



Department of Public Health and Human Services

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DPHHS Technical Guidance on use of Department of Livestock inspection-exempt poultry in retail food establishments

The purpose of this document is to provide guidance on the use of Montana Department of Livestock (DOL) inspection-exempt poultry in retail food establishments.

The Food and Consumer Safety Section (FCSS) of DPHHS and DOL jointly reviewed the Code of Federal Regulations (CFR) and Administrative Rules Montana (ARM) for retail food establishments to determine whether inspection-exempt poultry is allowed in retail establishments. After reviewing 9 CFR 381.10, in combination with applicable retail food ARMs, FCSS determined that:

Poultry slaughtered and distributed under the 20,000 bird inspection exemption are considered an approved source of food for use in a retail food establishment.

The term “*approved*” is defined in ARM 37.110.203 (2) as: “*acceptable to the regulatory authority based on its determination of conformity with safe food manufacturing and processing methods.*”

In addition, ARM 37.110.204 states that foods in retail food establishments: “*... must be free from adulteration or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with all laws relating to food and food labeling which include, but are not limited to, laws of the federal food and drug administration (FDA); environmental protection agency (EPA), United States department of agriculture (USDA), Montana department of livestock; Montana department of agriculture; and the Montana Food, Drug and Cosmetic Act, Title 50, chapter 31, MCA.*”

DOL has authority over poultry producers and may restrict to whom they can sell exempt poultry. Under some circumstances, stand-alone meat markets might not be allowed to use or sell exempt poultry. Stand-alone meat markets intending to use or sell exempt poultry are encouraged to consult with DOL to ensure that they are in compliance. Note that this restriction does not apply to meat markets in grocery stores. DOL-Meat & Inspection Bureau at 406-444-5202 or email: livemail@mt.gov.

Recommendation:

DPHHS-FCSS and DOL consider inspection-exempt poultry to be an approved food source in retail establishments.

If the poultry is sold packaged in the raw state, a label bearing the owner’s name, address and the statement “Exempted - P.L. 90-492” is required. If the poultry is cooked, a label declaring that the chicken is exempt is not required. If the establishment is a stand-alone meat market that does no processing other than cutting up and packaging meat, DOL restrictions may apply. DPHHS-FCSS recommends that these establishments contact DOL before using and selling exempt poultry.

For more information, please contact DPHHS-FCSS at 406-444-2408 or visit our website: www.fcss.mt.gov