "A veterinarian licensed to practice in the state shall be held~~
20 ~~harmless from either criminal or civil liability for any decisions made for services rendered in good~~
21 ~~faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a~~
22 ~~lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the~~
23 ~~products of this animal." Liability for any illness or product quality failure shall rest solely and~~
24 ~~completely with the animal owner.~~

25 (9) ~~A certification by the animal owner that this animal is free from antibiotic,~~
26 ~~dewormer, and chemical residues, and that the label instructions were followed regarding the~~
27 ~~withdrawal of such substances.~~

28 (10) ~~Signature blocks for both the veterinarian and the animal owner, signed by~~
29 ~~both.~~

30 ~~(g)~~ (f) When such animal is transported to and processed at a facility that is eligible to
31 conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and
32 associated Departmental regulations.

33 [(h)] (g) When the owner of the bison, *elk, or red deer* retains the original copy of the
34 report made in subparagraph~~[(f)]~~ (e). A copy of such report shall accompany the *bison, elk, or red*
35 *deer* carcass to the processing facility. The processing facility shall retain a copy of the report for
36 one year.

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1 ~~(h)~~ *(h)* When bison, *elk, or red deer* meat is ground for sale, ~~it is~~ *ground meat from*
2 *every second animal processed shall be* tested by the processing facility for Escherichia coli and
3 salmonella at the ~~bison~~ owner's expense. All aspects of the testing, including sampling, shall be
4 done in a manner that complies with standards and procedures of the USDA, and may include the
5 services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt
6 of the test result that indicates the product is safe to eat. The test result shall be kept by the owner
7 for at least one year.

8 ~~(g)~~ *(i)* Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA
9 143-A:19.

10 *(j)* *When the elk or red deer are sourced, kept, and propagated consistent with*
11 *the rules pursuant to RSA 207:14, RSA 212:25, and RSA 436:24.*

12 *(k)* *When, in the event any atypical death of a red deer or elk on the farm, that*
13 *animal's carcass is tested for chronic wasting disease under rules established by the*
14 *department of fish and game and the resulting test is negative.*

15 180:6 New Paragraph; Definitions. Amend RSA 427:2 by inserting after paragraph XXIV the
16 following new paragraph:

17 XXV. "Atypical death" means the death of a livestock animal not resulting from slaughter as
18 defined in RSA 427:2, XXII.

19 180:7 Prospective Amendment; 2025. The subdivision heading preceding RSA 143-A:18 is
20 repealed and reenacted to read as follows:

Meat from Uninspected Bison

22 180:8 Prospective Amendment; 2025; Cervidae Animals Removed. Amend RSA 143-A:18
23 through RSA 143-A:20 to read as follows:

24 143-A:18 Definition of Uninspected Bison~~[-Elk, or Red-Deer]~~. For purposes of this subdivision,
25 "uninspected bison ~~[elk, or red-deer]~~" means carcasses, parts, meat, and meat food products of
26 bison~~[-elk, or red-deer]~~ slaughtered and processed in accordance with RSA 427:16, XII and sold or to
27 be sold as provided in RSA 427:2-a, IV.

28 143-A:19 Labeling; Meat from Uninspected Bison~~[-Elk, or Red-Deer]~~. All packaging containing
29 uninspected bison~~[-elk, or red-deer]~~ shall be clearly labeled to include a description of the product,
30 the name, address, and telephone number of the farm where the product originates, and the date of
31 slaughter.

32 143-A:20 Purchase of Uninspected Bison~~[-Elk, or Red-Deer]~~ by Licensed Restaurants.

33 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison~~[-elk, or~~
34 ~~red-deer]~~ producers uninspected bison~~[-elk or red-deer]~~ that is labeled in accordance with RSA 143-
35 A:19.

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1 (D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other
2 skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.

3 (E) Animal did not appear abnormally nervous or restless, excessively anxious or
4 upset, depressed, disinterested, or blind.

5 (F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch
6 excessively.

7 (G) Both eyes present and normal.

8 (7) Post-mortem examination stating carcass is free from any observed
9 abnormalities, including but not limited to:

10 (A) Mouth, tongue, and eyes appear normal.

11 (B) Lymph nodes appear normal.

12 (C) No observed lumps, bumps, or growths.

13 (D) No abnormal odors or discharges.

14 (E) No adhesions or ongoing infectious processes.

15 (8) This statement: "A veterinarian licensed to practice in the state shall be held
16 harmless from either criminal or civil liability for any decisions made for services rendered in good
17 faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a
18 lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the
19 products of this animal." Liability for any illness or product quality failure shall rest solely and
20 completely with the animal owner.

21 (9) A certification by the animal owner that this animal is free from antibiotic,
22 dewormer, and chemical residues, and that the label instructions were followed regarding the
23 withdrawal of such substances.

24 (10) Signature blocks for both the veterinarian and the animal owner, signed by
25 both.

26 (g) When such animal is transported to and processed at a facility that is eligible to
27 conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and
28 associated Departmental regulations.

29 (h) When the owner of the bison retains the original copy of the report made in
30 subparagraph (f). A copy of such report shall accompany the bison carcass to the processing facility.
31 The processing facility shall retain a copy of the report for one year.

32 (i) When bison meat is ground for sale, it is tested by the processing facility for
33 *Escherichia coli* and salmonella at the bison owner's expense. All aspects of the testing, including
34 sampling, shall be done in a manner that complies with standards and procedures of the USDA, and
35 may include the services of an outside laboratory. The owner of the meat shall not sell it until he or
36 she is in receipt of the test result that indicates the product is safe to eat. The test result shall be
37 kept by the owner for at least one year.

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- 1 (j) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-
- 2 A:19.
- 3 180:10 Repeal. RSA 427:2, XXV, relative to the definition of atypical death, is repealed.
- 4 180:11 Effective Date.
- 5 I. Sections 7-10 of this act shall take effect July 1, 2025.
- 6 II. The remainder of this act shall take effect 60 days after its passage.

Approved: August 04, 2023

Effective Date:

I. Sections 7-10 effective July 1, 2025

II. Remainder effective October 3, 2023

Amendments

Amendment to HB 119-FN

1 Amend the bill by replacing the title with the following:

2

3 AN ACT relative to homestead food operation licensure and making provisions for the sale of
4 meat from uninspected bison, elk, or red deer.
5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 Food Services Licensure; Exemption. Amend RSA 143-A:5, IX to read as follows:

9 IX. A farm owned or operated by any person, firm, or corporation that raises bison, *elk, or*
10 *red deer* for human consumption, and the direct sale within this state of the carcasses, parts, meat,
11 and meat food products of such animals, when slaughtered and processed in accordance with RSA
12 427:2-a, IV, to the consumer from such farm, at the producer's farm stand, and by the producer at
13 farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

14 3 Meat from Uninspected Bison, Elk, and Red Deer. Amend the subdivision heading preceding
15 RSA 143-A:18 to read as follows:

16 Meat from Uninspected Bison, *Elk, or Red Deer*

17 4 Food Services Licensure; Cervidae Animals Added. Amend RSA 143-A:18 through RSA 143-
18 A:20 to read as follows:

19 143-A:18 Definition of Uninspected Bison, *Elk, or Red Deer*. For purposes of this subdivision,
20 "uninspected *bison, elk, or red deer*" means carcasses, parts, meat, and meat food products of
21 bison, *elk, or red deer* slaughtered and processed in accordance with RSA 427:16, XII and sold or to
22 be sold as provided in RSA 427:2-a, IV.

23 143-A:19 Labeling; Meat from Uninspected Bison, *Elk, or Red Deer*. All packaging containing
24 uninspected bison, *elk, or red deer* shall be clearly labeled to include a description of the product,
25 the name, address, and telephone number of the farm where the product originates, and the date of
26 slaughter.

27 143-A:20 Purchase of Uninspected Bison, *Elk, or Red Deer* by Licensed Restaurants.

28 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison, *elk, or*
29 *red deer* producers uninspected bison, *elk or red deer* that is labeled in accordance with RSA 143-
30 A:19.

Amendment to HB 119-FN

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1 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
2 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
3 producer, the name and address of the farm, and phone number.

4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison,
5 *elk, or red deer* with the following statement: "This product was slaughtered at the farm and is
6 exempt from state and federal inspection."

7 5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

8 IV. The slaughter of bison, *elk, or red deer* on a farm for purposes of sale, as provided in
9 RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the
10 slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat-food products
11 for sale within this state to the public. The slaughter of a bison, *elk, or red deer* under this
12 paragraph shall be permitted only:

13 (a) When the owner of the bison, *elk, or red deer* designates a slaughter area on the
14 farm premises.

15 (b) When the bison, *elk, or red deer* is slaughtered in a humane method, as defined in
16 RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

17 (c) From September 1 to April 30.

18 (d) When no more than 12 hours passes from the time of slaughter to the placement of
19 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

20 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
21 examination of each ~~[bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem~~
22 ~~examination of the carcass, and documents his or her examinations in the report required under~~
23 ~~subparagraph (f).]~~ *herd on an annual basis and the documents related to his or her*
24 *examination are kept on file with all relevant information including:*

25 *(1) Species being inspected;*

26 *(2) Herd condition; and*

27 *(3) Location and time of inspection.*

28 ~~(f) When the veterinarian and owner make a report of the slaughter on a form or forms~~
29 ~~provided by the state veterinarian which contains the following:~~

30 ~~(1) Name, address, and phone number of animal owner and the location of the farm.~~

31 ~~(2) Identification number on animal to assure same carcass arrives at the processing~~
32 ~~facility.~~

33 ~~(3) Date and time of slaughter and the time of each examination.~~

34 ~~(4) Statement that examinations were visual.~~

35 ~~(5) Statement that live animal was examined both at rest and in motion.~~

36 ~~(6) Ante-mortem examination stating live animal is free from any observed~~
37 ~~abnormalities, including but not limited to:~~

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1 (A) ~~No observed lameness, stiffness, abnormal body positions (e.g. tucked~~
2 ~~abdomen, arched back, extended neck or tail, etc.)~~.

3 (B) ~~No abnormal discharges or odors.~~

4 (C) ~~No blisters or vesicles observed.~~

5 (D) ~~No abnormal growths, swellings, enlargements, injuries, loss of hair or other~~
6 ~~skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

7 (E) ~~Animal did not appear abnormally nervous or restless, excessively anxious or~~
8 ~~upset, depressed, disinterested, or blind.~~

9 (F) ~~Animal did not stagger, circle, head press, salivate excessively, rub or scratch~~
10 ~~excessively.~~

11 (G) ~~Both eyes present and normal.~~

12 (7) ~~Post mortem examination stating carcass is free from any observed~~
13 ~~abnormalities, including but not limited to:~~

14 (A) ~~Mouth, tongue, and eyes appear normal.~~

15 (B) ~~Lymph nodes appear normal.~~

16 (C) ~~No observed lumps, bumps, or growths.~~

17 (D) ~~No abnormal odors or discharges.~~

18 (E) ~~No adhesions or ongoing infectious processes.~~

19 (8) ~~This statement: "A veterinarian licensed to practice in the state shall be held~~
20 ~~harmless from either criminal or civil liability for any decisions made for services rendered in good~~
21 ~~faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a~~
22 ~~lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the~~
23 ~~products of this animal." Liability for any illness or product quality failure shall rest solely and~~
24 ~~completely with the animal owner.~~

25 (9) ~~A certification by the animal owner that this animal is free from antibiotic,~~
26 ~~dewormer, and chemical residues, and that the label instructions were followed regarding the~~
27 ~~withdrawal of such substances.~~

28 (10) ~~Signature blocks for both the veterinarian and the animal owner, signed by~~
29 ~~both.~~

30 ~~(g)~~ (f) When such animal is transported to and processed at a facility that is eligible to
31 conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and
32 associated Departmental regulations.

33 ~~(h)~~ (g) When the owner of the bison, *elk, or red deer* retains the original copy of the
34 report made in subparagraph~~[-(f)]~~ (e). A copy of such report shall accompany the *bison, elk, or red*
35 *deer* carcass to the processing facility. The processing facility shall retain a copy of the report for
36 one year.

Amendment to HB 119-FN

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1 ~~(h)~~ (h) When bison, *elk, or red deer* meat is ground for sale, ~~it is~~ *ground meat from*
2 *every second animal processed shall be* tested by the processing facility for Escherichia coli and
3 salmonella at the ~~bison~~ owner's expense. All aspects of the testing, including sampling, shall be
4 done in a manner that complies with standards and procedures of the USDA, and may include the
5 services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt
6 of the test result that indicates the product is safe to eat. The test result shall be kept by the owner
7 for at least one year.

8 ~~(i)~~ (i) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA
9 143-A:19.

10 6 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2023-1481s

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer.

UNAPPROVED

Amendment to HB 119-FN

1 Amend the bill by replacing the title with the following:

2

3 AN ACT relative to homestead food operation licensure and making provisions for the sale of
4 meat from uninspected bison, elk, or red deer.
5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 Food Services Licensure; Exemption. Amend RSA 143-A:5, IX to read as follows:

9 IX. A farm owned or operated by any person, firm, or corporation that raises bison, *elk, or*
10 *red deer* for human consumption, and the direct sale within this state of the carcasses, parts, meat,
11 and meat food products of such animals, when slaughtered and processed in accordance with RSA
12 427:2-a, IV, to the consumer from such farm, at the producer's farm stand, and by the producer at
13 farmers' markets, or when sold to a licensed restaurant in accordance with RSA 143-A:20.

14 3 Meat from Uninspected Bison, Elk, and Red Deer. Amend the subdivision heading preceding
15 RSA 143-A:18 to read as follows:

16 Meat from Uninspected Bison, *Elk, or Red Deer*

17 4 Food Services Licensure; Cervidae Animals Added. Amend RSA 143-A:18 through RSA 143-
18 A:20 to read as follows:

19 143-A:18 Definition of Uninspected Bison, *Elk, or Red Deer*. For purposes of this subdivision,
20 "uninspected *bison, elk, or red deer*" means carcasses, parts, meat, and meat food products of
21 bison, *elk, or red deer* slaughtered and processed in accordance with RSA 427:16, XII and sold or to
22 be sold as provided in RSA 427:2-a, IV.

23 143-A:19 Labeling; Meat from Uninspected Bison, *Elk, or Red Deer*. All packaging containing
24 uninspected bison, *elk, or red deer* shall be clearly labeled to include a description of the product,
25 the name, address, and telephone number of the farm where the product originates, and the date of
26 slaughter.

27 143-A:20 Purchase of Uninspected Bison, *Elk, or Red Deer* by Licensed Restaurants.

28 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison, *elk, or*
29 *red deer* producers uninspected bison, *elk or red deer* that is labeled in accordance with RSA 143-
30 A:19.

Amendment to HB 119-FN

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1 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
2 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
3 producer, the name and address of the farm, and phone number.

4 III. The licensed restaurant shall clearly label any menu item containing uninspected bison,
5 *elk, or red deer* with the following statement: "This product was slaughtered at the farm and is
6 exempt from state and federal inspection."

7 5 Meat Inspection; Exemptions. Amend RSA 427:2-a, IV to read as follows:

8 IV. The slaughter of bison, *elk, or red deer* on a farm for purposes of sale, as provided in
9 RSA 143-A:5, IX, shall be exempt from the provisions of this subdivision requiring inspection of the
10 slaughter of animals and preparation of the carcasses, parts thereof, meat, and meat food products
11 for sale within this state to the public. The slaughter of a bison, *elk, or red deer* under this
12 paragraph shall be permitted only:

13 (a) When the owner of the bison, *elk, or red deer* designates a slaughter area on the
14 farm premises.

15 (b) When the bison, *elk, or red deer* is slaughtered in a humane method, as defined in
16 RSA 427:33, III, by the owner or the owner's full time or seasonal employee.

17 (c) From September 1 to April 30.

18 (d) When no more than 12 hours passes from the time of slaughter to the placement of
19 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

20 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
21 examination of each ~~[bison on the day of slaughter, witnesses the slaughter, conducts a post mortem~~
22 ~~examination of the carcass, and documents his or her examinations in the report required under~~
23 ~~subparagraph (f)]~~ *herd on an annual basis and the documents related to his or her*
24 *examination are kept on file with all relevant information including:*

25 (1) *Species being inspected;*

26 (2) *Herd condition; and*

27 (3) *Location and time of inspection.*

28 ~~(f) When the veterinarian and owner make a report of the slaughter on a form or forms~~
29 ~~provided by the state veterinarian which contains the following:~~

30 ~~(1) Name, address, and phone number of animal owner and the location of the farm.~~

31 ~~(2) Identification number on animal to assure same carcass arrives at the processing~~
32 ~~facility.~~

33 ~~(3) Date and time of slaughter and the time of each examination.~~

34 ~~(4) Statement that examinations were visual.~~

35 ~~(5) Statement that live animal was examined both at rest and in motion.~~

36 ~~(6) Ante mortem examination stating live animal is free from any observed~~
37 ~~abnormalities, including but not limited to:~~

Amendment to HB 119-FN

- Page 3 -

1 ~~(A) No observed lameness, stiffness, abnormal body positions (e.g. tucked~~
2 ~~abdomen, arched back, extended neck or tail, etc.).~~

3 ~~(B) No abnormal discharges or odors.~~

4 ~~(C) No blisters or vesicles observed.~~

5 ~~(D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other~~
6 ~~skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.~~

7 ~~(E) Animal did not appear abnormally nervous or restless, excessively anxious or~~
8 ~~upset, depressed, disinterested, or blind.~~

9 ~~(F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch~~
10 ~~excessively.~~

11 ~~(G) Both eyes present and normal.~~

12 ~~(7) Post mortem examination stating carcass is free from any observed~~
13 ~~abnormalities, including but not limited to:~~

14 ~~(A) Mouth, tongue, and eyes appear normal.~~

15 ~~(B) Lymph nodes appear normal.~~

16 ~~(C) No observed lumps, bumps, or growths.~~

17 ~~(D) No abnormal odors or discharges.~~

18 ~~(E) No adhesions or ongoing infectious processes.~~

19 ~~(8) This statement: "A veterinarian licensed to practice in the state shall be held~~
20 ~~harmless from either criminal or civil liability for any decisions made for services rendered in good~~
21 ~~faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a~~
22 ~~lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the~~
23 ~~products of this animal." Liability for any illness or product quality failure shall rest solely and~~
24 ~~completely with the animal owner.~~

25 ~~(9) A certification by the animal owner that this animal is free from antibiotic,~~
26 ~~dewormer, and chemical residues, and that the label instructions were followed regarding the~~
27 ~~withdrawal of such substances.~~

28 ~~(10) Signature blocks for both the veterinarian and the animal owner, signed by~~
29 ~~both.~~

30 ~~(g)] (f) When such animal is transported to and processed at a facility that is eligible to~~
31 ~~conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and~~
32 ~~associated Departmental regulations.~~

33 ~~(h)] (g) When the owner of the bison, *elk, or red deer* retains the original copy of the~~
34 ~~report made in subparagraph~~[-(f)] (e). A copy of such report shall accompany the *bison, elk, or red*~~
35 ~~*deer* carcass to the processing facility. The processing facility shall retain a copy of the report for~~
36 ~~one year.~~~~

Amendment to HB 119-FN

- Page 4 -

1 ~~[(h)]~~ **(h)** When bison, *elk, or red deer* meat is ground for sale, ~~[it is]~~ ***ground meat from***
2 ***every second animal processed shall be*** tested by the processing facility for Escherichia coli and
3 salmonella at the ~~[bison]~~ owner's expense. All aspects of the testing, including sampling, shall be
4 done in a manner that complies with standards and procedures of the USDA, and may include the
5 services of an outside laboratory. The owner of the meat shall not sell it until he or she is in receipt
6 of the test result that indicates the product is safe to eat. The test result shall be kept by the owner
7 for at least one year.

8 ~~[(i)]~~ **(i)** Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA
9 143-A:19.

10 **6 Effective Date.** This act shall take effect 60 days after its passage.

Amendment to HB 119-FN
- Page 5 -

2023-1895s

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer.

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: March 22, 2023

HEARINGS

Tuesday	03/28/2023	
(Day)	(Date)	
Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 233-FN	relative to useful thermal energy under the renewable portfolio standards.
9:15 a.m.	HB 247-FN	relative to protective well radii.
9:30 a.m.	HB 231-FN	prohibiting the removal of claws from cats.
9:45 a.m.	HB 119-FN	relative to homestead food operation licensure.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 233-FN

Rep. Vose

Rep. McGhee

HB 247-FN

Rep. McConkey

HB 231-FN

Rep. Bordes

HB 119-FN

Rep. Ankarberg

Rep. Jonathan Smith

Rep. Cambrils

Sen. Gannon

Rep. Jonathan Smith

Rep. Read

Rep. Berezny

Rep. Plett

Sen. Lang

Rep. Avellani

Rep. Cushman

Rep. D. Thomas

Sen. Pearl

Rep. Coulon

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

HB 119-FN, relative to homestead food operation licensure.

Hearing Date: March 28, 2023

Time Opened: 10:37 a.m.

Time Closed: 10:47 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets.

Sponsors:

Rep. Ankarberg

Rep. Berezhny

Rep. Cushman

Rep. Coulon

Rep. Jonathan Smith

Who supports the bill: In total, 53 individuals signed in in support of HB 119-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who opposes the bill: In total, no individuals signed in in opposition of HB 119-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who is neutral on the bill: In total, no individuals signed in as neutral of HB 119-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Summary of testimony presented:

Representative Matt Coulon

Grafton County 5

- Representative Matt Coulon said House Bill 119-FN would allow homestead operations to sell food at the homestead, farmers markets, and roadside stands.

- Rep. Coulon said that there is currently a \$35,000 limit on the gross annual income of homestead operations in RSA 143-A:5. He said there is currently no compliance mechanism attached to that limit.
- Rep. Coulon said he believed the limit was originally added as a trigger mechanism for licensure, but that it is no longer being kept up with.
- Rep. Coulon said HB 119-FN would remove the \$35,000 limit and better reflect the actual regulation of homestead operations.
- Senator Watters noted that the fiscal note for HB 119-FN included a reference to a \$70,000 limit that was not in the text of HB 119-FN. He asked if HB 119-FN would remove all limits on annual gross domestic income from RSA 143-A:5.
 - Rep. Coulon said that the fiscal note had been written for the original version of HB 119-FN and did not apply to the version before the Committee.

Aubrey Friedman

- Mr. Friedman said he supported HB 119-FN because homestead operations already had a financial incentive to sell food that would not make their customers sick.
- Mr. Friedman said the \$35,000 limit was arbitrary. He said it discouraged small business owners from expanding their operations.
- Mr. Friedman said government bureaucrats did not make food safer and instead raised food prices for consumers. He said the reputations of the vendors checked the sale of unsafe food.
- Mr. Friedman said the risk of lawsuits encouraged vendors to not sell unsafe food.
- Senator Birdsell asked Mr. Friedman to define the phrase “potentially hazardous food” used in HB 119-FN.
 - Senator Watters said the phrase referenced refrigerated food.

NPL

Date Hearing Report completed: April 3, 2023

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB119 on 2023-03-01
Support: 51 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Smith, Julie	A Member of the Public	Myself	Support
kirsch, walter	A Member of the Public	Myself	Support
glidden, deborah	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Support
SAWTELLE, ERICK	A Member of the Public	Myself	Support
Doughty, Patrick	A Member of the Public	Myself	Support
Wood, Zephan	A Member of the Public	Myself	Support
Mercer, Jennifer	A Member of the Public	Myself	Support
Cushman, Leah	An Elected Official	Myself	Support
Cushman, Stephen	A Member of the Public	Myself	Support
Panek, Charles	A Member of the Public	Myself	Support
Panek, Taylour	A Member of the Public	Myself	Support
Panek, Thomas	A Member of the Public	Myself	Support
McCartney, Michelle	A Member of the Public	Myself	Support
McCartney, Evan	A Member of the Public	Myself	Support
Bowers, Danielle	A Member of the Public	Myself	Support
Bowers, Steven	A Member of the Public	Myself	Support
Mason-Bogue, Angela	A Member of the Public	Myself	Support
Bogue, Michael	A Member of the Public	Myself	Support
Ferner, Kelly	A Member of the Public	Myself	Support
Minehart, Will	A Member of the Public	Myself	Support
McKinney, Carolyn	A Member of the Public	Myself	Support
O'Donnell, Kristy	A Member of the Public	Myself	Support
O'Donnell, Brian	A Member of the Public	Myself	Support
Trexler, Larisa	A Member of the Public	Myself	Support
Trexler, Ryan	A Member of the Public	Myself	Support
McLeod, Thomas	A Member of the Public	Myself	Support
McLeod, Ferngold	A Member of the Public	Myself	Support
McLeod, Raphaella	A Member of the Public	Myself	Support
Moore, Kristen	A Member of the Public	Myself	Support
Bemis, Amanda	A Member of the Public	Myself	Support
Comstock, Nancy	A Member of the Public	Myself	Support
Rojas, Emily	A Member of the Public	Myself	Support
Rojas, Cali	A Member of the Public	Myself	Support
Lalone, Edward	A Member of the Public	Myself	Support
Cedolin, Alexandra	A Member of the Public	Myself	Support
Cedolin, Bradley	A Member of the Public	Myself	Support
Wilson, Audra	A Member of the Public	Myself	Support
Wilson, Rock	A Member of the Public	Myself	Support
Porter, Jandee	A Member of the Public	Myself	Support
White, Melissa	A Member of the Public	Myself	Support
Seigars, Kathleen	A Member of the Public	Myself	Support
Seigars, Linette	A Member of the Public	Myself	Support
Davison, Ruth Ellen	A Member of the Public	Myself	Support
Dudak, Breanna	A Member of the Public	Myself	Support
Dudak, Colemann	A Member of the Public	Myself	Support
Johnson, Robert	A Lobbyist	NH Farm Bureau	Support

Alleman, Bill
Ferrari, Angela
Daves, Stephen
Domenico, William

A Member of the Public
A Member of the Public
A Member of the Public
A Member of the Public

Myself
Myself
Myself
Myself

Support
Support
Support
Support

Testimony

Bill: HB119 (SUPPORTING)

Committee: Energy and Natural Resources

Thoughts from: Aubrey Freedman (private citizen)

Date: March 28, 2023

- Nobody is going to sell food from their home, farm stand, or farmer's market that is going to make their customers sick and necessitate that government bureaucrats intervene for "public health." You want your customers to keep on coming back and buying again, so you're going to please them as much as possible, not make them sick. You want repeat customers, not to kill them off!
- The current \$35K threshold that triggers licensure is completely arbitrary. We should want to encourage food providers, especially homestead ones, to become successful and serve more members of the public, not discourage success by requiring licensing and government snoops if you hit a certain threshold pulled out of the air.
- Government food bureaucrats don't make the public safer, but they do add to the cost of the food, which is passed on to the consumer. Food providers' reputation is at stake when they sell their goods, and they also have to consider the liability if their food injures anyone.

Nikolas Lamos

From: Jeri Kauffman <jmkauffman37@gmail.com>
Sent: Tuesday, April 25, 2023 8:56 PM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Lamos
Subject: HB 119 Support

Caution! This message was sent from outside your organization.

Please support this bill. There should be no cap on what can be kept and sold.

Thank you,
Jeri Kauffman
Laconia

Nikolas Liamos

From: Rogers, Abigail <Abigail.Rogers@dhhs.nh.gov>
Sent: Tuesday, May 9, 2023 8:49 AM
To: Kevin Avard; Nikolas Liamos
Subject: HB119 executive session today

Caution! This message was sent from outside your organization.

Good Morning, Senator Avard,

DHHS has been monitoring HB 119 relative to the homestead food operation licensure. Colleen Smith of the Food Protection Program understands that there may be an amendment to the bill relative to red deer/elk. We do not take a position on the bill but I wanted to let you know if there are questions, Colleen Smith (DHHS) will be in the Committee today as a resource.

Best regards,

Abby Rogers

Abigail Rogers
Legislative Liaison

Division of Public Health Services
New Hampshire Department of Health and Human Services
29 Hazen Drive, Concord, NH 03301
603-333-6309 (cell)
603-271-4593 (O)
Abigail.Rogers@dhhs.nh.gov

(she, her, hers)

We Protect, Promote and Improve the Health and Well-Being of ALL People in New Hampshire through Leadership, Expertise, and Partnership.

Voting Sheets

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # HB119-FN

Hearing date: 3/28/23

Executive Session date: 5/16/23

Motion of: OTR Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Pearl, Vice Chair	x	x	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Birdsell	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Watters	x	<input type="checkbox"/>	x	x	<input type="checkbox"/>
Sen. Altschiller	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>

Motion of: amend # 14815 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Pearl, Vice Chair	x	x	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Birdsell	x	<input type="checkbox"/>	x	x	<input type="checkbox"/>
Sen. Watters	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Altschiller	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Pearl, Vice Chair	x	x	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Birdsell	x	<input type="checkbox"/>	x	x	<input type="checkbox"/>
Sen. Watters	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Sen. Altschiller	x	<input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>

Reported out by: Pearl

Notes: _____

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # HB119-FU

Hearing date: 3/28/23

Executive Session date: 5/16/23

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Pearl

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 17, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 119-FN**

AN ACT relative to homestead food operation licensure.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1895s

Senator Howard Pearl
For the Committee

House Bill 119-FN creates guidelines for the sale of meat harvested from a bison, elk, or red deer. This bill contains provisions which clearly state how meat from an uninspected bison, elk, or red deer, shall be labeled and packaged to ensure safety for both customers and business owners. HB 119-FN will ensure that there are measures to protect public health and safety when purchasing and consuming meat from an uninspected animal. The Senate Energy and Natural Resources Committee voted unanimously to pass HB 119-FN.

Nikolas Liamos 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

HB 119-FN, relative to homestead food operation licensure.

Ought to Pass with Amendment, Vote 5-0.

Senator Howard Pearl for the committee.

House Bill 119-FN creates guidelines for the sale of meat harvested from a bison, elk, or red deer. This bill contains provisions which clearly state how meat from an uninspected bison, elk, or red deer, shall be labeled and packaged to ensure safety for both customers and business owners. HB 119-FN will ensure that there are measures to protect public health and safety when purchasing and consuming meat from an uninspected animal. The Senate Energy and Natural Resources Committee voted unanimously to pass HB 119-FN.

Docket of HB119		
12/23/2022	H	Introduced 01/04/2023 and referred to Environment and Agriculture
01/25/2023	H	Public Hearing: 01/31/2023 01:30 pm LOB 301-303
02/23/2023	H	Executive Session: 02/28/2023 01:30 pm LOB 201-203
03/06/2023	H	Committee Report: Ought to Pass with Amendment # 2023-0629h 02/28/2023 (Vote 18-0; CC) HC 15 P. 4
03/16/2023	H	Amendment # 2023-0629h: AA VV 03/16/2023 HJ 9 P. 5
03/16/2023	H	Ought to Pass with Amendment 2023-0629h: MA VV 03/16/2023 HJ 9 P. 5
03/21/2023	S	Introduced 03/16/2023 and Referred to Energy and Natural Resources; SJ 11
03/22/2023	S	Hearing: 03/28/2023, Room 103, SH, 09:45 am; SC 15
05/17/2023	S	Committee Report: Ought to Pass with Amendment # 2023-1895s, 05/18/2023; Vote 5-0; CC; SC 22A
05/18/2023	S	Committee Amendment # 2023-1895s, AA, VV; 05/18/2023; SJ 15
05/18/2023	S	Ought to Pass with Amendment 2023-1895s, MA, VV; OT3rdg; 05/18/2023; SJ 15
06/12/2023	H	House Non-Concurs with Senate Amendment 2023-1895s and Requests CofC (Reps. Aron, Bixby, M. Murray, Spillane): MA VV 06/08/2023 HJ 15
06/15/2023	S	Sen. Avard Accedes to House Request for Committee of Conference, MA, VV; 06/15/2023; SJ 19
06/15/2023	S	President Appoints: Senators Avard, Pearl, Fenton; 06/15/2023; SJ 19
06/21/2023	H	Conference Committee Meeting: 06/21/2023 09:00 am LOB 301-303
06/16/2023	S	Conferee Change; Senator Prentiss Replaces Senator Fenton; SJ 20
06/21/2023	S	Conference Committee Report Filed, # 2023-2224c; 06/29/2023
06/29/2023	S	Conference Committee Report # 2023-2224c, Adopted, VV; 06/29/2023; SJ 20
06/29/2023	H	Conference Committee Report 2023-2224c: Adopted, VV 06/29/2023 HJ 17
07/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); SJ 20
07/19/2023	H	Enrolled (in recess of) 06/29/2023 HJ 17

Other Referrals

1 Committee of Conference Report on HB 119-FN, relative to homestead food operation licensure.

2
3 Recommendation:

4 That the House recede from its position of nonconcurrency with the Senate amendment, and
5 concur with the Senate amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 Senate, and pass the bill as so amended:

8
9 Amend RSA 427:2-a, IV as inserted by section 5 of the bill by inserting after subparagraph (i) the
10 following new paragraphs:

11
12 *(j) When the elk or red deer are sourced, kept, and propagated consistent with*
13 *the rules pursuant to RSA 207:14, RSA 212:25, and RSA 436:24.*

14 *(k) When, in the event any atypical death of a red deer or elk on the farm, that*
15 *animal's carcass is tested for chronic wasting disease under rules established by the*
16 *department of fish and game and the resulting test is negative.*

17
18 Amend the bill by replacing all after section 5 with the following:

19
20 6 New Paragraph; Definitions. Amend RSA 427:2 by inserting after paragraph XXIV the
21 following new paragraph:

22 XXV. "Atypical death" means the death of a livestock animal not resulting from slaughter as
23 defined in RSA 427:2, XXII.

24 7 Prospective Amendment; 2025. The subdivision heading preceding RSA 143-A:18 is repealed
25 and reenacted to read as follows:

26 Meat from Uninspected Bison

27 8 Prospective Amendment; 2025; Cervidae Animals Removed. Amend RSA 143-A:18 through
28 RSA 143-A:20 to read as follows:

29 143-A:18 Definition of Uninspected Bison~~[-Elk, or Red Deer]~~. For purposes of this subdivision,
30 "uninspected bison ~~[elk, or red deer]~~" means carcasses, parts, meat, and meat food products of
31 bison~~[-elk, or red deer]~~ slaughtered and processed in accordance with RSA 427:16, XII and sold or to
32 be sold as provided in RSA 427:2-a, IV.

33 143-A:19 Labeling; Meat from Uninspected Bison~~[-Elk, or Red Deer]~~. All packaging containing
34 uninspected bison~~[-elk, or red deer]~~ shall be clearly labeled to include a description of the product,

Committee of Conference Report on HB 119-FN

- Page 2 -

35 the name, address, and telephone number of the farm where the product originates, and the date of
36 slaughter.

37 143-A:20 Purchase of Uninspected Bison[, ~~Elk, or Red Deer~~] by Licensed Restaurants.

38 I. A licensed restaurant, as defined in RSA 143-A:14, II, may purchase from bison[, ~~elk, or~~
39 ~~red deer~~] producers uninspected bison[, ~~elk or red deer~~] that is labeled in accordance with RSA 143-
40 A:19.

41 II. For at least 90 days from the date of each purchase, the licensed restaurant shall keep on
42 file the receipt of purchase to include the product purchased, the date of purchase, the name of the
43 producer, the name and address of the farm, and phone number.

44 III. The licensed restaurant shall clearly label any menu item containing uninspected bison[,
45 ~~elk, or red deer~~] with the following statement: "This product was slaughtered at the farm and is
46 exempt from state and federal inspection."

47 9 Prospective Amendment; 2025. RSA 427:2-a, IV is repealed and reenacted to read as follows:

48 IV. The slaughter of bison on a farm for purposes of sale, as provided in RSA 143-A:5, IX,
49 shall be exempt from the provisions of this subdivision requiring inspection of the slaughter of
50 animals and preparation of the carcasses, parts thereof, meat, and meat food products for sale within
51 this state to the public. The slaughter of a bison under this paragraph shall be permitted only:

52 (a) When the owner of the bison designates a slaughter area on the farm premises.

53 (b) When the bison is slaughtered in a humane method, as defined in RSA 427:33, III, by
54 the owner or the owner's full time or seasonal employee.

55 (c) From September 1 to April 30.

56 (d) When no more than 12 hours passes from the time of slaughter to the placement of
57 the carcass in a refrigerated facility at or below 41 degrees Fahrenheit.

58 (e) When a veterinarian licensed under RSA 332-B conducts an ante-mortem
59 examination of each bison on the day of slaughter, witnesses the slaughter, conducts a post-mortem
60 examination of the carcass, and documents his or her examinations in the report required under
61 subparagraph (f).

62 (f) When the veterinarian and owner make a report of the slaughter on a form or forms
63 provided by the state veterinarian which contains the following:

64 (1) Name, address, and phone number of animal owner and the location of the farm.

65 (2) Identification number on animal to assure same carcass arrives at the processing
66 facility.

67 (3) Date and time of slaughter and the time of each examination.

68 (4) Statement that examinations were visual.

69 (5) Statement that live animal was examined both at rest and in motion.

70 (6) Ante-mortem examination stating live animal is free from any observed
71 abnormalities, including but not limited to:

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72 (A) No observed lameness, stiffness, abnormal body positions (e.g. tucked
73 abdomen, arched back, extended neck or tail, etc.).

74 (B) No abnormal discharges or odors.

75 (C) No blisters or vesicles observed.

76 (D) No abnormal growths, swellings, enlargements, injuries, loss of hair or other
77 skin lesions, infestations (e.g. maggots), labored breathing, or diarrhea.

78 (E) Animal did not appear abnormally nervous or restless, excessively anxious or
79 upset, depressed, disinterested, or blind.

80 (F) Animal did not stagger, circle, head press, salivate excessively, rub or scratch
81 excessively.

82 (G) Both eyes present and normal.

83 (7) Post-mortem examination stating carcass is free from any observed
84 abnormalities, including but not limited to:

85 (A) Mouth, tongue, and eyes appear normal.

86 (B) Lymph nodes appear normal.

87 (C) No observed lumps, bumps, or growths.

88 (D) No abnormal odors or discharges.

89 (E) No adhesions or ongoing infectious processes.

90 (8) This statement: "A veterinarian licensed to practice in the state shall be held
91 harmless from either criminal or civil liability for any decisions made for services rendered in good
92 faith under the provisions of RSA 427:16, XII. Such a veterinarian is, therefore, protected from a
93 lawsuit for his or her part in any illness, product quality failure, or other concern resulting from the
94 products of this animal." Liability for any illness or product quality failure shall rest solely and
95 completely with the animal owner.

96 (9) A certification by the animal owner that this animal is free from antibiotic,
97 dewormer, and chemical residues, and that the label instructions were followed regarding the
98 withdrawal of such substances.

99 (10) Signature blocks for both the veterinarian and the animal owner, signed by
100 both.

101 (g) When such animal is transported to and processed at a facility that is eligible to
102 conduct custom exempt activities as regulated by the USDA pursuant to 21 U.S.C. section 623(a) and
103 associated Departmental regulations.

104 (h) When the owner of the bison retains the original copy of the report made in
105 subparagraph (f). A copy of such report shall accompany the bison carcass to the processing facility.
106 The processing facility shall retain a copy of the report for one year.

107 (i) When bison meat is ground for sale, it is tested by the processing facility for
108 Escherichia coli and salmonella at the bison owner's expense. All aspects of the testing, including

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109 sampling, shall be done in a manner that complies with standards and procedures of the USDA, and
110 may include the services of an outside laboratory. The owner of the meat shall not sell it until he or
111 she is in receipt of the test result that indicates the product is safe to eat. The test result shall be
112 kept by the owner for at least one year.

113 (j) Prior to sale, as provided in RSA 143-A:5, IX, it is labeled as required in RSA 143-
114 A:19.

115 10 Repeal. RSA 427:2, XXV, relative to the definition of atypical death, is repealed.

116 11 Effective Date.

117 I. Sections 7-10 of this act shall take effect July 1, 2025.

118 II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 119-FN, relative to homestead food operation licensure.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Avard, Dist. 12

Rep. Aron, Sull. 4

Sen. Pearl, Dist. 17

Rep. Bixby, Straf. 13

Sen. Prentiss, Dist. 5

Rep. M. Murray, Hills. 37

Rep. Spillane, Rock. 2

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2023-2224-CofC

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets. It also expands food service and meat inspection regulations to cover bison, elk, and red deer. The changes relative to inspection of elk and red deer are prospectively repealed in 2025.

Senate Inventory Checklist for Archives

Bill Number: HB 119-FN

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 18955 ___ - amendment # _____

- amendment # 14815 ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2224 cotc

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

[Signature]
Committee Aide

8/2/23
Date

Senate Clerk's Office AK