

1976 WL 30471 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1976

\*1 Bill Number H-3826 to amend Section to of Act 222 of 1967 the South Carolina Meat and Meat Food Regulations and Inspection Law does not comply with federal law promulgated pursuant to the 'Wholesome Meat Act,' [21 U.S.C.A. Section 601](#) et seq.

Honorable H. Keith Vanderford  
Representative  
Union and Chester Counties

QUESTION INVOLVED:

Does House Bill No. 3826, amending the South Carolina Meat and Meat Food Regulations and Inspection Law comply with the provisions of the 'Wholesome Meat Act,' [21 U.S.C.A. Section 601](#), et seq.?

DISCUSSION:

The South Carolina Meat and Meat Food Regulations and Inspection Law was established by Act No. 222 of 1967 and amended by Act No. 368 of 1973. The Meat and Meat Food Regulations and Inspection Law (Inspection Law) was enacted in conjunction with the 'Wholesome Meat Act,' P. L. 90-201 (1967), [21 U.S.C.A. Section 601](#), et seq. Pursuant to the 'Wholesome Meat Act:'

The Secretary [of Agriculture] is authorized whenever he determines that it would effectuate the purposes of the chapter [Wholesome Meat Act] to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under subchapter I of this chapter, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State. (Emphasis supplied.) [21 U.S.C.A. Section 661\(2\)\(1\)](#)

The 'Wholesome Meat Act' further provides for the annual review of the requirements of the several States with respect to the slaughter, preparation, etc., for the animals as well as a review of the requirements for the inspection of such operation. [21 U.S.C.A. Section 661\(c\)\(4\)](#). If the State requirements are not deemed sufficient, the State stands to lose all federal cooperation and funds.

Such cooperation and payment [federal funds] shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (4) deems adequate to effectuate the purposes of this section. (Emphasis supplied) [21 U.S.C.A. Section 661\(a\)\(3\)](#).

The provisions of subchapter I of the 'Wholesome Meat Act' are many. However, the specific exemption provision brought into play by House Bill No. 3826 is [21 U.S.C.A. Section 623\(a\)](#). Under [21 U.S.C.A. Section 623\(a\)](#), a person who raises, slaughters and prepares his own animals and carcasses and uses them only for his own household, employees

and nonpaying guests is exempt from the inspection requirements. Section 10 of Act No. 222 of 1967, codified as Section 6-619 CODE OF LAWS OF SOUTH CAROLINA, 1962, Cum. Supp., sets forth the specific exemptions from inspection requirements of the Inspection Law. As Section 6-619 now reads, it complies with the provisions of [21 U.S.C.A. Section 623\(a\)](#). House Bill No. 3826 seeks to enlarge the exemptions contained in Section 6-619 by exemption from inspection requirements ‘any person who cures no more than twenty-five grain fed swine which he raises and sells to individuals for personal consumption and which may not be resold.’ This proposed exemption is not one found in [21 U.S.C.A. Section 623\(a\)](#); therefore, it does not fall within the exemption allowed by the ‘Wholesome Meat Act.’

CONCLUSION:

\*2 If House Bill No. 3826 is enacted by the Legislature, such passage will have the effect of jeopardizing the Meat Inspection Program for the entire State of South Carolina. See [21 U.S.C.A. Section 661\(a\)\(3\)](#).

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