

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 FARMERS that Would Like to Sell Farm-Processed 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 farmers to process poultry on-farm and sell the birds at farmers' markets and directly to restaurants!!

## Your farm's poultry will be exempt from inspection if:

- The farm slaughters fewer than 1000 birds annually, *and*
- No birds are offered for sale or transportation in interstate commerce (i.e., across state lines), *and*
- The farmer sells only birds raised on his/her own farm, *and*
- The poultry products are sold as whole birds only, from the farm, at a farmers' market, or to a food restaurant licensed by the commissioner of health.

## To sell your poultry at a farmers' market or to a restaurant you must label the poultry with the following (see our sample label):

- The Farmer's Name
- The Name and Address of your farm including the zip code
- The words "Exempt per 6 V.S.A. § 3312(b): NOT INSPECTED" prominently displayed, so that it is likely to be read by someone purchasing the poultry.
- The Product Name (chicken, turkey, etc), Price per Pound, Net Weight, and Total Price
- 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° Fahrenheit maintained for at least 15 seconds.  
Keep hot foods hot.  
Refrigerate leftovers immediately or discard."



## When selling the poultry to a restaurant you must also:

- Label the poultry alerting the restaurant that any menu item using this poultry must clearly state the name of the farm from which the poultry was purchased and prominently display the words "poultry processed on the farm and not inspected" on the menu in proximity to the menu item, *and*
- Obtain a signed statement from the restaurant owner to be filed with the Department of Health (see the sample statement). The statement must show that the restaurant is aware:
  - The poultry is exempt from inspection, *and*
  - There are menu labeling requirements as described above.
- You need 3 copies of this statement: A copy of the statement must be sent to the Department of Health, along with a copy of your label. You should also give a copy of this statement to the restaurant owner. You must also keep a copy on the farm.
- It's also a good idea to label each bird separately for sale to restaurants, even though this is not a requirement. The restaurant must maintain the identity of each bird, so the individual labeling will make it easier for the restaurant to comply with their requirements.
- Keep records of how many birds you process each day, and how many and to which restaurants you are selling the birds. Keep these records on your farm with your copy of the signed statement.



**You can sell your birds from the farm as whole birds. There are no specific labeling requirements for sale at the farm.**

## A few good practices:

- ✓ Keep good records of how many birds you are processing on the farm, and how many birds you sell each day – including sales from the farm, at farmers' markets, and to restaurants. Keep these records in an organized place, so you can produce them if the Agency of Agriculture asks for them.
- ✓ Contact local chefs to alert them of the new law.
- ✓ One way to develop a business relationship with a Vermont restaurant is to offer Thanksgiving turkeys.
- ✓ When selling farm-processed birds be ready to answer questions about how your birds are raised and how you process the birds.
- ✓ Make sure you chill your birds to 40° F or lower, immediately after processing, and keep them properly chilled during storage and transport. Keep them at 40° F or lower until they are sold. Do not chill birds before evisceration – finish each bird, then chill immediately.