

Sec. 7. DEPARTMENT OF HEALTH AND AGENCY OF AGRICULTURE,
FOOD AND MARKETS REGULATIONS

The department of health shall not require inspection of poultry that is exempt from inspection under 6 V.S.A. § 3312(b).

Sec. 8. 6 V.S.A § 3312 is amended to read:

§ 3312. INSPECTION; ~~EXCEPTION~~ EXCEPTIONS

(a) Inspection shall not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products which are not intended for use as human food, but these products 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 rules of the secretary to deter their use for human food. These licensed establishments shall be subject to periodic review.

(b) Inspection shall not be required for the slaughter or preparation of poultry products of the producer's own raising on the producer's own farm, whether or not they are intended for use as human food if:

(1) Fewer than 1,000 birds are slaughtered annually; and

(2) No birds are offered for sale or transportation in interstate commerce; and

(3) The poultry products are only sold, as whole birds only, from the farm, at a farmers' market, or to a food restaurant licensed by the commissioner of health, or are for personal use.

(c) All poultry sold at a farmers' market or to a restaurant pursuant to the exemption in subsection (b) of this section shall be labeled with the following information:

(1) Name of farm and name of producer;

(2) Address of farm including zip code;

(3) "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED." This statement shall be prominently displayed with such conspicuousness (as compared with other words or statements, designs, or devices in the labeling) as to render it likely to be read and understood under customary conditions of purchase and use.

(4) Safe handling and cooking instructions as follows:

"SAFE HANDLING INSTRUCTIONS:

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw poultry separate from other foods.

Wash working surfaces, including cutting boards, utensils, and hands after touching raw poultry.

Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds.

Keep hot foods hot. Refrigerate leftovers immediately or discard."

(d) Any menu item that includes poultry that is exempt under this section shall clearly state the name of the farm from which the poultry was purchased and shall prominently display the words "poultry processed on the farm and not inspected" on the menu in proximity to the menu item. Poultry sold to food restaurants under the exemption in this section shall include a label alerting the purchaser to these labeling requirements.

(e) The poultry producer, upon first selling poultry to a food restaurant, must procure a signed statement from the food restaurant stating that the food restaurant is aware that the poultry is exempted from inspection under subsection (b) of this section, and that the menu of the food restaurant must have the information required by subsection (d) of this section. The poultry producer must keep the signed statement on file as long as the producer is selling poultry to the food restaurant under this section. The poultry producer must have a signed statement on file from each food restaurant to which poultry is sold under this section and an exact copy of each statement, including the name of the producer and the name of the purchasing restaurant shall be forwarded to the department of health.

Sec. 8a. 18 V.S.A. § 4306 is amended to read:

§ 4306. INSPECTION

It shall be the duty of the board to enforce the provisions of this subchapter and of 6 V.S.A. § 3312(d), and it shall be permitted to inspect through its duly authorized officers, inspectors, agents or assistants, at all reasonable times, an establishment subject to the provisions of this subchapter.

Sec. 8b. 18 V.S.A. § 4309 is amended to read:

§ 4309. PENALTY

A person who violates a provision of this subchapter or 6 V.S.A. § 3312(d), for which no other penalty is provided, shall be fined not more than \$300.00 for the first offense and, for each subsequent offense, not more than \$500.00.

Sec. 9. POULTRY SLAUGHTER STUDY

(a) The agency of agriculture, food and markets shall review the effectiveness of the mobile processing units authorized by this act and the exemption from inspection authorized by this act. The agency shall also consider the benefits to the poultry industry of each program individually and both programs working together.

(b) The agency shall report its findings and recommendations no sooner than November 1, 2009 and no later than December 1, 2009.

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT038.HTM>

Information for RESTAURANTS that Would Like to Use Local Poultry

The Agricultural Viability Act of 2007 was passed by the legislature and signed into law by the Governor on May 21, 2007.

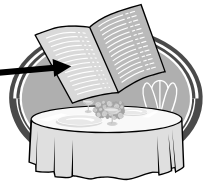
The new law includes a provision that allows Vermont restaurants to purchase poultry directly from Vermont farms!

Restaurants may purchase poultry directly from the farm if:

- The farm from which poultry is purchased slaughters less than 1000 birds annually, and
- No birds are offered for sale or transportation in interstate commerce, and
- The poultry products are sold as whole birds only.
- The farmer is only selling birds of his/her own raising.

Restaurants selling poultry direct from the farm must include on the menu:

- The name of the farm from which you purchased the poultry, and
- The words "poultry processed on the farm and not inspected".
- This information must be placed in proximity to the menu item using the poultry.
- The Department of Health will have the duty of making sure you are complying with the menu requirements of the law in their inspection of your restaurant.

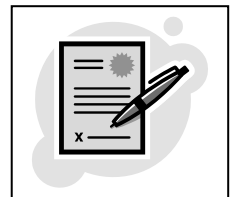


The farmer selling you poultry must provide a label containing (see sample label):

- The name of the farmer,
- The name and address of the farm,
- Safe handling instructions, and
- Menu instructions for items using the poultry.

The farmer must obtain a signed statement from your restaurant saying you are aware:

- The poultry is exempt from inspection, and
- Menus containing exempt poultry must display the information required by law.
- A copy of this statement must be filed with the state Department of Health.
- The burden of complying with this provision will be on the farmer to present you with the statement to sign. The farmer must keep a copy of this statement at his farm until you stop buying his poultry.



Tips for chefs wishing to purchase poultry directly from Vermont farmers:

- ✓ From Department of Health: Keep un-inspected poultry separate from inspected poultry. Un-inspected poultry must not be touching anything else in your cooler, and must be handled separately from all other food products. Always maintain the 40° F or lower temperature.
- ✓ Always wash your hands before and after handling un-inspected poultry!
- ✓ You must maintain the identity (labeling) of the un-inspected poultry throughout its entire time in your restaurant.
- ✓ Make sure your menu labeling noting the name of the farm and that the poultry is un-inspected is right next to the menu item. Do not use an asterisk and put it at the bottom of the menu. If it's a special on a board – note the farm name and that it's un-inspected right on the board.
- ✓ The Owner of the restaurant (or an officer of the corporation) must be the person to sign the statement from the farmer.
- ✓ Local Thanksgiving Turkeys! One way to take advantage of the new law could be to purchase your Thanksgiving turkeys from a Vermont farmer.
- ✓ Remember that doing business with a Vermont farmer may be different than other poultry providers. It is best to contact the farmer well in advance of when you want to have the poultry item on your menu.



Questions to ask your farmer:

- What kinds of poultry do you have available?
- What time of year do you birds ready for purchase?
- How often can you deliver birds?
- Are you willing and able to label each bird separately?
- How do you care for the birds? What do you feed them?
- When processing birds, do you use an ice bath? What temperature do you cool the birds to after processing and before putting in a refrigerator (birds must be cooled to 40° F or less within 4 hours of slaughter)?

