

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 33 ABATTOIRS, MEAT DEALERS AND STORAGE PLANTS
PART 2 FOOD SAFETY, MEAT AND POULTRY INSPECTION

21.33.2.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.33.2.1 NMAC - N., 7/12/2022]

21.33.2.2 SCOPE: Regulating the states meat and poultry inspection program.
[21.33.2.2 NMAC - N, 7/12/2022]

21.33.2.3 STATUTORY AUTHORITY: Section 77-2-7 through 77-2-29; NMSA 1978, Section 77-3-9; NMSA 1978, Section 77-3-1 through Section 77-3-17; NMSA 1978, Section 77-9-1 through 77-9-63; NMSA 1978, Section 77-17-1 through Section 77-17-15; NMSA 1978, Section 30-18-1 through Section 30-18-14 NMSA 1978.
[21.33.2.3 NMAC - N, 7/12/2022]

21.33.2.4 DURATION: Permanent.
21.33.2.4 NMAC - N, 7/12/2022]

21.33.2.5 EFFECTIVE DATE: July 12, 2022 unless a later date is cited at the end of a section.
[21.33.2.5 NMAC - N, 7/12/2022]

21.33.2.6 OBJECTIVE: The New Mexico livestock board (NMLB), through its meat and poultry inspection division (MPID), seeks to regulate the production of meat and poultry products under a state meat and poultry inspection (MPI) program with the purpose to protect consumers while encouraging the economic development of New Mexico agricultural businesses and communities.
[21.33.2.6 NMAC - N, 7/12/2022]

21.33.2.7 DEFINITIONS:

A. “MPID” is a division within the NMLB tasked with carrying out the provisions of laws relating to a state meat and poultry inspection (MPI) program.

(1) The MPID director may adopt additional policies and procedures as necessary to define, clarify and maintain agency functions for consistency with 9 CFR and related federal acts (*e.g.*, Meat Inspection Act (21 USCS Section 601 *et seq*; Poultry Products Inspection Act (21 USCS Section 451 *et seq*); Humane Methods of Slaughter Act (7 USC 1901 *et seq*).

(2) The MPID director, with board approval, may enter into agreements with other state, federal, local, tribal and other organizations as needed to further the purpose and provisions of these regulations, and the MPI program at large, to achieve “at least equal to” status.

B. “NMLB” is a political subdivision of the state of New Mexico tasked with protecting the livestock industry from theft and disease and protecting consumers from unwholesome meat products.

C. “Secretary” the term Secretary, when used in 9 CFR, shall mean the MPID director.

D. “Unwholesome” refers to anything that is or could reasonably contribute to a meat or poultry product being injurious to human health.

E. Provided that sufficient authority has been provided under state law as provided by the legislature, any ambiguity or conflict should be interpreted in a matter consistent with federal law.

F. Any regulation herein found to be defective by a court of competent jurisdiction shall be interpreted in a manner to leave remaining regulations intact.

[21.33.2 NMAC – N7/12/2022]

21.33.2.8 REGULATION OF MEAT AND POULTRY PRODUCTS: The NMLB, through the MPID, adopts by reference the following federal regulations in the Code of Federal Regulations (CFR), as amended:

A. 9 CFR, Part 301, terminology; adulteration and misbranding standards;

B. 9 CFR, Part 303, exemptions;

C. 9 CFR, Part 304, application for inspection; grant of inspection;

D. 9 CFR, Part 305, official numbers; inauguration of inspection; withdrawal of inspection; reports of violation;

E. 9 CFR, Part 306, assignment and authorities of program employees;

- F. 9 CFR, Part 307, facilities for inspection;
- G. 9 CFR, Part 309, ante-mortem inspection;
- H. 9 CFR, Part 310, post-mortem inspection;
- I. 9 CFR, Part 311, disposal of diseased or otherwise adulterated carcasses and parts;
- J. 9 CFR, Part 312, official marks, devices and certificates;
- K. 9 CFR, Part 313, humane slaughter of livestock;
- L. 9 CFR, Part 314, handling and disposal of condemned or other inedible products at official establishments;
- M. 9 CFR, Part 315, rendering or other disposal of carcasses and parts passed for cooking;
- N. 9 CFR, Part 316, marking products and their containers;
- O. 9 CFR, Part 317, labeling, marking devices, and containers;
- P. 9 CFR, Part 318, entry into official establishments; reinspection and preparation of products;
- Q. 9 CFR, Part 319, definitions and standards of identity or composition. The following requirements shall apply except in the case of restaurant menus and signs.
- R. 9 CFR, Part 320, records, registration, and reports;
- S. 9 CFR, Part 321, cooperation with states and territories;
- T. 9 CFR, Part 322, exports;
- U. 9 CFR, Part 325, transportation;
- V. 9 CFR, Part 327, imported products;
- W. 9 CFR, Part 329, detention; seizure and condemnation; criminal offenses;
- X. 9 CFR, Part 331, special provisions for designated states and territories; and for designation of establishments which endanger public health and for such designated establishments;
- Y. 9 CFR, Part 335, rules of practice governing proceedings under the federal meat inspection act;
- Z. 9 CFR, Part 350, special services relating to meat and other products;
- AA. 9 CFR, Part 352, exotic animals and horses; voluntary inspection;
- BB. 9 CFR, Part 354, voluntary inspection of rabbits and edible products thereof;
- CC. 9 CFR, Part 355, certified products for dogs, cats, and other carnivora; inspection, certification, and identification as to class, quality, quantity, and condition;
- DD. 9 CFR, Part 362, voluntary poultry inspection regulations;
- EE. 9 CFR, Part 381, poultry products inspection regulations;
- FF. 9 CFR, Part 416, sanitation;
- GG. 9 CFR, Part 417, hazard analysis and critical control point (HACCP) systems;
- HH. 9 CFR, Part 418, recalls;
- II. 9 CFR, Part 424, preparation and processing operations;
- JJ. 9 CFR, Part 430, requirements for specific classes of product;
- KK. 9 CFR, Part 441, consumer protection standards: raw products;
- LL. 9 CFR, Part 442, quantity of contents labeling and procedures and requirements for accurate weights;
- MM. 9 CFR, Part 500, rules of practice.

[21.33.2.8 NMAC -N, 7/12/2022]

HISTORY OF 21.33.2 NMAC:

21.33.2 NMAC, Food Safety, Meat and Poultry Inspection, filed 6/15/2006.

History of Repealed Material:

21.33.2 NMAC, Food Safety, Meat and Poultry Inspection, filed 06/15/2006 - Repealed effective 7/15/2013.

21.33.2 NMAC, Food Safety, Meat and Poultry Inspection, Repealed 7/15/2013 has been replaced by 21.33.2 NMAC, Food Safety Meat and Poultry Inspection effective 7/12/2022.