

1 AN ACT concerning professional regulation.

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 Section 2 as follows:

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

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

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

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

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

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

29 (4) it bears or contains any food additive that is
30 unsafe within the meaning of Section 409 of the federal
31 Food, Drug, and Cosmetic Act;

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

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

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

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

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

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

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

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

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

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

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

22 "Custom slaughter" means the slaughtering, skinning,
23 defeathering, eviscerating, cutting up, packaging, or
24 wrapping of animals or poultry as a service by an
25 establishment for the owner or the agent of the owner of the
26 animals or poultry exclusively for use in the household of
27 the owner and his or her nonpaying guests and employees.

28 "Department" means the Department of Agriculture of the
29 State of Illinois.

30 "Director" means, unless otherwise provided, the Director
31 of the Department of Agriculture of the State of Illinois or
32 his or her duly appointed representative.

33 "Establishment" means all premises where animals,
34 poultry, or both, are slaughtered or otherwise prepared

1 either for custom, resale, or retail for food purposes, meat
2 or poultry canneries, sausage factories, smoking or curing
3 operations, restaurants, grocery stores, brokerages, cold
4 storage plants, processing plants, and similar places.

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

8 "Federal inspection" means the meat and poultry
9 inspection service conducted by the United States Department
10 of Agriculture by the authority of the Federal Meat
11 Inspection Act and the Federal Poultry Products Inspection
12 Act.

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

17 "Illinois inspected and condemned" means that the meat or
18 poultry product so identified and marked is unhealthful,
19 unwholesome, adulterated, or otherwise unfit for human food
20 and shall be disposed of in the manner prescribed by the
21 Department.

22 "Illinois inspected and passed" means that the meat or
23 poultry product so stamped and identified has been inspected
24 and passed under the provisions of this Act and the rules and
25 regulations pertaining thereto at the time of inspection and
26 identification was found to be sound, clean, wholesome, and
27 unadulterated.

28 "Illinois retained" means that the meat or poultry
29 product so identified is held for further clinical
30 examination by a veterinary inspector to determine its
31 disposal.

32 "Immediate container" means any consumer package or any
33 other container in which livestock products or poultry
34 products, not consumer packaged, are packed.

1 "Inspector" means any employee of the Department
2 authorized by the Director to inspect animals and poultry or
3 meat and poultry products.

4 "Label" means a display of written, printed, or graphic
5 matter upon any article or the immediate container, not
6 including package liners, of any article.

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

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

19 "Meat food product" means any product capable of use as
20 human food that is made wholly or in part from any meat or
21 other portion of the carcass of any cattle, sheep, swine, or
22 goats, except products that contain meat or other portions of
23 such carcasses only in a relatively small proportion or
24 products that historically have not been considered by
25 consumers as products of the meat food industry and that are
26 exempted from definition as a meat food product by the
27 Director under such conditions as the Director may prescribe
28 to assure that the meat or other portions of such carcass
29 contained in such product are not adulterated and that such
30 products are not represented as meat food products. This
31 term as applied to food products of equines or domestic deer
32 shall have a meaning comparable to that provided in this
33 definition with respect to cattle, sheep, swine, and goats.

34 "Misbranded" means any carcass, part thereof, meat or

1 meat food product, or poultry or poultry food product if:

2 (1) its labeling is false or misleading in any
3 particular;

4 (2) it is offered for sale under the name of
5 another food;

6 (3) it is an imitation of another food, unless its
7 label bears, in type of uniform size and prominence, the
8 word "imitation" followed immediately by the name of the
9 food imitated;

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

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

18 (6) any word, statement, or other information
19 required by or under authority of this Act to appear on
20 the label or other labeling is not prominently placed
21 thereon with such conspicuousness as compared with other
22 words, statements, designs, or devices in the labeling
23 and in such terms as to make the label likely to be read
24 and understood by the general public under customary
25 conditions of purchase and use;

26 (7) it purports to be or is represented as a food
27 for which a definition and standard of identity or
28 composition is prescribed in Sections 13 and 16 of this
29 Act unless (i) it conforms to such definition and
30 standard and (ii) its label bears the name of the food
31 specified in the definition and standard and, as required
32 by such regulations, the common names of optional
33 ingredients other than spices and flavoring present in
34 such food;

1 (8) it purports to be or is represented as a food
2 for which a standard of fill of container is prescribed
3 in Section 13 of this Act and it falls below the
4 applicable standard of fill of container applicable
5 thereto, unless its label bears, in such manner and form
6 as such regulations specify, a statement that it falls
7 below such standard;

8 (9) it is not subject to the provisions of
9 paragraph (7), unless its label bears (i) the common or
10 usual name of the food, if any, and (ii) if it is
11 fabricated from 2 or more ingredients, the common or
12 usual name of each ingredient, except that spices and
13 flavorings may, when authorized by standards or
14 regulations adopted in or as provided by Sections 13 and
15 16 of this Act, be designated as spices and flavorings
16 without naming each;

17 (10) it purports to be or is represented for
18 special dietary uses, unless its label bears such
19 information concerning its vitamin, mineral, and other
20 dietary properties as determined by the Secretary of
21 Agriculture of the United States in order to fully inform
22 purchasers as to its value for such uses;

23 (11) it bears or contains any artificial flavoring,
24 artificial coloring, or chemical preservative, unless it
25 bears labeling stating that fact or is exempt; or

26 (12) it fails to bear, directly thereon or on its
27 container, the inspection legend and unrestricted by any
28 of the foregoing provisions, such other information as
29 necessary to assure that it will not have false or
30 misleading labeling and that the public will be informed
31 of the manner of handling required to maintain the
32 article in a wholesome condition.

33 "Official establishment" means any establishment as
34 determined by the Director at which inspection of the

1 slaughter of livestock or poultry or the preparation of
2 livestock products or poultry products is maintained under
3 the authority of this Act.

4 "Official mark of inspection" means the official mark of
5 inspection used to identify the status of any meat product or
6 poultry product or animal under this Act as established by
7 rule.

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

19 "Person" means any individual or entity, including, but
20 not limited to, a sole proprietorship, partnership,
21 corporation, cooperative, association, limited liability
22 company, estate, or trust.

23 "Pesticide chemical", "food additive", "color additive",
24 and "raw agricultural commodity" have the same meanings for
25 purposes of this Act as under the federal Food, Drug, and
26 Cosmetic Act.

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

29 "Poultry products" means the carcasses or parts of
30 carcasses of poultry produced entirely or in substantial part
31 from such poultry, including but not limited to such products
32 cooked, pressed, smoked, dried, pickled, frozen, or similarly
33 processed.

34 "Poultry Products Inspection Act" means the Act approved

1 August 28, 1957 (71 Stat. 441), as now or hereafter amended
2 by the Wholesome Poultry Products Act, approved August 18,
3 1968 (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
6 does not qualify as a producer as defined under this Act.

7 "Processor" means any person engaged in the business of
8 preparing animal food, including poultry, derived wholly or
9 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
21 State of Illinois by the authority of this Act.

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