

§ 331.6

9 CFR Ch. III (1-1-07 Edition)

(3) Thereafter the Program Inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with part 329 of this subchapter: *Provided*, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare

any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

**§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.**

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of act and regulations	Classes of operators	State	Effective date of designation		
Act, section 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or preparing, freezing, packaging or labeling any livestock carcasses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, wholesaler, or otherwise), transporting or storing any livestock carcasses or parts or products thereof; or (3) business as a renderer, or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or parts of carcasses of any livestock that died otherwise than by slaughter.	Alaska .....	July 31, 1999.		
		Arkansas .....	Mar. 29, 1982.		
		California .....	Apr. 1, 1976.		
		Colorado .....	July 1, 1975.		
		Connecticut .....	Oct. 1, 1975.		
		Guam .....	Nov. 19, 1976.		
		Idaho .....	Mar. 29, 1982.		
		Kentucky .....	Apr. 18, 1976.		
		Maryland .....	Mar. 31, 1991.		
		Massachusetts ..	Jan. 12, 1976.		
		Michigan .....	Mar. 29, 1982.		
		Nebraska .....	Jan. 31, 1975.		
		Nevada .....	Jan. 31, 1975.		
		New Hampshire ..	Oct. 29, 1979.		
		New Jersey .....	July 1, 1975.		
		New York .....	July 16, 1975.		
		Northern Mariana Islands.	Oct. 29, 1979.		
		Oregon .....	Jan. 31, 1975.		
		Pennsylvania ....	May 2, 1974.		
		Puerto Rico .....	Nov. 19, 1976.		
		Rhode Island ....	Mar. 29, 1982.		
		Tennessee .....	Oct. 1, 1975.		
		Virgin Islands ...	Nov. 19, 1976.		
		Washington .....	Jan. 31, 1975.		
		Act, 203; § 320.5 .....	Persons engaged (not in or for commerce) in business as a meat broker; renderer; animal food manufacturer; wholesaler or public warehouseman of livestock carcasses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock that dies otherwise than by slaughter.	Alaska .....	July 31, 1999.
				Arkansas .....	Mar. 29, 1982.
				California .....	Apr. 1, 1976.
Colorado .....	July 1, 1975.				
Connecticut .....	Oct. 1, 1973.				
Guam .....	Nov. 19, 1976.				
Idaho .....	Mar. 29, 1982.				
Kentucky .....	Apr. 18, 1976.				
Maryland .....	Mar. 31, 1991.				
Massachusetts ..	Jan. 12, 1975.				
Michigan .....	Mar. 29, 1982.				
Nebraska .....	Jan. 31, 1975.				
Nevada .....	Jan. 31, 1975.				
New Hampshire ..	Oct. 29, 1979.				
New Jersey .....	July 1, 1975.				

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Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.	New York .....	July 16, 1973.
		Northern Mariana Islands.	Oct. 29, 1979.
		Oregon .....	Jan. 31, 1974.
		Pennsylvania .....	May 2, 1975.
		Puerto Rico .....	Nov. 19, 1976.
		Rhode Island .....	Mar. 29, 1982.
		Tennessee .....	Oct. 1, 1975.
		Virgin Islands .....	Nov. 19, 1976.
		Washington .....	Jan. 31, 1975.
		Alaska .....	July 31, 1999.
		Arkansas .....	Mar. 29, 1982.
		Connecticut .....	Oct. 1, 1975.
		Guam .....	Nov. 19, 1976.
		Idaho .....	Mar. 29, 1982.
		Kentucky .....	Apr. 18, 1973.
		Maryland .....	Mar. 31, 1991.
		Massachusetts .....	Jan. 12, 1976.
		Michigan .....	Mar. 29, 1982.
		Nevada .....	Jan. 31, 1975.
		New Hampshire .....	Oct. 29, 1979.
		New Jersey .....	July 1, 1975.
		New York .....	July 16, 1975.
		Northern Mariana Islands.	Oct. 29, 1979.
		Oregon .....	Jan. 31, 1975.
Pennsylvania .....	May 2, 1974.		
Puerto Rico .....	Nov. 19, 1976.		
Rhode Island .....	Mar. 29, 1982.		
Virgin Islands .....	Nov. 19, 1976.		
Washington .....	Jan. 31, 1975.		

[35 FR 19667, Dec. 29, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §331.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**PART 335—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE FEDERAL MEAT INSPECTION ACT**

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

**Subpart A—Criminal Violations**

AUTHORITY: Sec. 406, Pub. L. 99-641, 100 Stat. 3571; 21 U.S.C. 606 note.

[42 FR 10960, Feb. 25, 1977. Redesignated at 64 FR 66545, Nov. 29, 1999]

**§ 335.40 Opportunity for presentation of views before report of criminal violations.**

(a) Except as provided in paragraphs (a)(1) through (5) of this section, before any violation of the Federal Meat Inspection Act is reported to the Department of Justice by the Secretary for criminal prosecution the Secretary

must give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Secretary with respect to such proceeding.

(1) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(2) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(3) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in compromising special investigative