

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 151 (Delegate Waldstreicher, *et al.*)
Environment and Transportation

Maryland Wholesome Meat Act - Prohibitions - Equines and Equine Meat

This bill prohibits a person from buying, selling, transporting, or offering or receiving for sale or transportation (1) any equine carcass or the meat of any equine if the person knows or reasonably should know that the carcass or meat will be used for human consumption or (2) any equine if the person knows or reasonably should know that the equine is intended for slaughter for human consumption.

Fiscal Summary

State Effect: The bill is expected to be enforced by the Maryland Department of Agriculture (MDA) with existing resources on a complaint basis only. Existing criminal penalties applicable to the bill's prohibition are not expected to materially affect State finances.

Local Effect: Existing criminal penalties applicable to the bill's prohibition are not expected to materially affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background: The U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service enforces the Federal Meat Inspection Act (FMIA), which requires federal inspection and regulation of meat products prepared for distribution in interstate commerce for use as human food. The Maryland Wholesome Meat Act authorizes MDA to inspect establishments engaged in slaughtering of livestock or processing livestock carcasses, parts of them, meat, or meat food products capable of use as human food solely

for intrastate commerce. MDA advises, however, that it has not inspected establishments since the early 1990s, when the department's inspection program ended for budgetary reasons and establishments were advised to seek federal authorization in order to continue operating.

The Maryland Wholesome Meat Act contains various prohibitions relating to livestock carcasses, meat food products, and labeling, including a prohibition against selling, donating, transporting, or offering or receiving for sale or transportation in intrastate commerce any equine carcass, part of it, or meat or meat food products of any equine, unless it is clearly identified to show the kind of animals from which it is derived. The prohibitions under the Act are subject to criminal penalties, including, for a first offense, imprisonment for up to six months and/or a fine of up to \$3,000.

Facilities that slaughter horses have not operated in the United States since 2007, when two plants in Texas and one in Illinois closed due to court actions involving state laws. There have been ongoing efforts to both continue the slaughter of horses in the United States and to permanently ban the practice. In certain appropriations bills in recent years, Congress has prohibited the use of federal funding for inspections of horse slaughter facilities required under FMIA, temporarily preventing operation of any facilities. Bills introduced in Congress in 2013 (S. 541 and H.R. 1094 – “Safeguard American Food Exports Act of 2013”) would have prohibited the sale or transport of equines or equine parts in interstate or foreign commerce for human consumption. Although those bills did not pass, in 2014, Congress did include another temporary ban on inspection funding in the federal budget.

Although horse slaughter facilities are not operating in the United States, domestic horses are shipped to slaughter facilities in Canada and Mexico. In 2011, Congress directed the U.S. Government Accountability Office (GAO) to conduct an examination into (1) the effect on the U.S. horse market, if any, since the cessation in domestic slaughter operations; (2) any impact of these market changes on horse welfare and on states, local governments, tribes, and animal welfare organizations; and (3) challenges, if any, to USDA's oversight of the transport and welfare of U.S. horses exported for slaughter. GAO found that since domestic horse slaughter ceased in 2007, the slaughter horse market has shifted to Canada and Mexico. From 2006 through 2010, horse exports for slaughter increased by 148% in Canada and by 660% in Mexico. U.S. horses intended for slaughter are now traveling further to their final destinations where they are not covered by U.S. humane slaughter protections. GAO also estimated that the closure of domestic horse slaughter facilities reduced prices for lower-to-medium priced horses by 8% to 21%, and the economic downturn reduced prices for all horses by 4% to 5%.

Small Business Effect: It is not known how many equines in the State are bought for the purposes of slaughter for human consumption. Although there are no equine slaughter

facilities in Maryland, there are sales barns where horses are auctioned. According to the 2010 Maryland Equine Census (the latest such census in Maryland), there were 4,420 equine sold between May 1, 2009, and May 1, 2010, the vast majority of which were horses and ponies. To the extent that equines are being sold in the State for slaughter for human consumption, small businesses may be affected by the elimination of those sales and by any further decrease in the price of horses.

Additional Information

Prior Introductions: HB 1392 of 2014 received an unfavorable report from the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Department of Health, Mental Hygiene, U.S. Government Accountability Office, U.S. Department of Agriculture, Department of Legislative Services

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min/lgc

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