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Sequence Number: 06-08-15
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 File Date: 6/19/15

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer & Industry Services
Contact Person:	Jay Miller
Address:	Post Office Box 40627, Nashville, Tennessee 37204
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
Address:	Post Office Box 40627, Nashville, Tennessee 37204
Phone:	(615) 837-5116
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Ed Jones Auditorium, Ellington Agricultural Center		
Address 2:	416 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	August 6, 2015		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-04-01	Regulations on Meat and Poultry Inspection
Rule Number	Rule Title
0080-04-01-.01	General: "Bait" or Bait and Switch Definition
0080-04-01-.02	General: Clarification of Exemptions
0080-04-01-.03	Repealed

through 0080-04-01-.142	
0080-04-01-.143	Reinspection and Preparation of Products: Approval of Substances for use in the Preparation of Meat Food Products
0080-04-01-.144 through 0080-04-01-.145	Repealed
0080-04-01-.146	Reinspection and Preparation of Products Prescribed Treatment of Pork and Products Containing Pork to Destroy Trichinae
0080-04-01-.147 through 0080-04-01-.152	Repealed
0080-04-01-.153	Definitions and Standards of Identity or Composition: Labeling and Preparation of Standardized Products
0080-04-01-.154	Definitions and Standards of Identity or Composition: Miscellaneous Beef Products
0080-04-01-.155	Definitions and Standards of Identity or Composition: Miscellaneous Pork Products
0080-04-01-.156	Definitions and Standards of Identity or Composition: Barbecued Meats
0080-04-01-.157	Definitions and Standards of Identity or Composition: Roast Beef Parboiled and Steam Roasted
0080-04-01-.158	Definitions and Standards of Identity or Composition: Corned Beef
0080-04-01-.159	Definitions and Standards of Identity or Composition: Corned Beef Brisket
0080-04-01-.160	Definitions and Standards of Identity or Composition: Corned Beef Round and other Corned Beef Cuts
0080-04-01-.161	Composition: Cured Beef Tongue
0080-04-01-.162	Definitions and Standards of Identity or Composition: Cured Pork Products, Unsmoked and Smoked
0080-04-01-.163	Definitions and Standards of Identity or Composition: Chopped Ham
0080-04-01-.164	Definitions and Standards of Identity or Composition: Sausage
0080-04-01-.165	Definitions and Standards of Identity or Composition: Fresh Pork Sausage
0080-04-01-.166	Definitions and Standards of Identity or Composition: Fresh Beef Sausage
0080-04-01-.167	Definitions and Standards of Identity or Composition: Breakfast Sausage
0080-04-01-.168	Definitions and Standards of Identity or Composition: Whole Hog Sausage
0080-04-01-.169	Definitions and Standards of Identity or Composition: Smoked Pork Sausage
0080-04-01-.170	Definitions and Standards of Identity or Composition: Frankfurter, Wiener, Vienna, Bologna, Garlic Bologna, Knockwurst and Similar Products
0080-04-01-.171	Definitions and Standards of Identity or Composition: Cheesefurters and Similar Products
0080-04-01-.172	Definitions and Standards of Identity Composition: Liver Sausage and Similar Products
0080-04-01-.173	Definitions and Standards of Identity or Composition: Luncheon Meats
0080-04-01-.174	Definitions and Standards of Identity or Composition: Meat Loaf
0080-04-01-.175	Definitions and Standards of Identity or Composition: Scrapple
0080-04-01-.176	Definitions and Standards of Identity or Composition: Chili Con Carne
0080-04-01-.177	Definitions and Standards of Identity or Composition: Chili Con Carne with Beans
0080-04-01-.178	Definitions and Standards of Identity or Composition: Hash
0080-04-01-.179	Definitions and Standards of Identity or Composition: Corned Beef Hash
0080-04-01-.180	Definitions and Standards of Identity or Composition: Meat Stews
0080-04-01-.181	Definitions and Standards of Identity or Composition: Tamales
0080-04-01-.182	Definitions and Standards of Identity or Composition: Spaghetti with Meatballs and Sauce. Spaghetti with Meat and Sauce. and Definitions and Standards of Identity or Similar Products
0080-04-01-.183	Definitions and Standards of Identity or Composition: Spaghetti Sauce with Meat
0080-04-01-.184	Definitions and Standards of Identity or Composition: Tripe with Milk
0080-04-01-.185	Definitions and Standards of Identity or Composition: Beans with Frankfurters in Sauce. Sauerkraut with Wieners and Juice and Similar Products
0080-04-01-.186	Definitions and Standards of Identity or Composition: Lima Beans with Ham in Sauce. Beans with Ham in Sauce. Beans with Bacon in Sauce. and Similar Products.
0080-04-01-.187	Definitions and Standards of Identity or Composition: Chow Mein Vegetables with Meat and Chop Suey Vegetables with Meat
0080-04-01-.188	Definitions and Standards of Identity or Composition: Pork with Barbecue Sauce and

	Beef with Barbecue Sauce
0080-04-01-.189	Definitions and Standards of Identity or Composition: Beef with Gravy and Gravy with Beef
0080-04-01-.190	Definitions and Standards of Identity or Composition: Meat Pies – Reserved
0080-04-01-.191	Definitions and Standards of Identity or Composition: Pizza
0080-04-01-.192	Definitions and Standards of Identity or Composition: Oleomargarine or Margarine – Reserved
0080-04-01-.193	Definitions and Standards of Identity or Composition: Mixed Fat Shortening – Reserved
0080-04-01-.194	Definitions and Standards of Identity or Composition: Lard, Leaf Lard
0080-04-01-.195	Definitions and Standards of Identity or Composition: Rendered Animal Fat or Mixture Thereof
0080-04-01-.196	Definitions and Standards of Identity Or Composition: Deviled Ham, Deviled Tongue, and Similar Products
0080-04-01-.197	Definitions and Standards of Identity or Composition: Potted Meat Food Product and Deviled Meat Food Product – Reserved
0080-04-01-.198	Definitions and Standards of Identity or Composition: Ham Spread, Tongue Spread, and Similar Products
0080-04-01-.199	Definitions and Standards of Identity or Composition: Breaded Products
0080-04-01-.200	Definitions and Standards of Identity or Composition: Liver Meat Food Products
0080-04-01-.201 through 0080-04-01-.206	Repealed
0080-04-01-.207	Records, Registration and Reports: Reports by Consignees of Allegedly Adulterated or Misbranded Products: Sales or Transportation as Violations.
0080-04-01-.208	Transportation: Transactions Prohibited without Official Inspection Legend or Certificate; Exceptions
0080-04-01-.209 through 0080-04-01.214	Repealed
0080-04-01-.215	Transportation: Returned Products: Certificate; Permit; and other Requirements
0080-04-01-.216 through 0080-04-01-.222	Repealed
0080-04-01-.223	Transportation: Diverting of Shipments, Breaking of Seals, and Reloading by Carrier in Emergency: Reporting to Administrator
0080-04-01-.224 through 0080-04-01-.235	Repealed

Chapter Number	Chapter Title
0080-04-03	Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities; Labeling
Rule Number	Rule Title
0080-04-03-.01	Definition
0080-04-03-.02	Standards of Identity
0080-04-03-.03	Sanitation Standards; Facilities
0080-04-03-.04	Construction and Repair of Equipment
0080-04-03-.05	Processing Methods
0080-04-03-.06	Cleaning and Bactericidal Treatment
0080-04-03-.07	Sanitary Controls
0080-04-03-.08	Control of Insects and Animals
0080-04-03-.09	Storage Facilities
0080-04-03-.10	Vehicles and Transportation
0080-04-03-.11	Personal Hygiene
0080-04-03-.12	Labeling

Chapter Number	Chapter Title
0080-04-06	Regulation for Bread and Bakery Products
Rule Number	Rule Title

0080-04-06-.01	Bakery Products: Definitions and Standards of Identity
0080-04-06-.02	Uniform Standard Bread Pan Sizes

Chapter Number	Chapter Title
0080-04-07	Regulations on the Operation of Frozen Food Lockers
Rule Number	Rule Title
0080-04-07-.01	Grading System

Chapter Number	Chapter Title
0080-04-09	Retail Food Store Sanitation
Rule Number	Rule Title
0080-04-09-.08	Compliance and Enforcement

Chapter Number	Chapter Title
0080-04-10	Standards for Good Manufacturing Practices
Rule Number	Rule Title
0080-04-10-.01	Current Good Manufacturing Practices
0080-04-10-.02	Shellfish Sanitation Standards

Chapter Number	Chapter Title
0080-04-13	Food Manufacturer, Processor, Warehouse, and Distributor Regulations
Rule Number	Rule Title
0080-04-13-.01	Applicability
0080-04-13-.02	Definitions
0080-04-13-.03	License Application and Fees
0080-04-13-.04	Certificates of Free Sale
0080-04-13-.05	Standards for Manufacturing and Processing
0080-04-13-.06	Standards for Labeling
0080-04-13-.07	Notice of Enforcement Action Against Licensee

Chapter Number	Chapter Title
0080-04-14	Meat and Poultry Processor Regulations
Rule Number	Rule Title
0080-04-14-.01	Applicability
0080-04-14-.02	Definitions
0080-04-14-.03	License Application and Fees
0080-04-14-.04	Standards for Processing
0080-04-14-.05	Standards for Labeling
0080-04-14-.06	Notice of Enforcement Action Against Licensee

Repeal

Chapter 0080-04-01
Regulations on Meat and Poultry Inspection

Chapter 0080-04-01 Regulations on Meat and Poultry Inspection is repealed in its entirety.

Repeal

Chapter 0080-04-03
Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity; Sanitation Plant Facilities;
Labeling

Chapter 0080-04-03 Regulations Relating to Soda Water and Nonalcoholic Beverages; Standard of Identity;
Sanitation Plant Facilities; Labeling is repealed in its entirety.

Repeal

Chapter 0080-04-06
Regulation for Bread and Bakery Products

Chapter 0080-04-06 Regulation for Bread and Bakery Products is repealed in its entirety.

Repeal

Chapter 0080-04-07
Regulations on the Operation of Frozen Food Lockers

Chapter 0080-04-07 Regulations on the Operation of Frozen Food Lockers is repealed in its entirety.

Amendments

Paragraph 0080-04-09-.08(3) is amended by deleting the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

Chapter 0080-04-09
Retail Food Store Sanitation

0080-04-09-.08 Compliance and Enforcement

- (3) Permit to Operate.
- (a) Prerequisite for Operation. A person shall not operate a food establishment without a valid permit to operate issued by the commissioner.
 - (b) Submission 30 Calendar Days Before Proposed Opening. An applicant shall submit an application for a permit at least 30 calendar days before the date planned for opening a food establishment or the expiration date of the current permit for an existing facility. An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall be charged a late fee under T.C.A. §43-1-703.
 - (c) Form of Submission. A person desiring to operate a food establishment shall submit to the commissioner a written application for a permit on a form provided by the commissioner, which shall be completed in full. The department may deny any application for issuance or renewal of any license that is not completed in accordance with this rule.
 - (d) To qualify for a permit, an applicant shall:
 - 1. Be an owner of the food establishment or an officer of the legal ownership;
 - 2. Comply with the requirements of this chapter;
 - 3. As specified under 0080-04-09-.08(4)(b)1, agree to allow access to the food establishment and to provide required information; and
 - 4. Include with their application payment of an annual license fee as appropriate for the following categories of licenses. Food establishment license fees are determined in accordance with the degree of risk the establishment poses for outbreak of food borne illness. This determination is made by the department based on the nature of the establishment's operations. Fees designated under this rule shall be assessed as follows

and in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time:

- (i) Food Establishment License, High Risk Facility: Tier 7 license fee;
- (ii) Food Establishment License, Moderate Risk Facility: Tier 4 license fee;
- (iii) Food Establishment License, Low Risk Facility: Tier 2 license fee.

(e) Contents of the Application. The application shall include:

1. Name of the applicant;
2. Proof of the applicant's registration in its state of incorporation or business license registration with the Tennessee Department of Revenue;
3. Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the establishment to be licensed;
4. Name and address of applicant's registered agent for service of process, if any;
5. A statement specifying whether the food establishment:
 - (i) Is mobile or stationary and temporary or permanent, and
 - (ii) Is an operation that includes one or more of the following:
 - (I) Prepares, offers for sale, or serves time/temperature control for safety food:
 - I. Only to order upon a consumer's request,
 - II. In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency, or
 - III. Using time as the public health control as specified under 0080-04-09-.03(5)(a)9,
 - (II) Prepares time/temperature control for safety food in advance using a food preparation method that involves two or more steps, which may include combining time/temperature control for safety food ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing,
 - (III) Prepares food as specified under item 5(ii)(II) of this subparagraph for delivery to and consumption at a location off the premises of the food establishment where it is prepared,
 - (IV) Prepares only food that is not time/temperature control for safety food, or
 - (V) Does not prepare, but offers for sale only prepackaged food that is not time/temperature control for safety food;
6. A statement signed by the applicant that attests to the accuracy of the information provided in the application;
7. Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place;
8. Other information required by the commissioner.

- (f) New, Converted, or Remodeled Establishments. For food establishments that are required to submit plans as specified under 0080-04-09-.08(2)(a), the commissioner shall issue a permit to the applicant after:
1. A properly completed application is submitted;
 2. The required fee is submitted;
 3. The required plans, specifications, and information are reviewed and approved; and
 4. A preoperational inspection as specified in 0080-04-09-.08(2)(e) shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this chapter.
- (g) Existing Establishments and Change of Ownership. As applicable, the commissioner may issue a permit to a new owner of an existing food establishment after an application is submitted, reviewed, and approved, and an inspection shows that the establishment is in compliance with this chapter. Persons licensed under this chapter shall bear responsibility for conformance with the requirements of applicable laws and these regulations until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund licensee fees for early termination of any license under this chapter.
- (h) Responsibilities of the Permit Holder. Upon acceptance of the permit issued by the commissioner, the permit holder in order to retain the permit shall:
1. Comply with the provisions of this chapter including the conditions of a granted variance as specified under 0080-04-09-.08(1)(c)3, and approved plans as specified under 0080-04-09-.08(2)(b);
 2. If a food establishment is required under 0080-04-09-.08(2)(c) to operate under a HACCP plan, comply with the plan as specified under 0080-04-09-.08(1)(c)3;
 3. Immediately contact the commissioner to report an illness of a food employee or conditional employee as specified under 0080-04-09-.02(2)(a)2;
 4. Immediately discontinue operations and notify the commissioner if an imminent health hazard may exist as specified under 0080-04-09-.08(4)(d)1;
 5. Allow representatives of the commissioner access to the food establishment as specified under 0080-04-09-.08(4)(b)1;
 6. Replace existing facilities and equipment specified in 0080-04-09-.08(1)(a) with facilities and equipment that comply with this chapter if:
 - (i) The commissioner directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
 - (ii) The commissioner directs the replacement of the facilities and equipment because of a change of ownership, or
 - (iii) The facilities and equipment are replaced in the normal course of operation;
 7. Comply with directives of the commissioner including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the commissioner in regard to the permit holder's food establishment or in response to community emergencies;
 8. Accept notices issued and served by the commissioner according to law; and

9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this chapter or a directive of the commissioner, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.
- (i) A permit shall not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another if the food operation changes from the type of operation specified in the application as specified under 0080-04-09-.08(3)(e)3 and the change in operation is not approved.

Authority: T.C.A. §§ 4-3-203; 53-8-204.

Repeal

Chapter 0080-04-10 Standards for Good Manufacturing Practices

Chapter 0080-04-10 Standards for Good Manufacturing Practices is repealed in its entirety.

New

Chapter 0080-04-13 Food Manufacturer, Processor, Warehouse, and Distributor Regulations

0080-04-13-.01 Applicability

This chapter applies to any person who operates in the state any factory, warehouse, establishment, or vehicle in which food is manufactured, processed, packed, held, or transported for introduction into commerce. However, these rules do not apply to any person whose operation is regulated under the Tennessee Egg Law, T.C.A. §53-2-101 et seq., the Dairy Law of the State of Tennessee, T.C.A. §53-3-101, et seq., or the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201 et seq.

Persons licensed under this chapter shall bear responsibility for conformance with the requirements of applicable laws and these regulations until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.02 Definitions

Unless the context requires otherwise, terms in this chapter share those meanings of terms set forth in the Tennessee Food, Drug and Cosmetic Act, T.C.A. §53-1-101, et seq.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Food, Drug and Cosmetic Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
 - (a) Name of the applicant;

- (b) Proof of the applicant's registration in its state of incorporation or business license registration with the Tennessee Department of Revenue;
- (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
- (d) Name and address of applicant's registered agent for service of process, if any;

Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.

- (3) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses. Fees designated under this rule shall be assessed in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time.

- (a) **Food Manufacturer License.** A food manufacturer license is required for any factory or establishment in the state where food is manufactured, processed, or packed. Food manufacturer license fees are determined in accordance with the size of the manufacturer's facility and the degree of risk the manufacturer poses for outbreak of food borne illness. An establishment greater than 10,000 square feet must obtain a Large Facility license. An establishment equal to or smaller than 10,000 square feet must obtain a Small Facility license. Determination of a manufacturer's risk for outbreak of food borne illness is made by the department based on the nature of the manufacturer's operations. Fees applicable for a food manufacturer license are as follows:

1. Food Manufacturer License, Large Facility – High Risk: Tier 11 license fee;
2. Food Manufacturer License, Small Facility – High Risk: Tier 10 license fee;
3. Food Manufacturer License, Large Facility – Moderate Risk: Tier 7 license fee;
4. Food Manufacturer License, Small Facility – Moderate Risk: Tier 5 license fee;
5. Food Manufacturer License, Large Facility – Low Risk: Tier 3 license fee;
6. Food Manufacturer License, Small Facility – Low Risk: Tier 2 license fee.

- (b) **Food Warehouse License.** A food warehouse license is required for any warehouse or establishment in the state where food is held for introduction into commerce. A food warehouse license is not required for any establishment licensed as a food manufacturer under this chapter or as a retail food store under R. 0080-04-09. Food warehouse license fees are determined in accordance with the degree of risk the warehouse poses for outbreak of food borne illness. This determination is made by the department based on the nature of the warehouse's operations. Fees applicable for a food warehouse license are as follows:

1. Food Warehouse License, High Risk Facility: Tier 11 license fee;
2. Food Warehouse License, Moderate Risk Facility: Tier 7 license fee;
3. Food Warehouse License, Low Risk Facility: Tier 3 license fee.

- (4) An applicant for licensure under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. All licenses issued under this chapter shall expire on June 30 following their issuance. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall be charged a late fee under T.C.A. §43-1-703.
- (5) The department may deny any application for issuance or renewal of any license that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

0080-04-13-.04 Certificates of Free Sale

Applicants for certificates of free sale shall remit payment of a certificate fee. No certificate of free sale shall be issued prior to receipt of the certificate fee. Fees designated under this rule shall be assessed in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time. The fee applicable for a certificate of free sale is as follows:

Certificate of Free Sale: Tier 2 fee.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-1-207; 53-1-208.

0080-04-13-.05 Standards for Manufacturing and Processing

- (1) Acidified Foods. The department adopts by reference, as if fully stated herein, the federal standards for acidified foods, compiled at 21 C.F.R. 108.25 and 21 C.F.R. 114, as either section or part may be amended from time to time.
- (2) Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food. The department adopts by reference, as if fully stated herein, the federal standards for good practice in manufacturing, packing, or holding human food, compiled at 21 C.F.R. 110, as the part may be amended from time to time.
- (3) Fish and Fishery Products. The department adopts by reference, as if fully stated herein, the federal standards for fish and fishery products, compiled at 21 C.F.R. 123, subparts A and C, as either subpart may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

0080-04-13-.06 Standards for Labeling [RESERVED]

0080-04-13-.07 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-207.

New

Chapter 0080-04-14 Meat and Poultry Processor Regulations

0080-04-14-.01 Applicability

This chapter applies to any person who is required to be licensed under the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq. However, these rules do not apply to, and no licensure shall be required of, any person who is subject to the Federal Meat Inspection Act or the Federal Poultry Products Inspection Act, even if those acts otherwise exempt the person from federal licensure or inspection requirements.

Persons licensed under this chapter shall bear responsibility for conformance with the requirements of applicable laws and these regulations until: the applicable license expires, the department receives written notification from the licensee of a change in ownership for the licensed establishment, or the department receives written notification from the licensee desiring to terminate the license. The department shall not refund license fees for early termination of any license under this chapter.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.02 Definitions

Unless the context requires otherwise, terms in this chapter share those meanings of terms set forth in the Tennessee Meat and Poultry Inspection Act, T.C.A. §53-7-201, et seq.

Authority: T.C.A. §§ 4-3-203; 53-7-213.

0080-04-14-.03 License Application and Fees

- (1) All persons to whom these rules apply shall obtain a license in accordance with the Tennessee Meat and Poultry Inspection Act and this chapter.
- (2) Application for issuance of any license under this chapter shall be made on forms provided by the department, which shall be completed in full and shall include:
 - (a) Name of the applicant;
 - (b) Proof of the applicant's registration in its state of incorporation or business license registration with the Tennessee Department of Revenue;
 - (c) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, address of the principal place of business, and address of the facility to be licensed;
 - (d) Name and address of applicant's registered agent for service of process, if any;

Licensees shall notify the department in writing of any changes to the information or contents of an application within 30 days after the change takes place.

- (3) Applicants for licensure shall include with their application payment of an annual license fee as appropriate for the following categories of licenses. Fees designated under this rule shall be assessed in accordance with T.C.A. §43-1-703(f) as it may be amended from time to time.
 - (a) Slaughter Establishments, Meat Processing Establishments, and Poultry Eviscerating and Processing Plants. No annual fee is required for those licenses and inspections designated under T.C.A. §53-7-219.
 - (b) Custom Slaughter Facility License. A custom slaughter facility license is required for any facility in the state engaged in the business of slaughtering or dressing animals for human consumption that are not to be sold or offered for sale. Fees applicable for a custom slaughter facility license are as follows:

Custom Slaughter Facility License: Tier 3 fee.

- (4) An applicant for issuance or renewal of a license under this chapter shall remit its application and annual license fee to the department on or before July 1 of each year. If an applicant for renewal fails to remit payment of the license fee on or before July 15 of the licensure year for which renewal is sought, the applicant shall be charged a late fee under T.C.A. §43-1-703.
- (5) The department may deny any application for issuance or renewal of any license that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203; 43-1-703; 53-7-213; 53-7-216.

0080-04-14-.04 Standards for Processing

Good Manufacturing Practice. The department adopts by reference, as if fully stated herein, the federal standards for good practice in manufacturing, packing, or holding human food, compiled at 21 C.F.R. 110, as the part may be amended from time to time.

Authority: T.C.A. §§ 4-3-203; 53-1-207; 53-7-213.

0080-04-14-.05 Standards for Labeling [RESERVED]

0080-04-14-.06 Notice of Enforcement Action Against Licensee

Notice of an enforcement action against a licensee, including but not limited to assessment of a civil penalty and conduct of an administrative hearing, shall be presumed properly served upon mailing of notice to licensee's address of record with the department.

Authority: T.C.A. §§ 4-3-203; 53-1-213.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 9, 2015

Signature: *Julius T. Johnson*

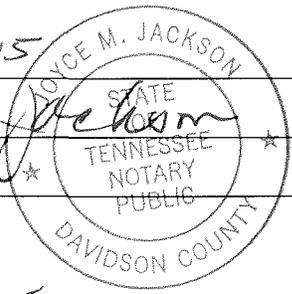
Name of Officer: Julius T. Johnson

Title of Officer: Commissioner

Subscribed and sworn to before me on: June 9, 2015

Notary Public Signature: *Joyce M. Jackson*

My commission expires on: 09/11/2017



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Tre Hargett

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Secretary of State

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