

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 - Rp, 21.33.2.1 NMAC 11/07/2025]

21.33.2.2 SCOPE: Regulating the states meat and poultry inspection program.
[21.33.2.2 NMAC - Rp, 21.33.2.2 NMAC 11/07/2025]

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 77-17-15; NMSA 1978, Section 30-18-1 through Section 30-18-14 NMSA 1978, Section 25-2-22 NMSA.
[21.33.2.3 NMAC - Rp, 21.33.2.3 NMAC 11/07/2025]

21.33.2.4 DURATION: Permanent.
[21.33.2.4 NMAC - Rp, 21.33.2.4 NMAC 11/07/2025]

21.33.2.5 EFFECTIVE DATE: November 7, 2025 unless a later date is cited at the end of a section.
[21.33.2.5 NMAC - Rp, 21.33.2.5 NMAC 11/07/2025]

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 - Rp, 21.33.2.6 NMAC 11/07/2025]

21.33.2.7 DEFINITIONS: All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those word or terms. The following words or terms, when used in this part, shall have the following meaning, unless the context clearly indicates otherwise.

A. Definitions beginning with “A”:

(1) “Act” means the New Mexico Meat Inspection Act, Sections 25-2-22 NMSA 1978.

(2) “Adulterated” means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) if it bears or contains any such poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) if it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance other than one which is:

(i) a pesticide chemical in or on a raw agricultural commodity;

(ii) a food additive; or

(iii) a color additive which may, in the judgment of the MPI Director, make such article unfit for human food;

(c) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(d) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(e) if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(f) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(g) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(h) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(i) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or, if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise adulterated.

(3) Horse meat that is slaughtered for human consumption.

B. Definitions beginning with "B": "Board" means the New Mexico livestock board.

C. Definitions beginning with "C":

(1) **"Capable of use as human food"** means any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by the applicable provisions of 9 C.F.R. Sections 314.3, 314.10, 325.11, and 325.13 to deter its use as a human food, or it is naturally inedible by humans; e.g., hoofs or horns in their natural state.

(2) **"Carcass"** means all parts, including viscera, of any slaughtered livestock.

(3) **"CFR"** means the codification of the general and permanent rules published in the Federal register by the executive departments and agencies of the Federal government.

(4) **"Cleaning agents"** means cleaning compounds, sanitizing agents, processing aids and other chemicals used by an establishment, shall be used, handled and stored in a manner that will not adulterate product or create unsanitary conditions. Documentation substantiating the safety of the chemical's use in food processing environment shall be available to New Mexico livestock board inspection program employees for review. In most cases documentation will be "safety data sheets".

(5) **"Condemned"** means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(6) **"Consciousness"** means responsiveness of the brain to the impressions made by the senses.

(7) **"Curing"** means the addition of salt, sodium or potassium nitrate (or saltpeter), nitrites, and sometimes sugar, seasonings, phosphates and cure accelerators to meat.

D. Definitions beginning with "D":

(1) **"Dead livestock"** means the body (cadaver) of livestock which has died otherwise than by slaughter.

(2) **"Director"** means the executive director of the New Mexico livestock board. For the purposes of this rule, the term "secretary," when used in 9 Code of Federal Regulations (CFR), means director.

(3) **"Division"** means that part of the New Mexico livestock board devoted to food safety, meat and poultry inspection. For the purposes of this rule, when using the federal regulations adopted by reference in 21.33.2 NMAC (relating to Federal regulations on meat and poultry inspection), the terms "United States department of agriculture" or "department" mean the MPI division under the New Mexico livestock board.

(4) **"Dying, diseased, or disabled livestock"** means livestock which has or displays symptoms of having any of the following:

(a) central nervous system disorder;

(b) abnormal temperature (high or low);

(c) difficult breathing;

(d) abnormal swellings;

(e) lack of muscular coordination;

(f) inability to walk normally or stand;

(g) any of the conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the regulations in part 309 of this subchapter.

E. Definitions beginning with "E":

(1) **"Edible"** means intended for use as human food.

(2) **“Establishment”** means any business ownership type that engages in any slaughtering, cutting, boning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this rule.

F. Definitions beginning with “F”:

(1) **“Farm slaughter”** means the slaughtering of an animal or animals for the owner of that animal or animals on the owner’s farm or premises and further processed at a custom exempt plant for personal use.

(2) **“Firm”** means any type of business, partnership, association, or other unincorporated business organization or establishment.

(3) **“Further processing”** means smoking, cooking, curing, refining, or rendering in an official establishment of product previously prepared in official establishments.

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: [RESERVED]

I. Definitions beginning with “I”:

(1) **“Immediate container”** means the receptacle or other covering in which any product is directly contained or wholly or partially enclosed.

(2) **“Inedible”** means adulterated, uninspected, or not intended for use as human food.

(3) **“Inspected and condemned”** means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this rule.

(4) **“Inhumane slaughter or handling in connection with slaughter”** means slaughter or handling in connection with slaughter not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901 through 1906, as amended by the Humane Methods of Slaughter Act of 1978, 92 Stat. 1069) and part 313 of this subchapter.

(5) **“Inspector”** means any duly authorized agent of the livestock board.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”:

(1) **“Label”** means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(2) **“Labeling”** means all labels and other written, printed, or graphic matter:

(a) upon any article or any of its containers or wrappers, or

(b) accompanying such article.

(3) **“Livestock”** means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids and farmed cervidae.

(4) **“Livestock market”** means any facility in the state of New Mexico, which is used for the purpose of holding consignment sales of livestock.

M. Definitions beginning with “M”:

(1) **“Meat”** means the part of the muscle of any cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, diaphragm, heart, or esophagus, with or without the accompanying and overlying fat, and the portions of bone (in bone-in product such as T-bone or porterhouse steak), skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and that are not separated from it in the process of dressing. As applied to products of equines, this term has a comparable meaning:

(a) Meat does not include the muscle found in the lips, snout, or ears.

(b) Meat may not include significant portions of bone, including hard bone and related components, such as bone marrow, or any amount of brain, trigeminal ganglia, spinal cord, or dorsal root ganglia (DRG).

(2) **“Meat by-product”** means any part capable of use as human food, other than meat that has been derived from one or more cattle, bison, sheep, swine, or goats.

(3) **“Meat food product”** means any article capable of use as human food that is made wholly or in part from any meat or other portion of the carcass from any cattle, bison, sheep, swine, or goats. However, “meat food product” shall not include those exempted from definition as a meat food product by the director in specific cases or by the rules, in Title 9 of the Code of Federal Regulations (CFR), Part 317 due to a determination that they contain meat or other portions of carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry. Those exempted shall comply with any requirements that are imposed as conditions of the exemptions to assure that the meat or other portions of carcasses contained in the articles are not adulterated and are not represented as meat food products.

(4) **“Misbranded”** means any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

- (a) if its labeling is false or misleading in any particular;
- (b) if it is offered for sale under the name of another food;
- (c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word “imitation” and immediately thereafter, the name of the food imitated;
- (d) if its container is so made, formed, or filled as to be misleading;
- (e) if in a package or other container unless it bears a label showing:
 - (i) the name and place of business of the manufacturer, packer, or distributor; and

- (ii) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in 9 C.F.R part 317 with respect to the quantity of contents;

- (f) if any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(5) **“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. For the purposes of this rule, the term "food safety and inspection service (FSIS)," when used in federal regulations adopted by reference by the department in 21.33.2 NMAC, means the MPID.

- (a) 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*);

- (b) 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.

(6) **“MPI director”** means the director of the New Mexico meat and poultry inspection program. For the purposes of this subchapter, the term "administrator," when used in federal regulations adopted by reference by the department in 21.33.2 NMAC, means MPI director.

N. Definitions beginning with “N”:

(1) **“New Mexico livestock”** means any livestock raised or pastured or fed within the state of New Mexico.

(2) **“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.

O. Definitions beginning with “O”: **“Official identification”** means an electronic or visual ear tag with a 15-digit number beginning with “840”, a USDA silver metal identification tag, a USDA orange metal calfhood brucellosis vaccination tag, a breed registry tattoo with proof of registration, or other identification as approved by the New Mexico state veterinarian.

P. Definitions beginning with “P”:

(1) **“Packaging material”** means any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for meat products.

(2) **“Pesticide chemical, food additive, color additive, raw agricultural commodity”** these terms shall have the same meanings for purposes of the Act and the regulations in this subchapter as under the Federal Food, Drug, and Cosmetic Act.

(3) **“Person”** means an individual, partnership, association or operation.

(4) **“Poultry”** means any domesticated bird, whether live or dead, including chickens, turkeys, ducks, geese, guineas, ratites, or squabs (also known as young pigeons from one to about 30 days of age).

(5) **“Poultry product”** means any poultry carcass, part, or product made wholly or in part from any poultry carcass or part which can be used as human food, except those exempted from definition as a poultry product in Title 9 of the Code of Federal Regulations (CFR), Part 381.15. This term shall not include detached ova.

(6) **“Poultry by-product”** means skin, fat, gizzard, heart, or liver, or any combination of any poultry for cooked, smoked sausage.

- (7) **“Prepared”** means slaughtered, salted, rendered, boned, cut up, or otherwise manufactured or processed.
- (8) **“Processing”** means processing as any activity that alters a product from its raw state, including steps like curing, smoking, cooking, refining, rendering, grinding, comminuting, injecting solutions, or mechanical tenderization.
- (9) **“Product”** means any carcass, meat, meat byproduct, or meat food product, capable of use as human food.
- (10) **“Proper separation”** means adequate space between applicable products as approved by the MPI director or an authorized agent.
- Q. Definitions beginning with “Q”: [RESERVED]**
- R. Definitions beginning with “R”:**
- (1) **“Rendering”** means bodies or parts of bodies of dead animals or poultry and used cooking grease and oils.
- (2) **“Retained”** means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposition.
- S. Definitions beginning with “S”:**
- (1) **“Sanitize”** means the treatment of physically clean surfaces of equipment, utensils, refrigeration units, and structures by a process, approved by the department that effectively destroys microorganisms including pathogens.
- (2) **“Secretary”** the term secretary, when used in 9 CFR, shall mean the MPID director.
- (3) **“Shipping container”** means the outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosing any product packed in one or more immediate containers.
- (4) **“Suspect”** means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposition.
- T. Definitions beginning with “T”: “Tagging”** means the regulatory process or action of placing a New Mexico retained or New Mexico rejected tag on the establishment’s product, carcass, building compartment, or equipment. For the purposes of this rule, the term "U.S. retained," when used in 9 Code of Federal Regulations (CFR), means New Mexico retained. For the purposes of this rule, the term "U.S. rejected," when used in 9 Code of Federal Regulations (CFR), means New Mexico rejected.
- U. Definitions beginning with “U”: “Unwholesome”** refers to anything that is or could reasonably contribute to a meat or poultry product being injurious to human health.
- V. Definitions beginning with “V”: [RESERVED]**
- W. Definitions beginning with “W”: [RESERVED]**
- X. Definitions beginning with “X”: [RESERVED]**
- Y. Definitions beginning with “Y”: [RESERVED]**
- Z. Definitions beginning with “Z”: [RESERVED]**
- [21.33.2.7 NMAC - Rp, 21.33.2.7 NMAC 11/07/2025]

21.33.2.8 INCORPORATION BY REFERENCE OF FEDERAL MEAT INSPECTION AND POULTRY PRODUCTS INSPECTION REGULATIONS: The Federal Meat Inspection Act, Poultry Products Inspection Act and Regulations 9 CFR, Chapter III, 300 through 590.970, are incorporated by reference as presently in effect and as they may later be modified.

[21.33.2.8 NMAC - N, 11/07/2025]

21.33.2.9 REGULATION OF MEAT AND POULTRY INSPECTION 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.
- [21.33.2.9 NMAC - Rp, 21.33.2.8 NMAC 11/07/2025]

21.33.2.10 APPLICATION FOR LICENSE FOR STATE INSPECTION AND CUSTOM EXEMPTION:

- A.** Each person or firm conducting operations at an establishment subject to the Act, including tenants, subsidiaries, and landlords, shall apply for a grant of state inspection or custom exempt.
- B.** The application for inspection shall be on official forms provided by the meat and poultry inspection division (MPID) of the New Mexico livestock board.
 - (1)** The application shall contain all requested information.
 - (2)** All applicant trade names used for labeling shall be provided in the application.
 - (3)** Each applicant for inspection shall be responsible for compliance with the Act and the rules if inspection is granted.
- C.** Only the person listed as the applicant is authorized to conduct operations at the establishment for which inspection is granted.
- D.** A new license application shall be made for changes of ownership or location. Any currently issued license for custom exemption is non-transferable.

E. The application for license for custom exemption and state inspection is subject to licensing fees and annual renewal fees as established in 21.32.10 NMAC so long as the firm is in operation. Failure to register could result in enforcement actions pursuant to 21.33.2.35 NMAC.
[21.33.2.10 NMAC - N, 11/07/2025]

21.33.2.11 REGISTRATION AND APPLICATION REQUIREMENTS FOR CUSTOM EXEMPT ESTABLISHMENTS:

A. Every establishment where livestock and poultry are custom slaughtered without ante-mortem and post-mortem inspection or in which custom processing of carcasses or parts of carcasses derived from livestock and poultry slaughtered without ante-mortem and post-mortem inspection is required to submit an application and have all facilities approved by the director or designee prior to receiving a custom exempt license and conducting operations.

B. Any person or establishment, not licensed as a retail exempt business, engaged in custom processing of inspected and passed carcasses for individuals, is required to submit an application and meet all facility requirements prior to conducting operations.
[21.33.2.11 NMAC - N, 11/07/2025]

21.33.2.12 STATE INSPECTION AND CUSTOM EXEMPT ESTABLISHMENT LICENSE AND LICENSEE:

A. Any person desiring to operate a livestock slaughter or meat processing establishment in New Mexico shall file an application for a license with the director on such form or forms as the director shall prescribe, which application shall be signed by the applicant.

B. Every license issued by the director to a qualified establishment shall expire one year from the date of issuance. Renewal of such license shall be made on renewal forms as prescribed by the board.

C. The director may extend licenses for a portion of a calendar year, in order to synchronize the periods of all licenses, so that the one year period of issue coincides with the calendar year.

D. The board will cooperate with the FSIS, to ensure that the establishment owner has met the requirements for approval under the federal and state codes, prior to issuing the license.

E. The establishment owner shall display the license in a prominent place visible to the public.

F. Violation of any rule or statute on establishment property by owner, agent, operator or employee may result in suspension or revocation of license.
[21.33.2.12 NMAC - N, 11/07/2025]

21.33.2.13 DRAWINGS, INFORMATION TO BE FURNISHED FOR CUSTOM EXEMPT LICENSURE:

A. Each applicant for inspection shall submit two copies of the following:
(1) complete drawings with specifications of the floor plans of the establishment for which inspection is requested, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes;

(2) a plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railways serving the establishment;

(3) a room description showing the finish of walls, floors, and ceilings of all rooms in the establishment;

B. Standard sanitation operating procedures established by the meat inspection division to include describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment related to sanitation and proper performance of inspection.

C. Written notice shall be given to each applicant granted a custom exempt license, specifying the establishment to which the license applies.

D. The director or designee may issue a custom exempt license upon a determination that the applicant and the establishment are eligible.

E. The director or designee may refuse to issue a license at any establishment if the director or designee determines the establishment does not meet all requirements of applicable laws or regulations.

[21.33.2.13 NMAC - N, 11/07/2025]

21.33.2.14 REGISTRATION AND APPLICATION REQUIREMENTS FOR LOW-VOLUME, EXEMPT POULTRY AND RABBIT OPERATIONS:

A. Operators of exempt poultry and rabbit slaughter and processing are required to submit an application and register their business with the MPID. The registration is subject to licensing fees and annual renewal fees as established in 21.32.10 NMAC so long as the firm is in operation. Failure to register could result in enforcement actions pursuant to 21.33.2.35 NMAC.

B. Adulterated poultry or rabbits, as defined in this subchapter, may not be slaughtered for the purpose of selling the carcass or parts for food. Only healthy poultry and rabbits, exhibiting no abnormalities, may be slaughtered for sale as food.

C. Unhealthy or unsound poultry and rabbits are those that exhibit any condition not normally expected to be exhibited in a healthy and sound member of that species. Examples of abnormal or unsound animals include animals that are not able to get up, or animals that have a missing or abnormal eye, swellings, rectal or vaginal prolapse, ocular or nasal discharge, a cough, or a limp.

D. Operators of facilities conducting slaughter under a poultry or rabbit exemption shall keep records such as bills of sale, invoices, bills of lading, and receiving and shipping papers for transactions in which any poultry or rabbit or poultry or rabbit carcass, meat, or meat food product is purchased, sold, shipped, received, transported, or otherwise handled for a period of one year. These records shall be available to department representatives on request.

E. Low-volume poultry or rabbit slaughter operations shall be maintained in sanitary condition during slaughter and processing operations.

F. Carcasses and parts there from that are prepared under the poultry or rabbit exemption shall be packaged and the container shall be marked with each of the following in letters at least 1/4 inch in height, unless otherwise stated:

(1) the slaughterer's name and address of the business and the term "Exempted P.L. 90-492" and the statement "not produced under inspection";

(2) the common or usual name of the product, or a truthful descriptive designation of the product;

(3) a special handling label such as, "keep refrigerated," "keep frozen," "keep refrigerated or frozen," "perishable - keep under refrigeration," or any other similar statement that entails the product is perishable and needs to be stored properly before cooking.

[21.33.2.14 NMAC - N, 11/07/2025]

21.33.2.15 ESTABLISHMENTS REQUIRING INSPECTION: Inspection under the rules is required at:

A. every establishment, except as provided in 9 CFR, Part 303.1, 381.10, 381.11, 381.12, 381.13, 381.14, and 381.15, within the state, at which any livestock or poultry are slaughtered or any meat or poultry products are processed, for use as human food solely for distribution within such jurisdiction;

B. every establishment, operating under exemptions, as provided in 9 CFR, Part 303.1, 381.10, 381.11, 381.12, 381.13, 381.14, and 381.15, which becomes designated by the director pursuant to the act as one producing adulterated meat or poultry products which would clearly endanger the public health.

[21.33.2.15 NMAC - N, 11/07/2025]

21.33.2.16 INSPECTION AND TESTS AT MEAT ESTABLISHMENTS:

A. All livestock and poultry received at an establishment may be inspected for health by the board, or its authorized agent.

B. In conducting such inspections of any meat in the possession of the operator, such board or its agent, is authorized to test and to require the administration of such preventative or curative treatment, as the state veterinarian shall deem necessary to prevent the spread of livestock disease.

C. The tests and treatments which are required as part of this section shall be accomplished at the owner's expense.

[21.33.2.16 NMAC - N, 11/07/2025]

21.33.2.17 INSPECTION OF CATTLE AND TAGGING AT ESTABLISHMENTS: All livestock entering an establishment shall be inspected by a livestock inspector or authorized agent of the board, for brands and ownership and that inspection shall be documented upon the certificate prescribed by the board.

[21.33.2.17 NMAC - N, 11/07/2025]

21.33.2.18 CUSTOM EXEMPT SLAUGHTER AND PROCESSING; OPERATING REQUIREMENTS AND PROCEDURES:

A. The requirements of this section apply to the custom slaughter and processing by any person of uninspected livestock carcasses or parts, delivered by or for the owner thereof for such processing. These products are not for sale to the public and are for the exclusive use of the owner, a member of the owner's household, or a nonpaying guest or employee of the owner. The requirements of this section do not apply to hunter-killed game animals, hunter-killed exotic animals, or hunter-killed feral swine.

B. No adulterated carcasses or parts as defined in this rule may be accepted for custom processing.

C. Exempt records and recordkeeping system:

(1) Operators of facilities conducting custom exempt operations shall keep records for a period of one year from the date of slaughter or processing.

(2) Custom slaughter records shall contain the name, address, and telephone number of the owner of each animal presented, and the date the animal was slaughtered, the species and brief description of the livestock.

(3) All such records shall be maintained at the licensed establishment for 48 hours following completion, after which they may be stored off-site provided such records can be made available within 24 hours of request.

(4) Records described above shall be available to department officials on request.

D. Animals for slaughter:

(1) Only healthy animals exhibiting no abnormalities, may be accepted for custom slaughter at custom slaughter establishments.

(2) Unhealthy or unsound animals are those that exhibit any condition that is not normally expected in a healthy and sound member of that species.

(3) Examples of abnormal or unsound animals include: animals that are not able to get up, or animals that have a missing or abnormal eye(s), swellings, rectal or vaginal prolapse, excessive ocular or nasal discharge, open abscesses, or a limp from an obviously healed break in the leg(s).

(4) Animals that have an obviously recent break of the lower leg (below the stifle or elbow) and are able to walk and stand are not considered to be unsound if no other abnormal conditions are observed.

(5) A program official that determines an animal or carcass is adulterated, unfit for human food, is from an unhealthy or unsound animal, or may be a health hazard, may attach a "New Mexico retained" tag to the carcass and parts thereof and document the reason for attaching a tag on form specified by the department and deliver the form to the operator or manager of the establishment. The owner of the carcass shall be notified by the plant operator or manager and advised of the potential health risk. The custom processor shall ensure that the owner of the carcass or parts either authorizes the voluntary destruction and denaturing of the carcass and all parts or agrees to remove the carcass from the custom processing establishment.

(6) Under no circumstances may the carcass be further processed at any establishment.

(7) Carcasses, or parts thereof, derived from animals that have died through circumstances other than slaughter is considered adulterated as defined herein. This includes animals such as roadkill or animals that have died by disease, trauma, or other accident. Such animals may not enter or be processed by a licensed or granted establishment.

E. Procedures regarding receiving farm slaughtered livestock: If a custom processor accepts farm slaughtered animals for custom processing, records shall contain a signed statement from the animal owner that the animal was healthy and exhibited no abnormalities, other than an obviously recent break to the lower leg (below the stifle or elbow) and was able to walk and stand at the time of slaughter.

F. Additional records to be kept by establishment:

(1) Additional records to be kept include bills of sale, invoices, bills of lading, and receiving and shipping papers for transactions in which any livestock or carcass, meat, or meat food products are purchased, sold, shipped, received, transported, or otherwise handled by the custom slaughter establishment.

(2) Additional records to be kept include bills of sale, invoices, bills of lading, and receiving and shipping papers for transactions in which any livestock or carcass, meat, or meat food products are purchased, sold, shipped, received, transported, or otherwise handled by the custom processor.

G. Retail operations in a custom exempt establishment:

(1) If the custom slaughter or processing establishment also maintains a retail meat outlet, separate records as listed above in this section shall be maintained for each type of business conducted at the establishment.

(2) Retail products shall be clearly labeled and identified during receiving, storing, processing, and packaging.

(3) Retail products and custom exempt meat products shall maintain proper separation by time and or space during receiving, storing, processing, and packaging.

H. Sanitary operations and sanitation standard operating procedures (SSOP): The NMLB, through the MPID, adopts by reference, 9 CFR 416 of the Code of Federal Regulations (CFR), as amended for custom sanitary operations and sanitation standard operating procedures (SSOP). Custom exempt slaughter and processing establishments shall be maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure product is not adulterated. Each custom exempt slaughter and processing establishment shall comply with the requirements of 9 CFR 416.

I. Specified risk materials (SRM) removal and Handling:

(1) The NMLB, through the MPID, adopts by reference, 9 CFR 310.22 of the Code of Federal Regulations (CFR), as amended for the handling and disposing of specified risk materials from cattle.

(2) Each custom slaughter establishment shall comply with the requirements of 9 CFR 310.22 regarding the handling and disposing of specified risk materials from cattle.

(3) Each custom processing establishment that receives farm slaughtered livestock shall comply with the requirements of 9 CFR 310.22 regarding the handling and disposing of specified risk materials from cattle.

J. Humane handling and slaughter of livestock: The NMLB, through the MPID, adopts by reference, 9 CFR 313 and 9 CFR 310.18(b) of the Code of Federal Regulations (CFR), as amended for the humane handling and slaughter of livestock. Custom exempt slaughter operators shall comply with the requirements of 9 CFR 313 and 9 CFR 310.18(b).

K. Inedible materials and denaturing requirements:

(1) Receptacles used for storing inedible material shall be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles shall not be used for storing any edible product and shall bear conspicuous and distinctive marking to identify permitted use.

(2) Carcasses, parts thereof, meat and meat food products that are adulterated and not returned to the owner shall be adequately denatured or de-characterized to preclude their use as human food. Before the denaturing agents are applied, carcasses and parts thereof shall be freely slashed or sectioned. The denaturing agent shall be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food.

L. Building and facilities: The NMLB, through the MPID, adopts by reference, 9 CFR 416 of the Code of Federal Regulations (CFR), as amended for building and facilities. Custom exempt slaughter and processing establishments shall be maintained to prevent conditions that could lead to insanitary conditions, adulteration of product, or interfere with inspection by department representatives. Establishments shall have in place a pest management program to prevent the harborage and breeding of pests on the grounds and within establishment facilities. Pest control substances used shall be safe and effective under the conditions of use and not be applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions. Each custom exempt slaughter and processing establishment shall comply with the requirements of 9 CFR 416.

M. Equipment and utensils: The NMLB, through the MPID, adopts by reference, 9 CFR 416 of the Code of Federal Regulations (CFR), as amended for equipment and utensils used for processing or otherwise handling edible products or ingredients shall be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils shall be maintained in a sanitary condition so as not to adulterate product. Each custom exempt slaughter and processing establishment shall comply with the requirements of 9 CFR 416.

N. Marking and labeling, storage of custom prepared products:

(1) Carcasses and parts therefrom that are prepared on a custom basis shall be marked immediately at the time of preparation with the term "not for sale" in letters at least three-eighths inch in height and shall also be identified with the owner's name or a code that allows the identification of the carcass or carcass part back to its owner.

(2) Only ink approved for the purpose shall be used to apply ink brands bearing marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived therefrom. Any ink containing F.D. & C. Violet No. 1 shall not be used.

(3) Green ink shall not be used to apply marks to carcasses of cattle, sheep, swine, or goats or fresh meat cuts derived therefrom.

(4) Custom prepared products shall be packaged immediately after preparation and shall be labeled with the term “not for sale” in lettering not less than three-eighths inch in height. Such custom prepared products or their containers shall also bear the owner’s name and any additional labeling such as product cut or description, and the establishment’s information.

(5) Boxes and any containers used as tote boxes shall be clean and stored off the floor in a manner sufficient to prevent the creation of insanitary conditions and to ensure product is not adulterated.

(6) Containers and trucks or other means of conveyance in which any carcass or part is transported to the owner shall be kept in a clean and sanitary condition.

(7) Paper or other materials used for covering or lining containers and the cargo space of trucks or other means of conveyance shall be of a kind that does not tear during use but remains intact and does not disintegrate when moistened by the product.

O. Ingredients:

(1) All ingredients and other articles used in the preparation of any product shall be clean, sound, healthful, wholesome, and not result in the adulteration of product. A letter of guaranty from the manufacturer stating the ingredient or article is safe when used as an ingredient or in contact with food shall be obtained by the custom processor and made available upon request to the department representative.

(2) No substance may be used in the preparation of any product unless it is an FDA approved additive.

(3) Nitrates shall not be used in curing bacon.

(4) With respect to bacon made with dry curing materials, the product shall be cured by applying a premeasured amount of cure mixture to the bacon belly surfaces, completely covering the surfaces. Sodium nitrite shall not exceed 200 ppm ingoing or an equivalent amount of potassium nitrite (246 ppm ingoing) in dry cured bacon based on the actual or estimated skin-free green weight of the bacon belly.

(5) When curing products other than bacon, nitrites, nitrates, or combination shall not result in more than 200 ppm of nitrite in the finished product.

[21.33.2.18 NMAC - N, 11/07/2025]

21.33.2.19 LIVESTOCK SUBJECT TO ADMINISTRATIVE DETENTION: The NMLB, through the MPID, adopts by reference, 9 CFR 329.1 of the Code of Federal Regulations (CFR), as amended for livestock subject to administrative detention. Each custom exempt slaughter and processing establishment shall comply with the requirements of 9 CFR 329.1.

[21.33.2.19 NMAC - N, 11/07/2025]

21.33.2.20 METHOD OF DETENTION; NOTIFICATION OF DETENTION OF ARTICLE OR LIVESTOCK DETAINED: The NMLB, through the MPID, adopts by reference, 9 CFR 329.2 and 9 CFR 329.3 of the Code of Federal Regulations (CFR), as amended for method of detention and notification of detention of article or livestock detained.

[21.33.2.20 NMAC - N, 11/07/2025]

21.33.2.21 NOTIFICATION OF GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER ARTICLE OR LIVESTOCK DETAINED; FORM OF WRITTEN NOTIFICATION: The NMLB, through the MPID, adopts by reference, 9 CFR 329.4 the Code of Federal Regulations (CFR), as amended for notification of governmental authorities having jurisdiction over article or livestock detained and the form of written notification.

[21.33.2.21 NMAC - N, 11/07/2025]

21.33.2.22 MOVEMENT OF ARTICLE OR LIVESTOCK DETAINED MARKS: The NMLB, through the MPID, adopts by reference, 9 CFR 329.5 subsection a and 9 CFR 329.5 subsection b the Code of Federal Regulations (CFR), as amended for movement of article or livestock detained. Each custom exempt slaughter and processing establishment shall comply with the requirements of 9 CFR 329.5 subsections a and b.

[21.33.2.22 NMAC - N, 11/07/2025]

21.33.2.23 TRANSPORTING LIVESTOCK EXPOSED OR AFFECTED BY CONTAGIOUS AND INFECTIOUS DISEASE:

A. Any livestock exposed or affected by a contagious and infectious disease and so certified by the veterinarian of the board, or its authorized agent, shall be immediately retained and or quarantined.

B. It shall be unlawful for anyone to move or transport any livestock from the establishment or quarantined area.

C. The director, MPI director, or an authorized agent, shall notify the operator of the establishment in writing that no movement or transporting of the quarantined livestock is permitted.
[21.33.2.23 NMAC - N, 11/07/2025]

21.33.2.24 ARTICLES OR LIVESTOCK SUBJECT TO JUDICIAL SEIZURE AND

CONDEMNATION: Any carcass, part of a carcass, meat or meat food product, or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to the act, or is held for sale in the state after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to 21.33.2.22 NMAC of this part if such article or livestock is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the act, or:

A. is capable of use as human food and is adulterated or misbranded, or

B. in any other way is in violation of the Federal Meat Inspection Act, Poultry Products Inspection Act and state laws or regulations; this does not preclude utilization of 25-2-22 NMSA or other lawful procedures.
[21.33.2.24 NMAC - N, 11/07/2025]

21.33.2.25 PROCEDURE FOR SEIZURE, CONDEMNATION, AND DISPOSITION: Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any district court, or other proper court specified in the act, within the jurisdiction of which the article or livestock is found.
[21.33.2.25 NMAC - N, 11/07/2025]

21.33.2.26 AUTHORITY FOR CONDEMNATION OR SEIZURE UNDER OTHER PROVISIONS OF LAWS: The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the act, or other laws.
[21.33.2.26 NMAC - N, 11/07/2025]

21.33.2.27 CARCASSES AND PARTS IN CERTAIN INSTANCES TO BE RETAINED: Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the program employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until released by an authorized inspector.
[21.33.2.27 NMAC - N, 11/07/2025]

21.33.2.28 OFFICIAL MARKS AND DEVICES IN CONNECTION WITH IDENTIFICATION OF ADULTERATED PRODUCTS AND INSANITARY EQUIPMENT AND FACILITIES:

A. The official tags for inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) the New Mexico retained tag which is applied to products and articles by means of a paper tag bearing the legend New Mexico retained;

(2) the New Mexico rejected tag which is used to identify insanitary buildings, rooms, or equipment and is applied by means of a paper tag bearing the legend New Mexico rejected;

B. The New Mexico retained and New Mexico rejected tags, and all other brands, stamps, labels, and other devices approved by the director and bearing any official mark, shall be official devices for purposes of the Act.

[21.33.2.28 NMAC - N, 11/07/2025]

21.33.2.29 HEARINGS: Absent other statutorily specified hearing procedures, the board shall follow the Uniform Licensing Act, to the extent not inconsistent with applicable law, with the respect to required hearings before the board.
[21.33.2.29 NMAC - N, 11/07/2025]

21.33.2.30 ENFORCEMENT: A person violating a rule adopted by the New Mexico livestock board pursuant to this section is guilty of a misdemeanor and upon conviction may be sentenced to imprisonment in the

county jail for a term not to exceed one year and payment of a fine not to exceed one thousand dollars (\$1,000), unless that person acted in good faith.
[21.33.2.30 NMAC - N, 11/07/2025]

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.

21.33.2 NMAC - Food Safety, Meat And Poultry Inspection filed 6/21/2022 Repealed effective 11/7/2025.

Other: 21.33.2 NMAC - Food Safety, Meat And Poultry Inspection filed 6/21/2022 Replaced by 21.33.2 NMAC - Food Safety, Meat And Poultry Inspection effective 11/7/2025.