



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

225 ILCS 650/2

from Ch. 56 1/2, par. 302

Amends the Meat and Poultry Inspection Act. Makes a technical change in a Section concerning definitions.

LRB093 19222 RAS 44957 b

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 amended
5 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, meat
9 or meat food product, or poultry or poultry food product if:

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

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

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

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

30 (5) it bears or contains any color additive which is
31 unsafe within the meaning of Section 706 of the federal
32 Food, Drug, and Cosmetic Act, provided that an article that

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

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

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

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

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

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

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

31 (12) it bears or contains sodium benzoate or benzoic
32 acid or any combination thereof, except as permitted in
33 accordance with the federal meat or poultry programs.

34 "Animals" means cattle, calves, American bison (buffalo),
35 catalo, cattalo, sheep, swine, domestic deer, domestic elk,
36 domestic antelope, domestic reindeer, ratites, water buffalo,

1 and goats.

2 "Capable of use as human food" means the carcass of any
3 animal or poultry, or part or product of a carcass of any
4 animal or poultry, unless it is denatured to deter its use as
5 human food or it is naturally inedible by humans.

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

15 "Custom slaughter" means the slaughtering, skinning,
16 defeathering, eviscerating, cutting up, packaging, or wrapping
17 of animals or poultry as a service by an establishment for the
18 owner or the agent of the owner of the animals or poultry
19 exclusively for use in the household of the owner and his or
20 her nonpaying guests and employees.

21 "Department" means the Department of Agriculture of the
22 State of Illinois.

23 "Director" means, unless otherwise provided, the Director
24 of the Department of Agriculture of the State of Illinois or
25 his or her duly appointed representative.

26 "Establishment" means all premises where animals, poultry,
27 or both, are slaughtered or otherwise prepared either for
28 custom, resale, or retail for food purposes, meat or poultry
29 canneries, sausage factories, smoking or curing operations,
30 restaurants, grocery stores, brokerages, cold storage plants,
31 processing plants, and similar places.

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

35 "Federal inspection" means the meat and poultry inspection
36 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
27 matter upon any article or the immediate container, not
28 including package liners, of any article.

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

32 "Meat broker", "poultry broker", or "meat and poultry
33 broker" means any person, firm, or corporation engaged in the
34 business of buying, negotiating for purchase of, handling or
35 taking possession of, or selling meat or poultry products on
36 commission or otherwise purchasing or selling of such articles

1 other than for the person's own account in their original
2 containers without changing the character of the products in
3 any way. A broker shall not possess any processing equipment in
4 his or her licensed facility.

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

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

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

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

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

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

32 (5) it does not bear a label showing (i) the name and
33 place of business of the manufacturer, packer, or
34 distributor and (ii) an accurate statement of the quantity
35 of the contents in terms of weight, measure, or numerical
36 count; however, reasonable variations in such statement of

1 quantity may be permitted;

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

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

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

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

33 (10) it purports to be or is represented for special
34 dietary uses, unless its label bears such information
35 concerning its vitamin, mineral, and other dietary
36 properties as determined by the Secretary of Agriculture of

1 the United States in order to fully inform purchasers as to
2 its value for such uses;

3 (11) it bears or contains any artificial flavoring,
4 artificial coloring, or chemical preservative, unless it
5 bears labeling stating that fact or is exempt; or

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

13 "Official establishment" means any establishment as
14 determined by the Director at which inspection of the slaughter
15 of livestock or poultry or the preparation of livestock
16 products or poultry products is maintained under the authority
17 of this Act.

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

33 "Person" means any individual or entity, including, but not
34 limited to, a sole proprietorship, partnership, corporation,
35 cooperative, association, limited liability company, estate,
36 or trust.

1 "Pesticide chemical", "food additive", "color additive",
2 and "raw agricultural commodity" have the same meanings for
3 purposes of this Act as under the federal Food, Drug, and
4 Cosmetic Act.

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

7 "Poultry products" means the carcasses or parts of
8 carcasses of poultry produced entirely or in substantial part
9 from such poultry, including but not limited to such products
10 cooked, pressed, smoked, dried, pickled, frozen, or similarly
11 processed.

12 "Poultry Products Inspection Act" means the Act approved
13 August 28, 1957 (71 Stat. 441), as now or hereafter amended by
14 the Wholesome Poultry Products Act, approved August 18, 1968
15 (82 Stat. 791), as now or hereafter amended.

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

19 "Processor" means any person engaged in the business of
20 preparing animal food, including poultry, derived wholly or in
21 part from livestock or poultry carcasses or parts or products
22 of such carcasses.

23 "Shipping container" means any container used or intended
24 for use in packaging the product packed in an immediate
25 container.

26 "Slaughterer" means an establishment where any or all of
27 the following may be performed on animals or poultry: (i)
28 stunning; (ii) bleeding; (iii) defeathering, dehairing, or
29 skinning; (iv) eviscerating; or (v) preparing carcasses for
30 chilling.

31 "State inspection" means the meat and poultry inspection
32 service conducted by the Department of Agriculture of the State
33 of Illinois by the authority of this Act.

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