

FILE

Subject Agriculture Bd of
Meat & Poultry
Copy to Inspection



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

January 16, 1974

Opinion No. 74- 17

Honorable John C. Bottenberg
Representative Fiftieth District
Jackson, Jefferson, Atchison Counties
650 West 4th
Holton, Kansas 668436

Dear Sir:

A farmer slaughters and processes, on his own premises and with the assistance of his son-in-law, beef owned by the son-in-law and brought to the farmers' for such slaughtering and processing, which beef the son-in-law then transports to his own residence for his own consumption. You ask whether the farmer is subject to the inspection requirements of the Kansas Meat and Poultry Act.

K.S.A. 65-6a27 defines the relevant applicability of the act:

" . . . (a) It shall be a violation of this act for any person: (1) To slaughter any cattle, sheep, swine, goats, horses, mules or other equines, domestic rabbits or poultry, except in compliance with this act; or (2) to prepare any meat, meat food product, poultry or poultry product, capable for use as human food, at any establishment preparing such products, except in compliance with the requirements of this act; or"

Without being otherwise excepted, the farmer in question would, we believe, be required to comply with the act.

K.S.A. 65-6a31 excepts certain operations from the act's requirements. The relevant exception is the following:

" . . . (a) The provisions of this act shall not apply (1) to the slaughtering by any person of animals of his own raising, or to the preparing by him or to the transporting in intrastate commerce of the carcasses, parts thereof, meat food

products or poultry products of such animals, exclusively for use or consumption by him, members of his household or his nonpaying guests and employees; or . . ."

In the instant case the farmer slaughters cattle belonging to his son-in-law. If such cattle are not of the farmer's "own raising", without going farther the exception does not extend to him. The husbandry of the cattle aside, however, because his son-in-law and his family are not members of the farmer's household, his non-paying guests or employees, the exemption does not apply and the farmer's operation would be subject to the requirements of the act.

Very truly yours,



VERN MILLER
Attorney General

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