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CHAPTER 19.

POULTRY PRODUCTS INSPECTION LAW

SECTION 47-19-10. Short title; administration of chapter.

This chapter may be cited as the South Carolina Poultry Products Inspection Act of 1969 and must be administered by the State Livestock-Poultry Health Commission in accordance with this chapter and Chapter 4 of this title.

SECTION 47-19-20. Definitions.

For purposes of this chapter, the following terms shall have the meanings stated below:

- (a) "Commission" means the State Livestock-Poultry Health Commission.
- (b) "Director" means the Director of State Livestock-Poultry Health Commission or his delegate.
- (c) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.
- (d) "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this chapter.
- (e) "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.
- (f) "Poultry" means any domesticated bird, whether live or dead.
- (g) "Poultry product" means any poultry carcass, or part thereof, or any product which is made wholly or in part from any poultry carcass or part thereof, excepting 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 exempted by the director from definition as a poultry product under such conditions as the board may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.
- (h) "Capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the board to deter its use as human food, or it is naturally inedible by humans.
- (i) "Processed" means slaughtered, canned, salted, stuffed, rendered, boned, cut up or otherwise manufactured or processed.
- (j) "Adulterated" shall apply to any poultry product under one or more of the following circumstances:
 - (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
 - (2)(A) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director, make such article unfit for human food;
 - (B) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug and Cosmetic Act;
 - (C) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug and Cosmetic Act;
 - (D) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug and Cosmetic Act; provided, that an article which is not otherwise deemed

adulterated under clause (B), (C) or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive or color additive in or on such article is prohibited by regulations of the board in official establishments;

(3) If it consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome or otherwise unfit for human food;

(4) If it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally 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; or

(8) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom; if any substance has been substituted, wholly or in part, therefor; if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength or make it appear better or of greater value than it is.

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

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed or filled as to be misleading;

(5) Unless it bears a label showing (A) the name and place of business of the manufacturer, packer or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure or numerical count; provided, that under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established, by regulations prescribed by the board;

(6) If any word, statement or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations to the board under Section 47-19-60 unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the board under Section 47-19-60, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if there be any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings and colorings may, when authorized by the director, be designated as spices, flavorings and colorings without naming each; provided, that, to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the board;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the director, after consultation with the

Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating that fact; provided, that, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the board; or

(12) If it fails to bear on its containers, and in the case of nonconsumer-packaged carcasses (if the director so required) directly thereon, as the board may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the board 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.

(l) "Label" means a display of written, printed or graphic matter upon any article or the immediate container (not including package liners) of any article.

(m) "Labeling" means all labels and other written, printed or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(n) "Federal Poultry Products Inspection Act" means the act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the Wholesome Poultry Products Act (82 Stat. 791).

(o) "Federal Food, Drug and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto.

(p) "Pesticide chemical," "food additive," "color additive" and "raw agricultural commodity" shall have the same meanings for purposes of this chapter as under the Federal Food, Drug and Cosmetic Act.

(q) "Official mark" means the official inspection legend or any other symbol prescribed by regulation of the board to identify the status of any article or poultry under this chapter.

(r) "Official inspection legend" means any symbol prescribed by regulation of the board showing that an article was inspected for wholesomeness in accordance with this chapter.

(s) "Official certificate" means any certificate prescribed by regulation of the board for issuance by an inspector or other person performing official functions under this chapter.

(t) "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

(u) "Official establishment" means any establishment, as determined by the director, at which inspection of the slaughter of poultry or the processing of poultry products is maintained under the authority of this chapter.

(v) "Inspection service" means the official government service of the State Livestock-Poultry Health Commission having the responsibility for carrying out this chapter.

(w) "Inspector" means an employee or official of the commission authorized by the commission to inspect poultry and poultry products under the authority of this chapter.

(x) "Container" or "package" includes any box, can, tin, cloth, plastic or other receptacle, wrapper or cover.

(y) "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(z) "Immediate container" includes any consumer package or any other container in which poultry products, not consumer packaged, are packed.

SECTION 47-19-25. Voluntary inspection programs for certain birds by the Livestock-Poultry Health Commission.

(A) The commission may provide for voluntary inspection programs for families or species of birds for which inspection is not mandated by law. These birds include, but are not limited to, ostriches, emus, rheas, cassowaries, and other ratites.

(B) The commission shall establish hourly fees for voluntary inspections to ensure that its direct and indirect costs are reimbursed by the person requesting an inspection. Indirect costs such as training and preparation of standards and procedures must be amortized and included in the fees.

(C) Readily ascertainable portions of fees must be collected in advance unless the inspector is licensed pursuant to Chapter 17 or 19 of this title.

(D) Fees collected under this section must be retained by the commission for use in carrying out the purposes of this chapter.

SECTION 47-19-30. Designation of state agency for cooperating with Secretary of Agriculture under Federal Poultry Products Inspection Act.

(A) The Livestock-Poultry Health Commission is designated as the state agency which is responsible for cooperating with the Secretary of Agriculture of the United States under the provisions of Section 5 of the Federal Poultry Products Inspection Act. The commission shall cooperate with the Secretary of Agriculture of the United States in developing and administering the poultry products inspection program of this State under this chapter to assure that not later than August 18, 1970, the state requirements are at least equal to those imposed under Sections 1-4, 6-10, and 12-22 of the Federal Poultry Products Inspection Act and in developing and administering the program of this State under this act in a manner so as to effectuate the purposes of this chapter and the federal act.

(B) In its cooperative efforts, the commission may accept from the secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of the program. The commission may spend public funds of this State appropriated for administration of this chapter to pay the share of the estimated total cost of the cooperative program agreed upon by the commission and the secretary.

(C) The commission may recommend to the Secretary of Agriculture officials or employees of this State necessary for appointment to the advisory committees provided for in Section 5 of the Federal Poultry Products Inspection Act. The Director of the Division of Livestock-Poultry Health Programs of Clemson University shall serve as the representative of the Governor for consultation with the secretary under paragraph (c) of Section 5 of the act unless the Governor selects another representative.

SECTION 47-19-35. Permits for slaughtering and packaging poultry; fees.

(A) A person operating an establishment in which poultry is slaughtered or in which poultry, poultry by-products, or poultry food products, of or derived from fowl, are wholly or in part canned, cured, smoked, salted, packed, rendered, or otherwise prepared which are offered as food for humans shall secure a permit from the State Livestock-Poultry Health Commission. This section is not applicable to persons exempted from inspection under Section 47-19-140.

(B) The permit fee is fifty dollars annually or for part of a year. The permit year is July first to June thirtieth. These fees must be retained by the commission. The commission by regulation may increase the fee not to exceed two hundred dollars.

(C) Applications for permits must be in writing to the commission on forms it prescribes.

(D) The commission, for cause, may refuse to grant a permit, may suspend, revoke, or modify the permit, or may assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Health and Environmental Control of permit actions.

SECTION 47-19-40. Inspection of live poultry, carcasses and poultry products; quarantine, segregation and reinspection; condemnation and destruction or reprocessing of adulterated carcasses.

(a) For the purpose of preventing the entry into or flow or movement in intrastate commerce of any poultry product which is capable of use as human food and is adulterated, the director shall, where and to the extent considered by him necessary, cause to be made by inspectors antemortem inspection of poultry in each official establishment engaged in processing poultry or poultry products solely for intrastate commerce.

(b) The director, whenever processing operations are being conducted, shall cause to be made by inspectors postmortem inspection of the carcass of each bird processed, and at any time such quarantine, segregation and reinspection as he deems necessary of poultry and poultry products capable of use as human food in each official establishment engaged in processing such poultry or poultry products solely for intrastate commerce.

(c) All poultry carcasses and parts thereof and other poultry products found to be adulterated shall be condemned and shall, if no appeal be taken from such determination of condemnation, be destroyed for human food purposes under the supervision of an inspector; provided, that carcasses, parts and products, which may by reprocessing be made not adulterated, need not be so condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the carcasses, parts or products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the director determines that the appeal is frivolous. If the determination of condemnation is sustained, the carcasses, parts and products shall be destroyed for food purposes under the supervision of an inspector.

SECTION 47-19-50. Sanitary conditions and practices required in slaughtering and processing establishments.

(a) Each official establishment slaughtering poultry or processing poultry products solely for intrastate commerce shall have such premises, facilities and equipment, and be operated in accordance with such sanitary practices, as are required by regulations promulgated by the board for the purpose of preventing the entry into or flow or movement in intrastate commerce of poultry products which are adulterated.

(b) The director shall refuse to render inspection to any establishment whose premises, facilities or equipment, or the operation thereof, fails to meet the requirements of this section.

SECTION 47-19-60. Information required on containers and carcasses; styles and sizes of type; definitions and standards; false or misleading marking or labeling.

(a) All poultry products inspected at any official establishment under the authority of this chapter and found to be not adulterated shall, at the time they leave the establishment, bear in distinctly legible form on their shipping containers and immediate containers, as the director may require, the information required by this chapter. In addition, the director, whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer-packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under this chapter.

(b) The director, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marking or otherwise labeling any articles or poultry subject to this chapter; (2) definitions and standards of identity or composition for articles subject to this chapter and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug and Cosmetic Act, or under the Federal Poultry Products Inspection Act, and there shall be consultation between the director and the Secretary of Agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the Federal standards.

(c) No article subject to this chapter shall be sold or offered for sale by any person in intrastate commerce, under any name or other marking or labeling which is false or misleading or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the director are permitted.

(d) If the director has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this chapter is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the marking, labeling or container does not accept the determination of the director, such person may request a hearing, but the use of the marking, labeling or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the court of common pleas for the county in which the person has his principal office or in any county in which he does business.

SECTION 47-19-70. Prohibited acts.

(a) No person shall

(1) Slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles solely for intrastate commerce, except in compliance with the requirements of this chapter;

(2) Sell, transport, offer for sale or transportation or receive for transportation, in intrastate commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation or receipt for transportation; or (B) any poultry products required to be inspected under this chapter unless they have been so inspected and passed;

(3) Do any act, with respect to any poultry products which are capable of use as human food, 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 products to be adulterated or misbranded;

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

(5) Use to his own advantage or reveal, other than to the authorized representatives of the State government or any other government in their official capacity or as ordered by a court in any judicial proceedings, any information acquired under the authority of this chapter concerning any matter which is entitled to protection as a trade secret.

(b) No brand manufacturer, printer or other person shall cast, print, lithograph or otherwise make any device containing any official mark or simulation thereof, any label bearing any such mark or simulation or any form of official certificate or simulation thereof, except as authorized by the director.

(c) No person shall

(1) Forge any official device, mark or certificate;

(2) Without authorization from the director, use any official device, mark or certificate, or simulation thereof, or alter, detach, deface or destroy any official device, mark or certificate;

(3) Contrary to the regulations prescribed by the board, fail to use or to detach, deface or destroy any official device, mark or certificate;

(4) 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 poultry, or part or product thereof, bearing any counterfeit, simulated, forged or improperly altered official mark;

- (5) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the board; or
- (6) Knowingly represent that any article has been inspected and passed or exempted under this chapter when, in fact, it has not been so inspected and passed or exempted.

SECTION 47-19-80. Processing except in compliance with chapter is prohibited.

No establishment processing poultry or poultry products solely for intrastate commerce shall process any poultry or poultry product capable of use as human food except in compliance with the requirements of this chapter.

SECTION 47-19-90. Poultry and poultry products not intended for use as human food need not be inspected.

Inspection shall not be provided under this article at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the board to deter their use for human food. No person shall buy, sell, transport or offer for sale or transportation or receive for transportation, in intrastate commerce, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the board or are naturally inedible by humans.

SECTION 47-19-100. Persons required to keep records.

The following classes of persons shall, for such period of time as the board may by regulations prescribe, not to exceed two years unless otherwise directed by the director for good cause shown, keep such records as are properly necessary for the effective enforcement of this chapter in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the director, afford such representative access to their places of business and opportunity to examine the facilities, inventory and records thereof, to copy all such records and to take reasonable samples of their inventory upon payment of the fair market value therefor:

- (1) Any person who engages in the business of slaughtering any poultry or processing, freezing, packaging or labeling any carcasses, or parts or products of carcasses, of any poultry, for intrastate commerce, for use as human food or animal food;
- (2) Any person who engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise) or transporting, in intrastate commerce, or storing in or for intrastate commerce, any carcasses, or parts or products of carcasses, of any poultry;
- (3) Any person who engages in business, in or for intrastate commerce, as a renderer, or engages in the business of buying, selling or transporting, in intrastate commerce, any dead, dying, disabled or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

SECTION 47-19-110. Registration with director required of persons engaged in poultry related businesses.

No person shall engage in business, in or for intrastate commerce, as a poultry products broker, renderer or animal food manufacturer, or engage in business in intrastate commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for intrastate commerce, or engage in the business of buying, selling or transporting in intrastate commerce any dead, dying, disabled

or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the board, he has registered with the director his name and the address of each place of business at which, and all trade names under which, he conducts such business and unless such transaction or transportation is made in accordance with such regulations as the board may prescribe.

SECTION 47-19-120. Violations; interference with person performing official duties under chapter.

(a) Any person who violates the provisions of Sections 47-19-70, 47-19-80, 47-19-90, 47-19-100, 47-19-35, or 47-19-110 shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 47-4-130; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, such person shall be fined not more than ten thousand dollars or imprisoned not more than three years, or both. When construing or enforcing the provisions of such sections, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation or association, as well as of such person.

(b) No carrier shall be subject to the penalties of this chapter, other than the penalties for violation of Section 47-19-90, by reason of his receipt, carriage, holding or delivery, in the usual course of business, as a carrier of poultry or poultry products owned by another person unless the carrier has knowledge or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of this chapter or were otherwise not eligible for transportation under this chapter or unless the carrier refuses to furnish on request of a representative of the director the name and address of the person from whom he received such poultry or poultry products and copies of all documents, if there be any, pertaining to the delivery of the poultry or poultry products to such carrier.

(c)(1) A person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with a person while engaged in or on account of the performance of his official duties under this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both.

(2) A person who, in the commission of any acts contained in item (1), uses a deadly or dangerous weapon is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

SECTION 47-19-130. Notice of violations and opportunity to be heard.

Before any violation of this chapter is reported by the director to the Attorney General or the appropriate solicitor for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this chapter shall be construed as requiring the director to report for criminal prosecution violation of this chapter when he believes that the public interest will be adequately served and compliance with the chapter obtained by a suitable written notice or warning.

SECTION 47-19-140. Exemptions.

(a) The board shall, by regulation and under such conditions and requirements as to sanitary standards, practices and procedures as it may prescribe, exempt from specific provisions of this chapter with respect to processing of poultry or poultry products solely for intrastate commerce and distribution of poultry or poultry products only in such commerce:

(1) Retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(2) For such period of time as the director determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this chapter, any person engaged in the processing of poultry or poultry products and the poultry or poultry products processed by such person; provided, however, that no such exemption shall continue in effect after October 29, 1969;

(3) Persons slaughtering, processing or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the director determines necessary to avoid conflict with such requirements while still effectuating the purposes of this chapter;

(4) The slaughtering by any person of poultry of his own raising, and the processing by him and transportation of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

(5) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation of the poultry products exclusively for use in the household of such owner by him and members of his household and his nonpaying guests and employees; provided, that such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

(6) The slaughtering and processing of poultry products by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person of the poultry products derived from such operations if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded and are sound, clean and fit for human food when so distributed; and

(7) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry by any poultry producer or other person for distribution by him directly to household consumers, restaurants, hotels and boarding houses for use in their own dining rooms, or in the preparation of meals for sales direct to consumers if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor and if they are not otherwise misbranded and are sound, clean and fit for human food when distributed by such processor.

(b) In addition to the specific exemptions authorized in paragraph (a) of this section, the director shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under paragraph (a) of this section, which are engaged in slaughtering or cutting up poultry for distribution as carcasses or parts thereof, solely for distribution within this State, from such provisions of this chapter as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions and sanitary requirements as he shall prescribe to effectuate the purposes of this chapter.

(c) The exemptions provided for in subparagraphs (a) (5) and (6) of this section shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such subparagraphs. No exemption under subparagraph (a) (5) or (6) or paragraph (b) of this section shall apply to any poultry producer or other person who slaughters or processes the products of more than five thousand turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

(d) The provisions of this chapter requiring inspection shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments, if no poultry or poultry products are processed at the establishment for distribution outside this State or otherwise subject to inspection under the Federal Poultry Products Inspection Act.

(e) The provisions of this chapter shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than two hundred fifty turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) such poultry moves only in intrastate commerce.

(f) The adulteration and misbranding provisions of this chapter, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraph (a), (b) or (e).

(g) The director may by order suspend or terminate any exemption under paragraph (a) or (b) of this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this chapter.

SECTION 47-19-150. Limiting entry of poultry products into inspected establishments.

The director may limit the entry of poultry products and other materials into any official establishment under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

SECTION 47-19-160. Repealed by 1987 Act No. 23, Section 1, eff April 13, 1987.

SECTION 47-19-165. Application of chapter to pigeons.

The provisions of this chapter shall also apply to pigeons, either live or dead, and when the term "poultry" is used in this chapter it shall be construed to include pigeons unless the context clearly indicates otherwise.

SECTION 47-19-170. Rules and regulations.

The board shall promulgate such rules and regulations as shall enable the director to carry out the purposes and intent of this chapter.

SECTION 47-19-180. Costs of inspection.

The cost of inspection rendered under the requirements of this chapter shall be borne by this State, except as provided in Section 47-19-30 and except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter, at such rates as Clemson University may determine, shall be borne by such establishments. Sums received by Clemson University in reimbursement for sums paid out for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.