

**State of Board of Health
Agenda
March 7, 2019 – 9:00 a.m.
Perimeter Center – Boardroom 2**

Call to Order and Welcome	Faye Prichard, Chair
Pledge of Allegiance	Linda Hines, RN
Introductions	Ms. Prichard
Review of Agenda	Joseph Hilbert, MPA Deputy Commissioner for Governmental and Regulatory Affairs
Approval of December 13, 2018 Minutes	Ms. Prichard
Commissioner’s Report	M. Norman Oliver, MD, MA State Health Commissioner
Regulatory Action Update	Mr. Hilbert
Budget Update	Stephanie Gilliam, Deputy Director for Budget Office of Financial Management
Break	
Legislative Update	Mr. Hilbert
Proposed Amendments to Board of Health Bylaws	Mr. Hilbert
Public Comment Period	
Appointment of Nominating Committee	Ms. Prichard
Working Lunch Trauma Informed Care	Alton Hart, Jr., MD, MPH, Director Crater Health District
<u>Regulatory Action Items</u>	
Food Regulations 12VAC5-421 (Fast Track Amendments)	Allen Knapp, Director Office of Environmental Health Services
Closed Session – Update on <i>Melendez v. Board of Health</i>	
Member Reports	
Other Business	
Adjourn	

STATE BOARD OF HEALTH BYLAWS

~~ARTICLE~~ARTICLE I. APPLICABILITY

Section 1. General.

~~The Board of Health has the authority to adopt bylaws pursuant to Va. Code § 32.1-7.~~ The provisions of these Bylaws are applicable to all proceedings of the State Board of Health ("Board") to the extent that the same are not otherwise governed by the requirements set forth in the Code of Virginia or by Executive Order. Whenever the provisions and authorizations of these Bylaws are in conflict with the provisions and authorizations mandated by the Code of Virginia or by Executive Order, the latter shall control.

Section 2. Authority and Limitations.

The Board is constituted under Va. Code §§ 32.1-5, et seq. and 2.2-2100 as a "Policy Board." As a "Policy" board pursuant to Va. Code § 2.2-2100, the Board is specifically charged with the duties and responsibilities set forth in the ~~Basic Law~~basic law governing the actions of the Board, as generally established in Title 32.1, as well as in such other Titles of the Code of Virginia, ~~as authorizations and duties may arise, to~~ As set forth in and consistent with the basic law, the Board may promulgate public policies or regulations, ~~and, consistent with the basic law, specifically to~~ set rates, distribute federal funds, and adjudicate regulatory or statutory ~~violations, law including, but not linked to, the Virginia Administrative Process Act, the Public Procurement Act, the Personnel Act, the State and Local Government Conflicts of Interest Act, the Freedom of Information Act, the Privacy Protection Act, the basic law, and such other enactments or amendments as the General Assembly may, from time to time, provide.~~

Section 3. Members

The Board shall consist of residents of the Commonwealth appointed by the Governor for terms of four years each in accordance with Va. Code § 32.1-5. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term. No person shall be eligible to serve more than two full consecutive four year terms.

Section 4. Representation.

When the Board is requested to appear before the General Assembly, or any legislative or study committees, the Board shall be represented by the State Health Commissioner ("Commissioner") or his designee or by duly designated member(s) who are nominated by the Chair and when practicable, confirmed by the Board.

Individual members of the Board may provide comments to the media, social media, local, state, or federal officials, or members of the public. Any comments made shall be identified as the member's personal views and not the position of the Board unless the member has been authorized by the Board to express its official position.

Section 5. Orientation.

All new members appointed to the Board shall receive an orientation from the Virginia Department of Health (Department) that includes information about the roles and responsibilities of the Board; the committee structure and Bylaws of the Board; the roles and responsibilities of the Department; an overview of the Virginia regulatory process; and the Virginia Freedom of Information Act.

ARTICLE II. MEETINGS

Section 1. Regular Meetings.

Regular meetings of the Board shall be held at least on a quarterly basis at such time and place as the Board may determine, provided, however, that at least one meeting shall be held in the City of Richmond. No business requiring a vote or final decision of the Board may be conducted in the absence of a quorum, as defined under Va. Code § 32.1-8.

Section 2. Annual Meetings.

The regular meeting held in the second quarter of the calendar year shall be designated as an annual meeting. Elections shall be held at the Annual Meeting.

Section 3. Committee Meetings.

The Executive Committee, the establishment and constitution of which are hereinafter set forth, and such other Committees as the Board or Chair may designate, pursuant to Article IV, Section

~~23~~ of these Bylaws, may convene ~~from time to time as at~~ such times as may be established by ~~the appropriate each~~ committee; provided, however, that all such meetings are open to the public and ~~must~~ comply with the notice requirements set forth in Va. Code § 2.2-3707 of the Virginia Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*

Section 4. Special Meetings.

The Chair or any three members of the Board may call a special meeting for a specific purpose or purposes. No business shall be transacted at such special meeting except that expressly ~~sent set~~ out in the notice of the special meeting.

Section 5. Notice of Meeting.

~~In all cases, p~~Public notice of meetings shall be provided ~~at a time and in a manner consistent~~ accordance with the requirements of the ~~then current~~ Freedom of Information Act, Va. Code § ~~2-2-3700~~ 2.2-3700 *et seq.*

Section 6. Quorum.

A quorum of the Board for transaction of any lawful business ~~all purposes~~ shall be that established by Va. Code § 32.1-8, ~~as the same may be amended from time to time.~~

Section 7. Conduct of Meetings.

The Chair shall preside over all meetings of the Board, except that, in the absence or disability of the Chair, the Vice Chair shall preside. The ~~State Health~~ Commissioner (~~"Commissioner"~~), the executive officer of the Board pursuant to Va. Code § 32.1-18, shall serve as Secretary or, with the approval of the Board, shall name his designee to serve as Secretary, as specified by Va. Code § 32.1-9. The Secretary or Secretary-designees shall provide staff support, record all minutes of the meetings, and record in a minute book all resolutions adopted and all transactions occurring at the meeting. The then current edition of Robert's Rules of Order shall govern the conduct of all meetings of the Board when not in conflict with statutory requirements set forth in the Code of Virginia, or Executive Orders, ~~or established policies of the Department of Health.~~ Pursuant to Va. Code § 2.2-3710, ~~no the Board shall not vote by~~ written or secret ballot, ~~s shall be taken in an open meeting, but a~~ All voting shall be accomplished by voice vote, show of hands, or roll-call vote.

Section 8. Closed Session.

Prior to meeting in a closed session, the Board must vote affirmatively to do so and must announce the purpose of the session. This purpose shall consist of one or more of the purposes for which a closed session is permitted in accordance with the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq. Minutes may be taken during a closed session but are not required. Such minutes shall not be subject to mandatory public disclosure.

Section 9. Official Records.

All official records of the Board shall be kept on file at the Department and shall be open to inspection as required by law. All files shall be kept in accordance with the applicable Records Retention and Disposition Schedule maintained by the Library of Virginia in accordance with the Virginia Public Records Act, Va. Code § 42.1-76, et seq.

ARTICLE III. OFFICERS

Section 1. Number and Title.

The officers of this Board shall be as follows:

1. Chair
2. Vice Chair
3. Secretary, who shall be the Commissioner or, with the approval of the Board, his designee, as prescribed by Va. Code § 32.1-9

Section 2. Duties.

The duties of the officers shall be those usually incident to the respective office and such other special duties as may, from time to time, be specified by the Board. Officers shall be elected annually and shall assume their duties at the close of the meeting at which they are elected.

Section 3. Vacancies.

Vacancies in the position of Chair or Vice Chair shall be filled for the remainder of the term by voice vote, show of hands, or roll-call vote of the Board at its next full meeting following the departure or resignation of the former incumbent.

ARTICLE IV. COMMITTEES

Section 1. Executive Committee.

The Executive Committee of the Board shall be composed of the Chair, the Vice Chair, and two non-officer members of the Board, who shall be elected by the Board. . At each year's Annual Meeting, the Board shall elect the two non-officer members of the Executive Committee from the Board's membership for the coming year. Those elected shall assume their duties at the close of the meeting at which they are elected. The Chair of the Board shall also serve as Chair of the Executive Committee.

Section 2. Duties.

The Executive Committee shall undertake all such responsibilities as are required or requested by the Board, and, to the extent the Board may officially delegate certain duties to the Executive Committee, all such delegated duties when the full Board is not in session. All actions taken on delegated duties shall be described in full report to the Board at the next successive full Board meeting for review, approval or disapproval, or ratification by the Board, as appropriate

Section ~~23~~. Other Committees.

The Board or Chair, as its or his discretion, may appoint such other committees of its members as it may deem advisable and may designate the responsibilities of any such committees.

Section ~~34~~. Vacancies.

Vacancies arising on the Executive Committee or any other committee established by the Board or Chair may be filled for the unexpired term by the Board at its next full meeting.

ARTICLE V. ELECTIONS

Section 1. Nominations.

Nominations for Chair, Vice Chair, and two Executive Committee members may be made by a nominating committee appointed by the Chair or the Board for that purpose. Additional nominations may be received by voice from the floor.

Section 2. Voting.

Elections of officers and Executive Committee members must be conducted in open session of at least a quorum of the Board by voice vote, show of hands, or roll-call vote, as required by Va. Code § 2.2-3710. Election to office or Executive Committee membership shall be determined by a simple majority of those present and voting.

ARTICLE VI. AMENDMENTS TO THE BYLAWS

The Board shall review and amend the Bylaws as necessary. At a minimum, the Board shall review its Bylaws every four years. The Bylaws of the Board may be amended at any regular meeting of the Board at which at least a quorum is present by an affirmative vote of two-thirds of the Board membership present and voting, provided that the amendment has been submitted in writing at the previous regular meeting.

These Bylaws are effective on [DATE], and until subsequently amended.

Faye O. Prichard, Chair

State Board of Health

Revised [DATE]

Revised March 2012



COMMONWEALTH of VIRGINIA

M. Norman Oliver, MD, MA
State Health Commissioner

Department of Health
P O BOX 2448
RICHMOND, VA 23218

TTY 7-1-1 OR
1-800-828-1120

MEMORANDUM

DATE: January 28, 2019

TO: Virginia State Board of Health

FROM: Allen Knapp
Director, Office of Environmental Health Services

SUBJECT: Amend Food Regulations (12 VAC5-421) to comply with Senate Bill 470

On March 30, 2018, the Governor signed into law Senate Bill 470 (SB470). SB470 amends § 3.2-5121 of the Code of Virginia to remove the requirement that rabbits must be slaughtered or processed under a voluntary inspection program conducted by the state agency that has animal health jurisdiction (Virginia Department of Agriculture and Consumer Services) or a voluntary inspection program that is administered by the U.S. Department of Agriculture prior to introduction into commerce.

The Food Regulations (12 VAC5-421) require game animals received for sale or service to be, among several options, slaughtered and processed under a voluntary inspection program that is conducted by the state agency that has animal health jurisdiction or under a voluntary inspection program administered by the United States Department of Agriculture. Game animals, by regulatory definition, include rabbits. The Food Regulations require amendment to allow food establishments to receive commercially slaughtered or processed rabbits without voluntary inspection as outlined in SB470.

Should the Board of Health approve the fast track amendments, it will be submitted to the Office of the Attorney General to begin the executive branch review process, as specified by the Administrative Process Act. Following executive branch review and approval, the amendments will be published in the Virginia Register of Regulations and on the Virginia Regulatory Town Hall website. The regulation will become effective 45-days following publication in the Virginia Register of Regulations.



townhall.virginia.gov

Fast-Track Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-421
Regulation title(s)	Food Regulations
Action title	Amend Food Regulations to Comply with Chapter 674 of the 2018 Acts of Assembly
Date this document prepared	01/29/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

A regulatory change to the Food Regulations (12VAC5-421 et seq.) is required in order to conform to changes made to the Code of Virginia during the 2018 Legislative Session (See Chapter 674 of the 2018 Acts of Assembly; SB470).

Chapter 674 amends Section 3.2-5121 of the Code of Virginia to include the following language, in part:

No regulation adopted or amended by the Board of Agriculture and Consumer Services shall require commercially slaughtered or processed rabbits offered for sale or service be slaughtered or processed under (i) the voluntary inspection program that is conducted by the state agency that has animal health jurisdiction or (ii) a voluntary inspection program that is administered by the U.S. Department of Agriculture.

Chapter 674 removes the requirement that rabbits must be slaughtered or processed under a voluntary inspection program prior to introduction into commerce. The Food Regulations require game animals received for sale or service to be, among several options, slaughtered and processed under a voluntary inspection program that is conducted by the state agency that has animal health jurisdiction or under a voluntary inspection program administered by the United States Department of Agriculture (USDA). Game animals, by regulatory definition, include rabbits.

The Food Regulations are in conflict with the statutory language contained in Chapter 674, which became effective July 1, 2018. The proposed regulatory action would amend the Food Regulations to comply with state law by allowing food establishments within the Commonwealth to receive for sale or service, commercially slaughtered or processed rabbits not under a voluntary inspection.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"Board" means the State Board of Health.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

As required by Virginia Code § 2.2-4012.1, please also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.

Chapter 674 states, in part, no regulation adopted or amended by the Board of Agriculture and Consumer Services shall require commercially slaughtered or processed rabbits offered for sale or service be slaughtered or processed under (i) the voluntary inspection program that is conducted by the state agency that has animal health jurisdiction or (ii) a voluntary inspection program that is administered by the U.S. Department of Agriculture.

Chapter 674 removes the requirement that rabbits must be slaughtered or processed under a voluntary inspection program prior to introduction into commerce. The Food Regulations require game animals received for sale or service to be, among several options, slaughtered and processed under a voluntary inspection program that is conducted by the state agency that has animal health jurisdiction. Game animals, by regulatory definition, include rabbits. The Board must amend the Food Regulations as mandated by Chapter 674.

The proposed regulatory change is best suited for the fast track process for several reasons: First, the amendment is simple, easy to understand, and affects just one specific regulatory requirement, the allowance of rabbits for sale or service in food establishments without inspection. Second, the proposed change is necessary to conform the regulation to the underlying statutory change (subsection H of § 3.2-5121 of the Code of Virginia). Lastly, the rulemaking is not expected to be controversial and, therefore, appropriate for the fast track process.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Sections 35.1-11 and 14 of the Code of Virginia authorize the Board to make, adopt, promulgate, and enforce regulations governing food establishments in accordance with the provisions of Title 35.1 of the Code of Virginia.

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

Chapter 674 enacted by the 2018 General Assembly mandates the Board of Health to promulgate regulations to allow food establishments to receive for sale or service commercially slaughtered or processed rabbits that have not undergone voluntary inspection by the state agency that has animal health jurisdiction or a voluntary inspection program administered by the USDA. The Food Regulations prohibit the receipt, by food establishments, the sale or service of rabbits that are not under a voluntary inspection program or inspected by the state agency that has animal health jurisdiction or the USDA.

The proposed regulatory change is required to conform to state law.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The proposed action makes one technical edit; it amends language to allow food establishments to accept for sale or service rabbits not subject to voluntary inspection by the state agency that has animal health jurisdiction or a voluntary inspection program administered by the USDA.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government

officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- 1) The primary advantage is to ensure consistency between law and regulation.
- 2) A secondary advantage of the proposed regulatory change may include a reduction of costs to small businesses that commercially slaughter or process rabbits as costly inspections are no longer required. In addition, the proposed amendment to the Food Regulations would provide clarity to the food industry and the general public regarding approved food source.
- 3) There are no known primary advantages or disadvantages to the agency.
- 4) There are no known pertinent matters of interest to the regulated community, government officials, and the public.
- 5) There are no known disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements in this proposal that exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

Virginia Department of Agriculture and Consumer Services

Localities Particularly Affected

No localities were identified to be particularly affected by the proposed regulatory action.

Other Entities Particularly Affected

No other entities were identified to be particularly affected by the proposed regulatory action.

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	None
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	None
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	None

Impact on Localities

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	None
<p>Benefits the regulatory change is designed to produce.</p>	The proposed regulatory change is designed to comply with a mandate Chapter 674 enacted by the 2018 General Assembly

Impact on Other Entities

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>Food establishments permitted by the Virginia Department of Health who sell or serve rabbit to the public.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There are approximately 29,200 permitted food establishments in the Commonwealth as of October 10, 2018; it is unknown how many are selling or serving rabbit. It is unknown how many are small businesses.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.</p>	<p>There are no projected costs anticipated with the regulatory revisions.</p>

<p>Benefits the regulatory change is designed to produce.</p>	<p>This regulatory action is designed to allow food establishments to sell and service commercially slaughtered and processed rabbits to the public without inspection. The regulatory change may reduce costs to rabbit processors and expedite the availability of commercially raised and slaughtered rabbits into commerce.</p>
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Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

As the proposed change is to conform the Food Regulations to the Code of Virginia (see Chapter 674 of the 2018 Acts of Assembly; SB470), there are no viable alternatives.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There were no alternative regulatory methods identified as the proposed regulatory change does not adversely impact small business.

Public Participation

If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register; and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
330	Amend section A	Rabbits must be inspected and certified pursuant to federal law, or under a voluntary inspection by VDACS or USDA.	Strike language referring to rabbits requiring inspection.
330	Adding subsection C	None	Add language to clarify that subsection A is not applicable to rabbits raised for food that are commercially slaughtered or processed rabbits and offered for sale or service in food establishments so long as they are slaughtered or processed in a facility regulated by the Virginia Department of Health or by the state agency that has animal health jurisdiction.

1 **12VAC5-421-330. Game animals.**

2 A. If game animals are received for sale or service they shall be:

3 1. Commercially raised for food and raised, slaughtered, and processed under a
4 voluntary inspection program that is conducted by the state agency that has
5 animal health jurisdiction or under a voluntary inspection program administered
6 by the USDA for game animals such as exotic animals (reindeer, elk, deer,
7 antelope, water buffalo, or bison) that are "inspected and approved" in
8 accordance with 9 CFR Part 352 ~~or rabbits that are "inspected and certified" in~~
9 ~~accordance with 9 CFR Part 354;~~

10 2. As allowed by law, wild game animals that are live-caught:

11 a. Under a routine inspection program conducted by a regulatory agency such
12 as the agency that has animal health jurisdiction;^P

13 b. Slaughtered and processed according to:

14 (1) Laws governing meat and poultry as determined by the agency that has
15 animal health jurisdiction and the agency that conducts the inspection
16 program;^P and

17 (2) Requirements that are developed by the agency that has animal health
18 jurisdiction and the agency that conducts the inspection program with
19 consideration of factors such as the need for antemortem and postmortem
20 examination by an approved veterinarian or veterinarian's designee;^P or

21 3. As allowed by law for field-dressed wild game animals under a routine
22 inspection program that ensures the animals:

23 a. Receive a postmortem examination by an approved veterinarian or
24 veterinarian's designee; or

25 b. Are field-dressed and transported according to requirements specified by
26 the agency that has animal health jurisdiction and the agency that conducts
27 the inspection program;^P and

28 c. Are processed according to laws governing meat and poultry as
29 determined by the agency that has animal health jurisdiction and the agency
30 that conducts the inspection program.^P

31 B. A game animal shall not be received for sale or service if it is a species of wildlife
32 that is listed in 50 CFR Part 17.

33 C. The requirements of subsection A of this section shall not apply to commercially
34 slaughtered or processed rabbits that are offered for sale or service.