



Sen. Neil Anderson

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1 AMENDMENT TO SENATE BILL 2752

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2752 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Meat and Poultry Inspection Act is amended  
5 by changing Section 2 as follows:

6 (225 ILCS 650/2) (from Ch. 56 1/2, par. 302)

7 Sec. 2. Definitions. As used in this Act:

8 "Adulterated" means any carcass, part thereof, meat or meat  
9 food product, or poultry or poultry food product under one or  
10 more of the following circumstances:

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

1 it injurious to health;

2 (2) (A) if it bears or contains (by reason of  
3 administration of any substance to the live animal or  
4 otherwise) any added poisonous or added deleterious  
5 substance (other than one which is (i) a pesticide chemical  
6 in or on a raw agricultural commodity; (ii) a food  
7 additive; or (iii) a color additive) which may, in the  
8 judgment of the Director, make such article unfit for human  
9 food;

10 (B) if it is, in whole or in part, a raw agricultural  
11 commodity and such commodity bears or contains a pesticide  
12 chemical which is unsafe within the meaning of Section 346a  
13 of the federal Food, Drug, and Cosmetic Act;

14 (C) if it bears or contains any food additive which is  
15 unsafe within the meaning of Section 348 of the federal  
16 Food, Drug, and Cosmetic Act;

17 (D) if it bears or contains any color additive which is  
18 unsafe within the meaning of Section 379e of the federal  
19 Food, Drug, and Cosmetic Act: Provided, That an article  
20 which is not adulterated under clause (B), (C), or (D)  
21 shall nevertheless be deemed adulterated if use of the  
22 pesticide chemical, food additive, or color additive in or  
23 on such article is prohibited by regulations of the  
24 Secretary of the United States Department of Agriculture or  
25 under Section 13 or 16 of this Act;

26 (3) if it consists in whole or in part of any filthy,

1       putrid, or decomposed substance or is for any other reason  
2       unsound, unhealthful, unwholesome, or otherwise unfit for  
3       human food;

4           (4) if it has been prepared, packed, or held under  
5       insanitary conditions whereby it may have become  
6       contaminated with filth, or whereby it may have been  
7       rendered injurious to health;

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

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

13          (7) if it has been intentionally subjected to  
14       radiation, unless the use of the radiation was in  
15       conformity with a regulation or exemption in effect  
16       pursuant to Section 348 of the federal Food, Drug, and  
17       Cosmetic Act;

18          (8) if any valuable constituent has been in whole or in  
19       part omitted or abstracted therefrom; or if any substance  
20       has been substituted, wholly or in part therefor; or if  
21       damage or inferiority has been concealed in any manner; or  
22       if any substance has been added thereto or mixed or packed  
23       therewith so as to increase its bulk or weight, or reduce  
24       its quality or strength, or make it appear better or of  
25       greater value than it; or

26          (9) if it is margarine containing animal fat and any of

1       the raw material used therein consisted in whole or in part  
2       of any filthy, putrid, or decomposed substance.

3       ~~"Adulterated" means any carcass, or part of a carcass, meat~~  
4       ~~or meat food product, or poultry or poultry food product if:~~

5               ~~(1) it bears or contains any poisonous or deleterious~~  
6               ~~substance which may render it injurious to health, but if~~  
7               ~~the substance is not an added substance the article is not~~  
8               ~~adulterated under this paragraph if the quantity of such~~  
9               ~~substance in or on the article does not ordinarily render~~  
10              ~~it injurious to health;~~

11              ~~(2) it bears or contains, because of the administering~~  
12              ~~of any substance to the live animal, poultry, or other food~~  
13              ~~product, any added poisonous or added deleterious~~  
14              ~~substance other than (A) a pesticide chemical in or on a~~  
15              ~~raw agricultural commodity or (B) a food additive or a~~  
16              ~~color additive that, in the judgment of the Director, may~~  
17              ~~make the article unfit for human food;~~

18              ~~(3) it is, in whole or in part, a raw agricultural~~  
19              ~~commodity and the commodity bears or contains a pesticide~~  
20              ~~chemical that is unsafe within the meaning of Section 408~~  
21              ~~of the federal Food, Drug, and Cosmetic Act;~~

22              ~~(4) it bears or contains any food additive that is~~  
23              ~~unsafe within the meaning of Section 409 of the federal~~  
24              ~~Food, Drug, and Cosmetic Act;~~

25              ~~(5) it bears or contains any color additive which is~~  
26              ~~unsafe within the meaning of Section 706 of the federal~~

1 ~~Food, Drug, and Cosmetic Act, provided that an article that~~  
2 ~~is not adulterated under paragraph (3), (4), or (5) is~~  
3 ~~nevertheless adulterated if use of the pesticide chemical,~~  
4 ~~food additive, or color additive in or on the article is~~  
5 ~~prohibited under Section 13 or 16 of this Act;~~

6 ~~(6) it consists in whole or in part of any filthy,~~  
7 ~~putrid, or decomposed substance or is for any reason~~  
8 ~~unsound, unhealthful, unwholesome, or otherwise unfit for~~  
9 ~~human food;~~

10 ~~(7) it has been prepared, packed, or held under~~  
11 ~~unsanitary conditions whereby it may have become~~  
12 ~~contaminated with filth, or whereby it may have been~~  
13 ~~rendered injurious to health;~~

14 ~~(8) it is, in whole or in part, the product of an~~  
15 ~~animal or poultry that has died otherwise than by~~  
16 ~~slaughter;~~

17 ~~(9) its container is composed, in whole or in part, of~~  
18 ~~any poisonous or deleterious substance that may render the~~  
19 ~~contents injurious to health;~~

20 ~~(10) it has been intentionally subjected to radiation,~~  
21 ~~unless the use of the radiation was in conformity with a~~  
22 ~~regulation or exemption under Section 409 of the federal~~  
23 ~~Food, Drug, and Cosmetic Act;~~

24 ~~(11) any valuable constituent has been in whole or in~~  
25 ~~part omitted or abstracted from the article; any substance~~  
26 ~~has been substituted, wholly or in part; damage or~~

1 ~~inferiority has been concealed in any manner; or any~~  
2 ~~substance has been added, mixed, or packed with the article~~  
3 ~~to increase its bulk or weight, to reduce its quality or~~  
4 ~~strength, or to make it appear better or of greater value~~  
5 ~~than it is; or~~

6 ~~(12) it bears or contains sodium benzoate or benzoic~~  
7 ~~acid or any combination thereof, except as permitted in~~  
8 ~~accordance with the federal meat or poultry programs.~~

9 "Amenable" means foods containing 3% or more raw, or more  
10 than 2% cooked, red meat or poultry, other edible portions of  
11 carcass or bird, or products that historically have been  
12 considered by customers as products of the meat or poultry  
13 industry.

14 "Animals" means cattle, calves, American bison (buffalo),  
15 catalo, cattalo, sheep, swine, domestic deer, domestic elk,  
16 domestic antelope, domestic reindeer, ratites, water buffalo,  
17 and goats.

18 "Capable of use as human food" means the carcass of any  
19 animal or poultry, or part or product of a carcass of any  
20 animal or poultry, unless it is denatured to deter its use as  
21 human food or it is naturally inedible by humans.

22 "Custom processing" means the cutting up, packaging,  
23 wrapping, storing, freezing, smoking, or curing of meat or  
24 poultry products as a service by an establishment for the owner  
25 or the agent of the owner of the meat or poultry products  
26 exclusively for use in the household of the owner and his or

1 her nonpaying guests and employees or slaughtering with respect  
2 to live poultry purchased by the consumer at this establishment  
3 and processed by a custom plant operator in accordance with the  
4 consumer's instructions.

5 "Custom slaughter" means the slaughtering, skinning,  
6 defeathering, eviscerating, cutting up, packaging, or wrapping  
7 of animals or poultry as a service by an establishment for the  
8 owner or the agent of the owner of the animals or poultry  
9 exclusively for use in the household of the owner and his or  
10 her nonpaying guests and employees.

11 "Department" means the Department of Agriculture of the  
12 State of Illinois.

13 "Director" means, unless otherwise provided, the Director  
14 of the Department of Agriculture of the State of Illinois or  
15 his or her duly appointed representative.

16 "Establishment" means all premises where animals, poultry,  
17 or both, are slaughtered or otherwise prepared either for  
18 custom, resale, or retail for food purposes, meat or poultry  
19 canneries, sausage factories, smoking or curing operations,  
20 restaurants, grocery stores, brokerages, cold storage plants,  
21 processing plants, and similar places.

22 "Federal Food, Drug, and Cosmetic Act" means the Act  
23 approved June 25, 1938 (52 Stat. 1040), as now or hereafter  
24 amended.

25 "Federal inspection" means the meat and poultry inspection  
26 service conducted by the United States Department of

1 Agriculture by the authority of the Federal Meat Inspection Act  
2 and the Federal Poultry Products Inspection Act.

3 "Federal Meat Inspection Act" means the Act approved March  
4 4, 1907 (34 Stat. 1260), as now or hereafter amended by the  
5 Wholesome Meat Act (81 Stat. 584), as now or hereafter amended.

6 "Illinois inspected and condemned" means that the meat or  
7 poultry product so identified and marked is unhealthful,  
8 unwholesome, adulterated, or otherwise unfit for human food and  
9 shall be disposed of in the manner prescribed by the  
10 Department.

11 "Illinois inspected and passed" means that the meat or  
12 poultry product so stamped and identified has been inspected  
13 and passed under the provisions of this Act and the rules and  
14 regulations pertaining thereto at the time of inspection and  
15 identification was found to be sound, clean, wholesome, and  
16 unadulterated.

17 "Illinois retained" means that the meat or poultry product  
18 so identified is held for further clinical examination by a  
19 veterinary inspector to determine its disposal.

20 "Immediate container" means any consumer package or any  
21 other container in which livestock products or poultry  
22 products, not consumer packaged, are packed.

23 "Inspector" means any employee of the Department  
24 authorized by the Director to inspect animals and poultry or  
25 meat and poultry products.

26 "Label" means a display of written, printed, or graphic



1 matter upon any article or the immediate container, not  
2 including package liners, of any article.

3 "Labeling" means all labels and other written, printed, or  
4 graphic matter (i) upon any article or any of its containers or  
5 wrappers or (ii) accompanying the article.

6 "Meat broker", "poultry broker", or "meat and poultry  
7 broker" means any person, firm, or corporation engaged in the  
8 business of buying, negotiating for purchase of, handling or  
9 taking possession of, or selling meat or poultry products on  
10 commission or otherwise purchasing or selling of such articles  
11 other than for the person's own account in their original  
12 containers without changing the character of the products in  
13 any way. A broker shall not possess any processing equipment in  
14 his or her licensed facility.

15 "Meat food product" means any product capable of use as  
16 human food that is made wholly or in part from any meat or  
17 other portion of the carcass of any cattle, sheep, swine, or  
18 goats, except products that contain meat or other portions of  
19 such carcasses only in a relatively small proportion or  
20 products that historically have not been considered by  
21 consumers as products of the meat food industry and that are  
22 exempted from definition as a meat food product by the Director  
23 under such conditions as the Director may prescribe to assure  
24 that the meat or other portions of such carcass contained in  
25 such product are not adulterated and that such products are not  
26 represented as meat food products. This term as applied to food

1 products of equines or domestic deer shall have a meaning  
2 comparable to that provided in this definition with respect to  
3 cattle, sheep, swine, and goats.

4 "Misbranded" means any carcass, part thereof, meat or meat  
5 food product, or poultry or poultry food product if:

6 (1) its labeling is false or misleading in any  
7 particular;

8 (2) it is offered for sale under the name of another  
9 food;

10 (3) it is an imitation of another food, unless its  
11 label bears, in type of uniform size and prominence, the  
12 word "imitation" followed immediately by the name of the  
13 food imitated;

14 (4) its container is made, formed, or filled so as to  
15 be misleading;

16 (5) it does not bear a label showing (i) the name and  
17 place of business of the manufacturer, packer, or  
18 distributor and (ii) an accurate statement of the quantity  
19 of the contents in terms of weight, measure, or numerical  
20 count; however, reasonable variations in such statement of  
21 quantity may be permitted;

22 (6) any word, statement, or other information required  
23 by or under authority of this Act to appear on the label or  
24 other labeling is not prominently placed thereon with such  
25 conspicuousness as compared with other words, statements,  
26 designs, or devices in the labeling and in such terms as to

1 make the label likely to be read and understood by the  
2 general public under customary conditions of purchase and  
3 use;

4 (7) it purports to be or is represented as a food for  
5 which a definition and standard of identity or composition  
6 is prescribed in Sections 13 and 16 of this Act unless (i)  
7 it conforms to such definition and standard and (ii) its  
8 label bears the name of the food specified in the  
9 definition and standard and, as required by such  
10 regulations, the common names of optional ingredients  
11 other than spices and flavoring present in such food;

12 (8) it purports to be or is represented as a food for  
13 which a standard of fill of container is prescribed in  
14 Section 13 of this Act and it falls below the applicable  
15 standard of fill of container applicable thereto, unless  
16 its label bears, in such manner and form as such  
17 regulations specify, a statement that it falls below such  
18 standard;

19 (9) it is not subject to the provisions of paragraph  
20 (7), unless its label bears (i) the common or usual name of  
21 the food, if any, and (ii) if it is fabricated from 2 or  
22 more ingredients, the common or usual name of each  
23 ingredient, except that spices and flavorings may, when  
24 authorized by standards or regulations adopted in or as  
25 provided by Sections 13 and 16 of this Act, be designated  
26 as spices and flavorings without naming each;

1           (10) it purports to be or is represented for special  
2 dietary uses, unless its label bears such information  
3 concerning its vitamin, mineral, and other dietary  
4 properties as determined by the Secretary of Agriculture of  
5 the United States in order to fully inform purchasers as to  
6 its value for such uses;

7           (11) it bears or contains any artificial flavoring,  
8 artificial coloring, or chemical preservative, unless it  
9 bears labeling stating that fact or is exempt; or

10          (12) it fails to bear, directly thereon or on its  
11 container, the inspection legend and unrestricted by any of  
12 the foregoing provisions, such other information as  
13 necessary to assure that it will not have false or  
14 misleading labeling and that the public will be informed of  
15 the manner of handling required to maintain the article in  
16 a wholesome condition.

17          "Official establishment" means any establishment as  
18 determined by the Director at which inspection of the slaughter  
19 of livestock or poultry or the preparation of livestock  
20 products or poultry products is maintained under the authority  
21 of this Act.

22          "Official mark of inspection" means the official mark of  
23 inspection used to identify the status of any meat product or  
24 poultry product or animal under this Act as established by  
25 rule.

26          Prior to the manufacture, a complete and accurate

1 description and design of all the brands, legends, and symbols  
2 shall be submitted to the Director for approval as to  
3 compliance with this Act. Each brand or symbol that bears the  
4 official mark shall be delivered into the custody of the  
5 inspector in charge of the establishment and shall be used only  
6 under the supervision of a Department employee. When not in  
7 use, all such brands and symbols bearing the official mark of  
8 inspection shall be secured in a locked locker or compartment,  
9 the keys of which shall not leave the possession of Department  
10 employees.

11 "Person" means any individual or entity, including, but not  
12 limited to, a sole proprietorship, partnership, corporation,  
13 cooperative, association, limited liability company, estate,  
14 or trust.

15 "Pesticide chemical", "food additive", "color additive",  
16 and "raw agricultural commodity" have the same meanings for  
17 purposes of this Act as under the federal Food, Drug, and  
18 Cosmetic Act.

19 "Poultry" means domesticated birds or rabbits, or both,  
20 dead or alive, capable of being used for human food.

21 "Poultry products" means the carcasses or parts of  
22 carcasses of poultry produced entirely or in substantial part  
23 from such poultry, including but not limited to such products  
24 cooked, pressed, smoked, dried, pickled, frozen, or similarly  
25 processed.

26 "Poultry Products Inspection Act" means the Act approved

1 August 28, 1957 (71 Stat. 441), as now or hereafter amended by  
2 the Wholesome Poultry Products Act, approved August 18, 1968  
3 (82 Stat. 791), as now or hereafter amended.

4 "Poultry Raiser" means any person who raises poultry,  
5 including rabbits, on his or her own farm or premises who does  
6 not qualify as a producer as defined under this Act.

7 "Processor" means any person engaged in the business of  
8 preparing food from animals, including poultry, derived wholly  
9 or in part from livestock or poultry carcasses or parts or  
10 products of such carcasses.

11 "Shipping container" means any container used or intended  
12 for use in packaging the product packed in an immediate  
13 container.

14 "Slaughterer" means an establishment where any or all of  
15 the following may be performed on animals or poultry: (i)  
16 stunning; (ii) bleeding; (iii) defeathering, dehairing, or  
17 skinning; (iv) eviscerating; or (v) preparing carcasses for  
18 chilling.

19 "State inspection" means the meat and poultry inspection  
20 service conducted by the Department of Agriculture of the State  
21 of Illinois by the authority of this Act.

22 (Source: P.A. 94-1052, eff. 1-1-07.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."