

1 AN ACT in relation to inspections.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Meat and Poultry Inspection Act is
5 amended by changing Sections 2, 3, 5, 5.1, 7, 12, 13, 14, 19,
6 and 19.2 and adding Sections 5.3 and 18.01 as follows:

7 (225 ILCS 650/2) (from Ch. 56 1/2, par. 302)

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

9 "Adulterated" means any carcass, or part of a carcass,
10 meat or meat food product, or poultry or poultry food product
11 if:

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

18 (2) it bears or contains, because of the
19 administering of any substance to the live animal,
20 poultry, or other food product, any added poisonous or
21 added deleterious substance other than (A) a pesticide
22 chemical in or on a raw agricultural commodity or (B) a
23 food additive or a color additive that, in the judgment
24 of the Director, may make the article unfit for human
25 food;

26 (3) it is, in whole or in part, a raw agricultural
27 commodity and the commodity bears or contains a pesticide
28 chemical that is unsafe within the meaning of Section 408
29 of the federal Food, Drug, and Cosmetic Act;

30 (4) it bears or contains any food additive that is
31 unsafe within the meaning of Section 409 of the federal

1 Food, Drug, and Cosmetic Act;

2 (5) it bears or contains any color additive which
3 is unsafe within the meaning of Section 706 of the
4 federal Food, Drug, and Cosmetic Act, provided that an
5 article that is not adulterated under paragraph (3), (4),
6 or (5) is nevertheless adulterated if use of the
7 pesticide chemical, food additive, or color additive in
8 or on the article is prohibited under Section 13 or 16 of
9 this Act;

10 (6) it consists in whole or in part of any filthy,
11 putrid, or decomposed substance or is for any reason
12 unsound, unhealthful, unwholesome, or otherwise unfit for
13 human food;

14 (7) it has been prepared, packed, or held under
15 unsanitary conditions whereby it may have become
16 contaminated with filth, or whereby it may have been
17 rendered injurious to health;

18 (8) it is, in whole or in part, the product of an
19 animal or poultry that has died otherwise than by
20 slaughter;

21 (9) its container is composed, in whole or in part,
22 of any poisonous or deleterious substance that may render
23 the contents injurious to health;

24 (10) it has been intentionally subjected to
25 radiation, unless the use of the radiation was in
26 conformity with a regulation or exemption under Section
27 409 of the federal Food, Drug, and Cosmetic Act;

28 (11) any valuable constituent has been in whole or
29 in part omitted or abstracted from the article; any
30 substance has been substituted, wholly or in part; damage
31 or inferiority has been concealed in any manner; or any
32 substance has been added, mixed, or packed with the
33 article to increase its bulk or weight, to reduce its
34 quality or strength, or to make it appear better or of

1 greater value than it is; or

2 (12) it bears or contains sodium benzoate or
3 benzoic acid or any combination thereof, except as
4 permitted in accordance with the federal meat or poultry
5 programs.

6 "Animals" means cattle, calves, American bison (buffalo),
7 catalo, cattalo, sheep, swine, domestic deer, domestic elk,
8 domestic antelope, domestic reindeer, ratites, water buffalo,
9 and goats.

10 "Capable of use as human food" means the carcass of any
11 animal or poultry, or part or product of a carcass of any
12 animal or poultry, unless it is denatured to deter its use as
13 human food or it is naturally inedible by humans.

14 "Custom processing" means the cutting up, packaging,
15 wrapping, storing, freezing, smoking, or curing of meat or
16 poultry products as a service by an establishment for the
17 owner or the agent of the owner of the meat or poultry
18 products exclusively for use in the household of the owner
19 and his or her nonpaying guests and employees. or
20 slaughtering--with--respect--to--live--poultry--purchased--by--the
21 consumer--at--this--establishment--and--processed--by--a--custom
22 plant---operator---in---accordance---with---the---consumer's
23 instructions.

24 "Custom slaughter" means the slaughtering, skinning,
25 defeathering, eviscerating, cutting up, packaging, or
26 wrapping of animals or poultry as a service by an
27 establishment for the owner or the agent of the owner of the
28 animals or poultry exclusively for use in the household of
29 the owner and his or her nonpaying guests and employees, or
30 slaughtering with respect to live poultry purchased by the
31 consumer at this establishment and processed by a custom
32 plant operator in accordance with the consumer's
33 instructions.

34 "Department" means the Department of Agriculture of the

1 State of Illinois.

2 "Director" means, unless otherwise provided, the Director
3 of the Department of Agriculture of the State of Illinois or
4 his or her duly appointed representative.

5 "Establishment" means all premises where animals,
6 poultry, or both, are slaughtered or otherwise prepared
7 either for custom, resale, or retail for food purposes, meat
8 or poultry canneries, sausage factories, smoking or curing
9 operations, ~~restaurants,--grocery--stores,~~ brokerages, cold
10 storage plants, processing plants, and similar places.

11 "Food plan operator" means any person, firm, or
12 corporation, other than a processor or a locker plant
13 operator, engaged in the business of soliciting, negotiating,
14 or making sales of meat or poultry products to the consumer
15 for storage in a locker box, home freezer, or other freezer
16 unit.

17 "Illinois suspect" means that the animal or poultry so
18 marked and identified is suspected of being affected with a
19 disease or condition that may require its condemnation, in
20 whole or in part, when slaughtered and may be subject to
21 further examination by an inspector to determine its
22 disposal.

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

26 "Federal inspection" means the meat and poultry
27 inspection service conducted by the United States Department
28 of Agriculture by the authority of the Federal Meat
29 Inspection Act and the Federal Poultry Products Inspection
30 Act.

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

1 "Illinois inspected and condemned" means that the meat or
2 poultry product so identified and marked is unhealthful,
3 unwholesome, adulterated, or otherwise unfit for human food
4 and shall be disposed of in the manner prescribed by the
5 Department.

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

12 "Illinois retained" means that the meat or poultry
13 product so identified is held for further clinical
14 examination by a veterinary inspector to determine its
15 disposal.

16 "Immediate container" means any consumer package or any
17 other container in which livestock products or poultry
18 products, not consumer packaged, are packed.

19 "Inspector" means any employee of the Department
20 authorized by the Director to inspect animals and poultry or
21 meat and poultry products.

22 "Label" means a display of written, printed, or graphic
23 matter upon any article or the immediate container, not
24 including package liners, of any article.

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

28 "Meat broker", "poultry broker", or "meat and poultry
29 broker" means any person, firm, or corporation engaged in the
30 business of buying, negotiating for purchase of, handling or
31 taking possession of, or selling meat or poultry products on
32 commission or otherwise purchasing or selling of such
33 articles other than for the person's own account in their
34 original containers without changing the character of the

1 products in any way. A broker shall not possess any
2 processing equipment in his or her licensed facility.

3 "Meat food product" means any product capable of use as
4 human food that is made wholly or in part from any meat or
5 other portion of the carcass of any cattle, sheep, swine, or
6 goats, except products that contain meat or other portions of
7 such carcasses only in a relatively small proportion or
8 products that historically have not been considered by
9 consumers as products of the meat food industry and that are
10 exempted from definition as a meat food product by the
11 Director under such conditions as the Director may prescribe
12 to assure that the meat or other portions of such carcass
13 contained in such product are not adulterated and that such
14 products are not represented as meat food products. This
15 term shall be as applied to food products of all "animals"
16 and "poultry" as defined in this Section ~~equines-or--domestic~~
17 ~~deer-shall-have-a-meaning-comparable-to-that-provided-in-this~~
18 ~~definition-with-respect-to-cattle,-sheep,-swine,-and-goats.~~

19 "Misbranded" means any carcass, part thereof, meat or
20 meat food product, or poultry or poultry food product if:

21 (1) its labeling is false or misleading in any
22 particular;

23 (2) it is offered for sale under the name of
24 another food;

25 (3) it is an imitation of another food, unless its
26 label bears, in type of uniform size and prominence, the
27 word "imitation" followed immediately by the name of the
28 food imitated;

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

31 (5) it does not bear a label showing (i) the name
32 and place of business of the manufacturer, packer, or
33 distributor and (ii) an accurate statement of the
34 quantity of the contents in terms of weight, measure, or

1 numerical count; however, reasonable variations in such
2 statement of quantity may be permitted;

3 (6) any word, statement, or other information
4 required by or under authority of this Act to appear on
5 the label or other labeling is not prominently placed
6 thereon with such conspicuousness as compared with other
7 words, statements, designs, or devices in the labeling
8 and in such terms as to make the label likely to be read
9 and understood by the general public under customary
10 conditions of purchase and use;

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

20 (8) it purports to be or is represented as a food
21 for which a standard of fill of container is prescribed
22 in Section 13 of this Act and it falls below the
23 applicable standard of fill of container applicable
24 thereto, unless its label bears, in such manner and form
25 as such regulations specify, a statement that it falls
26 below such standard;

27 (9) it is not subject to the provisions of
28 paragraph (7), unless its label bears (i) the common or
29 usual name of the food, if any, and (ii) if it is
30 fabricated from 2 or more ingredients, the common or
31 usual name of each ingredient, except that spices and
32 flavorings may, when authorized by standards or
33 regulations adopted in or as provided by Sections 13 and
34 16 of this Act, be designated as spices and flavorings

1 without naming each;

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

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

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

18 ~~"Official--mark-of-inspection"--means-the-official-mark-of~~
19 ~~inspection-used-to-identify-the-status-of-any-meat-product-or~~
20 ~~poultry-product-or-animal-under-this-Act--as--established--by~~
21 ~~rule-~~

22 ~~Prior---to--the--manufacture,--a--complete--and--accurate~~
23 ~~description-and--design--of--all--the--brands,--legends,--and~~
24 ~~symbols-shall-be-submitted-to-the-Director-for-approval-as-to~~
25 ~~compliance--with--this--Act.--Each-brand-or-symbol-that-bears~~
26 ~~the-official-mark-shall-be-delivered-into-the-custody-of--the~~
27 ~~inspector--in--charge--of-the-establishment-and-shall-be-used~~
28 ~~only-under-the-supervision-of-a--Department--employee.---When~~
29 ~~not--in-use,--all-such-brands-and-symbols-bearing-the-official~~
30 ~~mark-of-inspection-shall-be-secured-in--a--locked--locker--or~~
31 ~~compartment,--the-keys-of-which-shall-not-leave-the-possession~~
32 ~~of-Department-employees-~~

33 "Official mark of inspection" means the official
34 inspection legend or symbol used to identify the status of

1 any meat product or poultry product or animal under this Act.

2 "Brand" means the official mark of inspection applied to
3 a meat product or poultry product showing that the meat
4 product or poultry product was inspected and passed in
5 accordance with this Act.

6 "Legend" means the official mark of inspection used on
7 labels, packages, and products showing that a meat product or
8 poultry product was inspected and passed in accordance with
9 this Act.

10 "Symbol" means the official mark of inspection used to
11 identify retained, condemned, or suspect animals or carcasses
12 as defined in this Section.

13 "Processor" means any person, firm, or corporation that
14 sells, cuts up, processes, packages, wraps, stores, or
15 freezes meat or poultry products, including any location or
16 establishment containing any of the following facilities:
17 processing room, chill room, storage room, sharp-freezing
18 facilities, or equipment used in conjunction therewith
19 engaged-in-the-business-of-preparing-animal--feed,--including
20 poultry,--derived-wholly-or-in-part-from-livestock-or-poultry
21 carcasses-or-parts-or-products-of-such-carcasses. "Processor"
22 does not include a person, firm, or corporation conducting an
23 operation in relation to meat or poultry products consisting
24 only of the selling or storing of chilled or frozen products
25 in their original containers without changing the character
26 of the products in any way.

27 "Official establishment" means any establishment as
28 determined by the Director at which inspection of the
29 slaughter of livestock or poultry or the preparation of
30 livestock products or poultry products is maintained under
31 the authority of this Act.

32 "Official mark of inspection" means the official mark of
33 inspection used to identify the status of any meat product or
34 poultry product or animal under this Act as established by

1 rule.

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

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

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

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

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

28 "Poultry Products Inspection Act" means the Act approved
29 August 28, 1957 (71 Stat. 441), as now or hereafter amended
30 by the Wholesome Poultry Products Act, approved August 18,
31 1968 (82 Stat. 791), as now or hereafter amended.

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

1 "Processor" means any person engaged in the business of
2 preparing animal food, including poultry, derived wholly or
3 in part from livestock or poultry carcasses or parts or
4 products of such carcasses.

5 "Shipping container" means any container used or intended
6 for use in packaging the product packed in an immediate
7 container.

8 "Slaughterer" means an establishment where any or all of
9 the following may be performed on animals or poultry: (i)
10 stunning; (ii) bleeding; (iii) defeathering, dehairing, or
11 skinning; (iv) eviscerating; or (v) preparing carcasses for
12 chilling.

13 "State inspection" means the meat and poultry inspection
14 service conducted by the Department of Agriculture of the
15 State of Illinois by the authority of this Act.

16 (Source: P.A. 91-170, eff. 1-1-00.)

17 (225 ILCS 650/3) (from Ch. 56 1/2, par. 303)

18 Sec. 3. Licenses.

19 (a) No person shall operate an establishment as defined
20 in Section 2 or act as a broker as defined in Section 2
21 without first securing a license from the Department except
22 as otherwise exempted.

23 (b) The following annual fees shall accompany each
24 license application for the license year from July 1 to June
25 30 or any part thereof. These fees are non-refundable.

26 Meatbroker, Poultry broker or Meat and
27 Poultry broker\$50

28 Type I Establishment - Processor, Slaughterer, or
29 Processor and Slaughterer of Meat, Poultry or Meat and
30 Poultry\$50

31 Type II Establishment - (Custom Only, No Amenable
32 Product Sales Permitted) Processor, Slaughterer, or
33 Processor and Slaughterer of Meat, Poultry or Meat and

1 Poultry\$50

2 Application for licenses shall be made to the Department in
3 writing on forms prescribed by the Department.

4 (c) The license issued shall be in such form as the
5 Department prescribes, shall be under the seal of the
6 Department and shall contain the name of the licensee, the
7 location for which the license is issued, the type of
8 operation, the period of the license, and such other
9 information as the Department requires. The licensee shall
10 notify the Department, in writing, of any change of address
11 or any other change in the required information within 5
12 working days of the change. The original license or a
13 certified copy of it shall be conspicuously displayed by the
14 licensee in the establishment.

15 (c-5) Recognition is hereby extended to the various
16 municipal inspection departments now in existence or which
17 may be inaugurated within this State. However, any
18 establishment that is inspected by the Illinois Department of
19 Agriculture or the United States Department of Agriculture is
20 exempt from any inspection system established by a
21 municipality, and an establishment that is required to obtain
22 a license or grant of inspection from the Illinois Department
23 of Agriculture or the United States Department of Agriculture
24 as prescribed in this Act shall be exempt from licensing
25 requirements of a municipality.

26 (d) Failure to meet all of the conditions to retain a
27 license may result in a denial of a renewal of a license.
28 The licensee may request an administrative hearing to dispute
29 the denial of renewal, after which the Director shall enter
30 an order either renewing or refusing to renew the license.

31 (e) A penalty of \$50 shall be assessed if renewal
32 license applications are not received by July 1 of each year.

33 (Source: P.A. 90-655, eff. 7-30-98; 91-170, eff. 1-1-00.)

1 (225 ILCS 650/5) (from Ch. 56 1/2, par. 305)

2 Sec. 5. Exemptions - Producers, Retailers, and Poultry
3 Raisers.

4 The following types of establishments are exempt from the
5 specific provisions of this Act:

6 (A) A "producer" means any person engaged in producing
7 agricultural products, for personal or family use, on whose
8 farm the number of animals or poultry is in keeping with the
9 size of the farm or with the volume or character of the
10 agricultural products produced thereon, but does not mean any
11 person engaged in producing agricultural products who:

12 (1)~~1~~. actively engages in buying or trading animals
13 or poultry or both; or

14 (2)~~2~~. actively engages directly or indirectly in
15 conducting a business which includes the slaughter of
16 animals or poultry or both, for human food purposes; or

17 (3)~~3~~. actively engages, directly or indirectly, in
18 canning, curing, pickling, freezing, salting meat or
19 poultry, or in preparing meat or poultry products for
20 sale; or

21 (4)~~4~~. slaughters or permits any person to slaughter
22 on his or their farm animals or poultry not owned by the
23 producer for more than 30 days; or.

24 (5) slaughters, or permits a producer to slaughter,
25 on his or her farm, any animals or poultry owned by the
26 person for the personal or family use of the person.

27 (A-5)(Blank). Retail--dealers--or--retail--butchers--with
28 respect--to--meat--or--poultry--products--sold--directly---to
29 consumers---in---retail---stores;--provided,--that--the--only
30 processing-operation-performed--by--such--retail--dealers--or
31 retail-butchers-is-the-cutting-up-of-meat-or-poultry-products
32 which--have--been--inspected-under-the-provisions-of-this-Act
33 and-is-incidental-to-the-operation-of-the-retail-feed-store.

34 (B) Poultry raisers with respect to poultry raised on

1 their own farms or premises if:

2 (a) ~~if~~ such raisers slaughter, eviscerate, or further
3 process not more than 5,000 poultry during the calendar year
4 for which this exemption is being granted;

5 (b) such poultry raisers do not engage in buying or
6 selling poultry products other than those produced from
7 poultry raised on their own farms or premises;

8 (c) such poultry or poultry products are slaughtered,
9 otherwise prepared, sold or delivered to the consumer on or
10 from the premises for which the exemption is given. ~~;~~ ~~(d)~~ ~~such~~

11 Such slaughter or preparation shall be performed in
12 sanitary facilities, in a sanitary manner, and subject to
13 periodic inspection by Department personnel. ~~;~~ ~~(e)~~ ~~persons~~

14 Persons desiring such exemptions shall submit in writing
15 a request to the Department. The exemption shall be
16 effective upon written notice from the Department and shall
17 remain in effect for a period of 2 years, unless revoked.
18 Adequate records must be maintained to assure that not more
19 than the number of exempted poultry are slaughtered or
20 processed in one calendar year. Such records shall be kept
21 for one year following the termination of each exemption.
22 Any advertisement regarding the exempt poultry or poultry
23 products shall reflect the fact of exemption so as not to
24 mislead the consumer to presume official inspection has been
25 made under the Meat and Poultry Inspection Act.

26 (C) Retail dealers or retail butchers with respect to
27 meat or poultry products sold directly to consumers in retail
28 stores, provided, that the only processing operation
29 performed by such retail dealers or retail butchers is the
30 cutting up of meat or poultry products that have been
31 inspected under the provisions of this Act and is incidental
32 to the operation of the retail food store.

33 (Source: P.A. 91-170, eff. 1-1-00; 91-614, eff. 1-1-00;
34 92-16, eff. 6-28-01.)

1 (225 ILCS 650/5.1)

2 Sec. 5.1. Type I licenses.

3 (a) A Type I establishment licensed under this Act who
4 sells or offers for sale meat, meat product, poultry, and
5 poultry product shall, except as otherwise provided:

6 (1) Be permitted to receive meat, meat product,
7 poultry, and poultry product for cutting, processing,
8 preparing, packing, wrapping, chilling, freezing, ~~sharp~~
9 ~~freezing,~~ or storing, provided the product has been
10 produced under inspection and bears the official mark of
11 inspection of the Illinois Department of Agriculture or
12 the United States Department of Agriculture. it bears--an
13 ~~official--mark--of--State--of--Illinois--or--of--Federal~~
14 ~~Inspection.~~

15 (2) Be permitted to receive live animals and
16 poultry for slaughter, provided all animals and poultry
17 are properly presented for prescribed inspection to a
18 Department employee.

19 (3) May accept meat, meat product, poultry, and
20 poultry product for sharp freezing or storage provided
21 that the product is inspected product.

22 (b) Before being granted or renewing official
23 inspection, an establishment must develop written sanitation
24 Standard Operating Procedures as required by 8 Ill. Adm. Code
25 125.141.

26 (c) Before being granted official inspection, an
27 establishment must conduct a hazard analysis and develop and
28 validate an a Hazard Analysis and Critical Control Points
29 HACCP plan as required by 8 Ill. Adm. Code 125.142. A
30 conditional grant of inspection shall be issued for a period
31 not to exceed 90 days, during which period the establishment
32 must validate its HACCP plan.

33 (d) (Blank). ~~Any--establishment--licensed--under--the~~
34 ~~authority-of-this-Act-that-receives-wild-game-carasses-shall~~

1 comply-with-the-following-requirements--regarding--wild--game
2 carcasses:

3 (1)--Wild--game--carcasses-shall-be-dressed-prior-to
4 entering-the-processing--or--refrigerated--areas--of--the
5 licensed-establishment.

6 (2)--Wild--game-carcasses-stored-in-the-refrigerated
7 area-of-the-licensed-establishment-shall-be-kept-separate
8 and-apart-from-inspected-products.

9 (3)--A--written--request--shall--be--made---to---the
10 Department-on-an-annual-basis-if-a-licensed-establishment
11 is--suspending--operations--regarding-an-amenable-product
12 due-to-handling-of-wild-game-carcasses.

13 (4)--A-written-procedure--for--handling--wild--game
14 shall-be-approved-by-the-Department.

15 (5)--All--equipment--used-that-comes-in-contact-with
16 wild-game-shall-be-thoroughly-cleaned-and-sanitized-prior
17 to-use-on-animal-or-poultry-carcasses.

18 (Source: P.A. 91-170, eff. 1-1-00.)

19 (225 ILCS 650/5.3 new)

20 Sec. 5.3 Wild Game. Any establishment licensed under
21 the authority of this Act that receives wild game carcasses
22 shall comply with the following requirements regarding wild
23 game carcasses:

24 (1) Wild game carcasses shall be dressed prior to
25 entering the processing or refrigerated areas of the
26 licensed establishment.

27 (2) Wild game carcasses stored in the refrigerated
28 area of the licensed establishment shall be kept separate
29 and apart from inspected products.

30 (3) A written request shall be made to the
31 Department on an annual basis if a licensed establishment
32 is suspending operations regarding an amenable product
33 due to handling of wild game carcasses.

1 (4) A written procedure for handling wild game
2 shall be approved by the Department.

3 (5) All equipment used that comes in contact with
4 wild game shall be thoroughly cleaned and sanitized prior
5 to use on animal or poultry carcasses.

6 (225 ILCS 650/7) (from Ch. 56 1/2, par. 307)

7 Sec. 7. Administration. The Director of the Department
8 of Agriculture shall administer this Act. For the purposes of
9 this Act, the Director may employ graduates of a veterinary
10 college recognized by the American Veterinary Medical
11 Association and other persons who have qualified and are
12 skilled in the inspection of meat and poultry products and
13 any other additional employee, and he or she may utilize in
14 the enforcement of this Act any employee, agent or equipment
15 of the Department. The Director and any employee of the
16 Department, in the performance of his or her duties under
17 this Act, is authorized to call upon sheriffs and their
18 deputies, police officers, mayors of cities, and city and
19 town marshals, to assist him or her in carrying out the
20 provisions of this Act, and it is the duty of all such
21 officers to assist in carrying out the provisions of this Act
22 when called upon to do so. The Director and any employees of
23 the Department shall have, while engaged in carrying out the
24 provisions of this Act, the same protection as other peace
25 officers. ~~Beginning--January--17--2007--the--Direector--shall~~
26 ~~increase--the--number--of--inspectors--and--veterinarians--the~~
27 ~~Director--employs--for--the--purposes--of--this--Act--by--10%--per--year~~
28 ~~for--the--next--5--years7--subject--to--available--appropriations.~~

29 The Department may establish and maintain laboratory
30 facilities as necessary to administer this Act.

31 (Source: P.A. 91-170, eff. 1-1-00.)

32 (225 ILCS 650/12) (from Ch. 56 1/2, par. 312)

1 Sec. 12. Preparation and Handling.

2 (a) All meat or poultry products in channels of trade,
3 whether fresh, frozen, smoked, cured, pickled, or otherwise
4 prepared even though previously inspected and passed, shall
5 be subject to reinspection by inspectors of the Department as
6 often as may be necessary to determine whether such meat or
7 poultry product is maintained in a healthful, wholesome
8 condition and fit for human food. If, upon reinspection,
9 any meat or poultry product is found to have become unsound,
10 unhealthy, unwholesome or in any way unfit for human food it
11 shall be condemned; provided, that when meat or poultry
12 products are found to be affected by any unsound or
13 unwholesome condition that can be satisfactorily removed by
14 methods approved by the Director, such meat or poultry
15 product may be so reconditioned under the direction of an
16 inspector. If, upon final inspection, the meat or poultry
17 product is found to be sound and wholesome, it shall be
18 approved for human food; otherwise, it shall be condemned, or
19 otherwise handled in a manner prescribed by the Director.

20 (b) The Director may limit the entry of meat or poultry
21 products and other materials into any establishment at which
22 inspection under this Act is maintained, under such
23 conditions as he may prescribe to assure that allowing the
24 entry of such articles into such inspected establishments
25 will be consistent with the purposes of this Act.

26 (c) The Director shall provide for such inspections, by
27 experts in sanitation or other competent inspectors, of all
28 slaughtering, meat-canning, salting, packing, rendering, or
29 similar establishments in which "animals" or "poultry", as
30 defined in Section 2, cattle, sheep, swine, poultry, or goats
31 are slaughtered and the meat or poultry products are
32 prepared, as may be necessary to inform himself concerning
33 the sanitary condition of such establishments, and to
34 prescribe the rules and regulations of sanitation under which

1 such establishments shall be maintained. Where the sanitary
 2 conditions of any such establishment are such that the meat
 3 or poultry products are rendered adulterated, the Director
 4 shall refuse to allow the meat or poultry products to be
 5 labeled, marked, stamped, or tagged as "Illinois Inspected
 6 and Passed".

7 (d) The Director has the authority to regulate
 8 conditions of storage and handling of meat or poultry
 9 products, and other materials in any establishment licensed
 10 under this Act.

11 (e) (Blank). ~~Fish-or-game-stored--or--otherwise--handled~~
 12 ~~shall--be--stored--or--handled--in--conformity--with--the--Fish--and~~
 13 ~~Aquatic--Life--Code--and--the--Wildlife--Code,--and--with--the--rules~~
 14 ~~and--regulations--of--the--Department--of--Natural--Resources.~~

15 (Source: P.A. 89-445, eff. 2-7-96.)

16 (225 ILCS 650/13) (from Ch. 56 1/2, par. 313)

17 Sec. 13. Official Inspection Legend, Marking and
 18 Labeling.

19 (A) (a) An official establishment shall furnish such ink
 20 brands, burning brands, and like devices for marking meat
 21 products or poultry products.

22 (b) Prior to the manufacture, a complete and accurate
 23 description and design of all the brands, legends, and
 24 symbols shall be submitted to the Director for approval as to
 25 compliance with this Act. Each brand or symbol that bears
 26 the official mark shall be delivered into the custody of the
 27 inspector in charge of the establishment and shall be used
 28 only under the supervision of a Department employee. When
 29 not in use, all such brands and symbols bearing the official
 30 mark of inspection shall be secured in a locked locker or
 31 compartment, the keys of which shall not leave the possession
 32 of Department employees.

33 (c) All brands and legends, other than hot brand or

1 brand for American bison (buffalo), catalo, cattalo, domestic
2 deer, domestic elk, domestic antelope, domestic reindeer, or
3 water buffalo shall be a reproduction of the outline of the
4 State of Illinois.

5 (d) Inspection brands shall be approximately 1 1/8
6 inches wide by 2 inches long with the exception that
7 inspection brands approximately 3/4 inches wide by 1 3/8
8 inches long may be used on sheep carcasses, loin and ribs of
9 pork, and smaller varieties of sausage and meat food products
10 in animal casings.

11 (e) The hot brand, which is a brand used on beef
12 tongues, beef livers, and beef hearts shall be oval in shape,
13 measuring 1 1/4 inches wide and 1 3/4 inches long.

14 (f) The brand to be used for American bison (buffalo),
15 catalo, cattalo, domestic deer, domestic elk, domestic
16 antelope, domestic reindeer, or water buffalo carcasses, or
17 parts therefrom, shall be in the shape of a triangle with the
18 following information:

19 (1) The establishment number shall appear on a
20 separate line and at the top of the brand.

21 (2) "ILLINOIS" shall appear on the next line below
22 the establishment number.

23 (3) "INSP'D&P'S'D" shall appear at the bottom of
24 the brand and be arranged in a semicircle.

25 (g) Inspection legends used on labels, packaging, and
26 products are not limited as to size, except that they shall
27 be large enough to be clearly legible and meet the following
28 specifications.

29 (1) The establishment number shall appear on a
30 separate line and at the top of the legend.

31 (2) "ILLINOIS" shall appear on the next line below
32 the establishment number.

33 (3) "DEPT. OF AGR." shall appear on the third line.

34 (4) "INSP'D&" shall appear on the fourth line.

1 (5) "P'S'D" shall appear on the fifth line.

2 (6) The establishment number of "ILLINOIS" shall
3 appear in type approximately twice the height of the
4 other lettering in the legend.

5 (7) The other lettering in the legend shall be
6 approximately 3/5 the width of the type used for the
7 establishment number and "ILLINOIS."

8 (8) The border of the State outline shall be of the
9 same boldness as the width type used for "ILLINOIS."

10 (9) "P" shall precede the establishment number on
11 the legend for establishments dressing or processing
12 poultry and or rabbits only.

13 (B)(a) It is unlawful for any person except employees of
14 the United States Department of Agriculture, the Department
15 or an authorized municipal inspection department to possess,
16 use, or keep an inspection stamp, mark, or brand provided or
17 used for stamping, marking, branding, or otherwise
18 identifying carcasses of meat or poultry products, or to
19 possess, use or keep any stamp, mark or brand having thereon
20 a device, words, or insignia the same or similar in character
21 or import to the stamps, marks, or brands provided or used by
22 the United States Department of Agriculture, the State
23 Department of Agriculture or any approved municipal
24 inspection department for stamping, marking, branding or
25 otherwise identifying the carcasses of meat or poultry or
26 meat and poultry products or parts thereof intended for human
27 food.

28 (b) When any meat or meat food product which has been
29 inspected as provided in this Act and marked "Illinois
30 Inspected and Passed" is placed or packed in an immediate
31 container in any establishment where inspection under this
32 Act is maintained, the person, firm, or corporation preparing
33 the product shall attach a label as required to the immediate
34 container under supervision of an inspector. The label shall

1 state that the contents have been "Illinois Inspected and
2 Passed" under this Act, and no inspection and examination of
3 meat or meat food products or poultry or poultry food
4 products deposited or enclosed in an immediate container in
5 any establishment where inspection under this Act is
6 maintained is complete until the meat or meat food products
7 or poultry or poultry food products have been sealed or
8 enclosed in an immediate container under the supervision of
9 an inspector. At minimum, all amenable products derived from
10 inspected meat, meat food products, poultry, or poultry food
11 products shall bear a mark with an establishment name,
12 owner/customer name, and handling statement.

13 (c) All carcasses, parts of carcasses, meat, meat food
14 products, poultry, or poultry food products inspected at any
15 establishment under the authority of this Act and found to be
16 not adulterated shall at the time they leave the
17 establishment bear in distinctly legible form, directly
18 thereon or on their containers, as the Director may require,
19 the information required under Section 2.20 of this Act.

20 (d) The styles and sizes of type to be used with respect
21 to material required to be incorporated in labeling to avoid
22 misbranding, false or misleading labeling of any articles
23 subject to this Act, definitions and standards of identity or
24 composition for articles subject to this Act, and standards
25 of fill of containers for the articles shall be the standards
26 as established under the Federal Food, Drug, and Cosmetic Act
27 or the Federal Meat Inspection Act.

28 (e) No article subject to this Act shall be sold or
29 offered for sale by any person, firm, or corporation under
30 any name or other marking or labeling which is false or
31 misleading, or in any container of a misleading form or size.
32 Established product names and other marking and labeling and
33 containers which are not false or misleading and which are
34 approved by the Director are permitted.

1 (f) If the Director has reason to believe that any
2 marking or labeling or the size or form of any container in
3 use or proposed for use with respect to any article subject
4 to this Act is false or misleading in any particular, he may
5 direct that the use be withheld unless the marking, labeling,
6 or container is modified in a manner as he may prescribe so
7 that it will not be false or misleading. If the person, firm,
8 or corporation using or proposing to use the marking,
9 labeling, or container does not accept the determination of
10 the Director, the person, firm, or corporation may request a
11 hearing, but the use of the marking, labeling, or container
12 shall, if the Director so directs, be withheld pending
13 hearing and final determination by the Director. Any
14 determination by the Director shall be conclusive unless
15 within 30 days after receipt of notice of the final
16 determination, the person, firm, or corporation adversely
17 affected appeals to the appropriate authority.

18 (g) No person, firm, or corporation shall advertise for
19 sale, solicit, offer to sell or sell meats or frozen foods
20 intended for storage in locker boxes, home freezers or
21 freezer units by newspapers, handbills, placards, radio,
22 television or other medium unless the advertising is truthful
23 and accurate. The advertising shall not be misleading or
24 deceiving in respect to grade, quality, quantity, price per
25 pound or piece, or in any other manner. For grade
26 determination of meats, the grades shall conform with United
27 States Department of Agriculture standards for designating
28 meat grades and the standards of this Act.

29 No person advertising, offering for sale or selling any
30 carcasses or parts thereof or food plan shall engage in any
31 misleading or deceptive practices and particularly including,
32 but not limited to, the following:

33 (1) Bait selling.

34 (A) Disparage or degrade any product

1 advertised or offered for sale by the seller, or
2 display any product or depiction thereof to any
3 buyer in order to induce the purchase of another
4 product, or represent that a product is for sale
5 when the representation is used primarily to sell
6 another product.

7 (B) Substitute any product for that ordered by
8 the buyer without the buyer's consent.

9 (C) Fail to have available a sufficient
10 quantity of any product represented as being for
11 sale to meet reasonably anticipated demands.

12 (2) Price representation.

13 (A) Use any price list related to the seller's
14 food plan that contains prices other than the
15 seller's current billing prices.

16 (B) Misrepresent the amount of money that the
17 buyer will save on purchases of any products that
18 are not of the same grade or quality.

19 (C) Fail to disclose fully and conspicuously
20 in at least 10 point type any charge for cutting,
21 wrapping, freezing, delivery or other services.

22 (D) Represent the price of any meat product to
23 be offered for sale in bundles in units larger than
24 one pound in terms other than price per single pound
25 for meat products in at least 10 point type except
26 when the advertisement or offer for sale pertains to
27 containers of meat products weighing 15 pounds or
28 less.

29 (3) Product Representation.

30 (A) Misrepresent the cut, grade, brand or
31 trade name, or weight or measure of any product.

32 (B) Use the abbreviation "U.S." in describing
33 a product not graded by the United States Department
34 of Agriculture, except that product may be described

1 as "U.S. Inspected" when true.

2 (C) Misrepresent a product through the use of
3 any term similar to a government grade.

4 (D) (Blank).

5 (E) Advertise or offer for sale any
6 combinations of parts of carcasses with one unit
7 price, except when the advertisement or offer for
8 sale pertains to combinations consisting only of
9 poultry or poultry products.

10 (F) Fail to disclose fully and conspicuously
11 the correct government grade for any product if the
12 product is represented as having been graded.

13 (G) Fail to disclose fully and conspicuously
14 that the yield of consumable meat from any carcass
15 or part of a carcass will be less than the weight of
16 the carcass or part thereof. The seller shall, for
17 each carcass or part of carcass advertised, use
18 separately and distinctly (in at least 10 point
19 type) the following disclosure: "Sold hanging
20 weight subject to cutting loss".

21 (H) Misrepresent the amount or proportion of
22 retail cuts that a carcass or part of carcass will
23 yield.

24 (I) (Blank).

25 (J) Fail to disclose fully and conspicuously
26 whether a quarter of a carcass is the front or hind
27 quarter, and "quarters" or "sides" or "halves" must
28 consist of only anatomically natural proportions of
29 cuts from front or hind quarters. A "pre-trimmed
30 side", "packer-trimmed side" or similar term
31 describing part of a carcass shall not be
32 represented as a side or quarter of beef, and the
33 descriptions shall not be used for comparison to
34 induce the sale of the product.

1 (K) Represent any part of a carcass as a
2 "half" or "side" unless it consists exclusively of a
3 front and hind quarter. Both quarters must be from
4 the same side of the same animal unless the seller
5 discloses fully and conspicuously that they are from
6 different sides or different animals as the case may
7 be. Each quarter shall be of the same grade or
8 quality as the other quarters comprising the half or
9 side and the seller shall advise the buyer of the
10 weight of each quarter prior to sale. In selling
11 quarters individually or as part of a half or side,
12 if actual weights are not known or cannot be
13 determined prior to sale, approximate weights may be
14 used, provided the buyer is informed that the
15 weights are approximate, the weights are so
16 identified on any purchase order or contract, and
17 the seller agrees with the buyer, in writing, to
18 make a cash refund or grant a credit on delivery for
19 the difference between actual weight and the
20 approximate weight on which the sale was made.

21 (L) Use the words, "bundle", "sample order",
22 "split side", or words of similar import to describe
23 a quantity of meat or poultry unless the seller
24 itemizes each cut and the weight thereof which the
25 buyer will receive.

26 (M) Advertise or offer free, bonus, extra
27 product, or service combined with or conditioned on
28 the purchase of any other product or service unless
29 the additional product or service is accurately
30 described including, whenever applicable, grade, net
31 weight or measure, type, and brand or trade name.
32 The words "free", "bonus", or other words of similar
33 import shall not be used in any advertisement unless
34 the advertisement clearly and conspicuously sets

1 forth the total price or amount that must be paid to
2 entitle the buyer to the additional product or
3 service.

4 (N) Misrepresent the breed, origin, or diet of
5 slaughtered animals or parts thereof offered for
6 sale. Sellers making these claims shall have
7 written records available to substantiate the fact.
8 (Source: P.A. 91-170, eff. 1-1-00.)

9 (225 ILCS 650/14) (from Ch. 56 1/2, par. 314)

10 Sec. 14. Access to premises. No person shall deny access
11 to any authorized personnel upon the presentation of proper
12 identification at any reasonable time to establishments,
13 broker facilities, warehouses or vehicles used in the
14 transportation of meat and poultry or products thereof and
15 to all parts of such premises for the purposes of making
16 inspections, examination of records, inventories, copying and
17 sampling under this Act.

18 Samples of products, water, dye, chemicals,
19 preservatives, spices, or other articles in any official or
20 exempted establishment shall be taken for examination without
21 cost to the Department as often as necessary for efficient
22 inspection.
23 (Source: P.A. 91-170, eff. 1-1-00.)

24 (225 ILCS 650/18.01 new)

25 Sec. 18.01. State's Attorney; prosecutions; notice;
26 minor violations. Each State's Attorney to whom the Director
27 reports any violations of this Act shall cause appropriate
28 proceedings to be instituted in the proper courts without
29 delay and to be prosecuted in the manner provided by law.
30 Before any violation of this Act by a person licensed under
31 this Act is reported to any State's Attorney for the
32 institution of a criminal proceeding, the licensee against

1 whom such proceeding is contemplated shall be given
2 appropriate notice and an opportunity to present his or her
3 views before the Director or his or her designated agent,
4 either orally or in writing, in person or by attorney, with
5 regard to such contemplated proceeding.

6 Nothing in this Act shall be construed to require the
7 Director to report minor violations of this Act for the
8 institution of proceedings under this Act when the Director
9 believes that the public interest will be adequately served
10 in the circumstances by a suitable written notice or warning.

11 (225 ILCS 650/19) (from Ch. 56 1/2, par. 319)

12 Sec. 19. Criminal offenses.

13 A. Any person who ~~forcibly~~-assaults, resists, opposes,
14 impedes, intimidates, or interferes with any person while
15 engaged in or on account of the performance of his official
16 duties under this Act shall be guilty of a Class A
17 misdemeanor.

18 A-5. Any person who forcibly assaults any person engaged
19 in or on account of the performance of his or her official
20 duties under this Act shall be guilty of a Class 3 felony.

21 B. Any person, firm, or corporation, or any agent or
22 employee of any person, firm, or corporation, who gives,
23 pays, or offers, directly or indirectly, to any inspector or
24 any other officer or employee of this State authorized to
25 perform any of the duties prescribed by this Act or by the
26 rules and regulations of the Director, any money or other
27 thing of value, with intent to influence such inspector or
28 other officer or employee of this State in the discharge of
29 his duty, is guilty of a Class 4 felony.

30 B-5. Any inspector or other officer or employee of this
31 State authorized to perform any of the duties prescribed by
32 this Act who accepts any money, gift, or other thing of value
33 from any person, firm, or corporation, or officers, agents,

1 or employees thereof, given with intent to influence his
2 official action, or who receives or accepts from any person,
3 firm, or corporation any gift, money, or other thing of value
4 given with any purpose of intent whatsoever, is guilty of a
5 Class 4 felony.

6 C. Any person violating any provision of this Act or any
7 rule or regulation established hereunder, is guilty of a
8 Class A misdemeanor.

9 D. Any person who sells or offers for sale or transports
10 meat or poultry products that are unsound, unhealthful,
11 unwholesome, adulterated, or otherwise unfit for human food
12 or which have not been inspected and passed by Department, or
13 federal, ~~or-recognized--municipal~~ inspection, knowing that
14 such meat or poultry products are intended for human
15 consumption, is guilty of a Class A misdemeanor.

16 (Source: P.A. 91-170, eff. 1-1-00.)

17 (225 ILCS 650/19.2) (from Ch. 56 1/2, par. 319.2)

18 Sec. 19.2. Administrative hearings and penalties.

19 (a) When an administrative hearing is held, the hearing
20 officer, upon determination of a violation of this Act or
21 rules promulgated under this Act, may assess the following
22 administrative penalties in addition to or instead of a
23 suspension or revocation of the license as provided in
24 Section 19 of this Act:

25 (1)~~(a)~~ \$150 for illegal advertising.

26 (2)~~(b)~~ \$200 for operating without being licensed as
27 a meat broker, poultry broker, or meat and poultry
28 broker.

29 (3)~~(c)~~ \$300 for misbranding as defined in Section 2
30 ~~Section-2-20~~ of this Act.

31 (4)~~(d)~~ no less than \$500 and no greater than \$5,000
32 for sale of uninspected meat.

33 (5)~~(e)~~ no less than \$500 and no greater than \$5,000

1 for product adulteration.

2 (6)(e-5) \$500 for detaching, breaking, changing, or
3 tampering with any official seal, seizure tag, rejected
4 tag, or retained tag in any way whatsoever.

5 (7)(f) \$500 for selling a product in violation of
6 the approved label specifications.

7 (8)(g) \$500 for removal of meat or poultry products
8 under seizure.

9 (9)(h) (Blank).

10 (10)(h-5) no less than \$500, but no more than
11 \$5,000 for operating outside approved hours of operation
12 or approved overtime.

13 (11)(i) No less than \$500 but no more than \$5,000
14 for operating without being licensed as a meat processor
15 or slaughterer.

16 In the case of a second or subsequent violation within 3
17 years of the first violation, the penalty shall be doubled.
18 Penalties not paid within 60 days of notice from the
19 Department shall be submitted to the Attorney General's
20 office or an approved private collection agency for
21 collection.

22 (b) The Director or any employee of the Department of
23 Agriculture designated by him or her for such purpose may
24 hold hearings, administer oaths, sign and issue subpoenas,
25 examine witnesses, receive evidence, and require by subpoena
26 the attendance and testimony of witnesses and the production
27 of such accounts, records, and memoranda as may be material
28 for the determination of any complaint under this Act. In
29 the event of the refusal of any person to comply with any
30 subpoena or the refusal of a witness to testify to any matter
31 regarding which he or she lawfully may be interrogated under
32 this Act, the judge of any circuit court of the county in
33 which the investigation or hearing is being conducted may, on
34 application of the Director or the employee of the Department

1 designated by the Director to conduct the investigation or
2 hearing, compel obedience by proceedings for contempt as in
3 the case of disobedience to an order of that court.

4 (Source: P.A. 91-170, eff. 1-1-00.)