



**Filed: 3/24/2006**

09400SB2841ham001

LRB094 17299 RAS 57281 a

1 AMENDMENT TO SENATE BILL 2841

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2841 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 Sections 2, 3, and 5.2 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, 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

1 chemical that is unsafe within the meaning of Section 408  
2 of the federal Food, Drug, and Cosmetic Act;

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

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

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

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

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

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

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

31 (11) any valuable constituent has been in whole or in  
32 part omitted or abstracted from the article; any substance  
33 has been substituted, wholly or in part; damage or  
34 inferiority has been concealed in any manner; or any

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

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

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

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

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

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

30 "Custom slaughter" means the slaughtering, skinning,  
31 defeathering, eviscerating, cutting up, packaging, or wrapping  
32 of animals or poultry as a service by an establishment for the  
33 owner or the agent of the owner of the animals or poultry  
34 exclusively for use in the household of the owner and his or

1 her nonpaying guests and employees.

2 "Department" means the Department of Agriculture of the  
3 State of Illinois.

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

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

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

16 "Federal inspection" means the meat and poultry inspection  
17 service conducted by the United States Department of  
18 Agriculture by the authority of the Federal Meat Inspection Act  
19 and the Federal Poultry Products Inspection Act.

20 "Federal Meat Inspection Act" means the Act approved March  
21 4, 1907 (34 Stat. 1260), as now or hereafter amended by the  
22 Wholesome Meat Act (81 Stat. 584), as now or hereafter amended.

23 "Illinois inspected and condemned" means that the meat or  
24 poultry product so identified and marked is unhealthful,  
25 unwholesome, adulterated, or otherwise unfit for human food and  
26 shall be disposed of in the manner prescribed by the  
27 Department.

28 "Illinois inspected and passed" means that the meat or  
29 poultry product so stamped and identified has been inspected  
30 and passed under the provisions of this Act and the rules and  
31 regulations pertaining thereto at the time of inspection and  
32 identification was found to be sound, clean, wholesome, and  
33 unadulterated.

34 "Illinois retained" means that the meat or poultry product

1 so identified is held for further clinical examination by a  
2 veterinary inspector to determine its disposal.

3 "Immediate container" means any consumer package or any  
4 other container in which livestock products or poultry  
5 products, not consumer packaged, are packed.

6 "Inspector" means any employee of the Department  
7 authorized by the Director to inspect animals and poultry or  
8 meat and poultry products.

9 "Label" means a display of written, printed, or graphic  
10 matter upon any article or the immediate container, not  
11 including package liners, of any article.

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

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

24 "Meat food product" means any product capable of use as  
25 human food that is made wholly or in part from any meat or  
26 other portion of the carcass of any cattle, sheep, swine, or  
27 goats, except products that contain meat or other portions of  
28 such carcasses only in a relatively small proportion or  
29 products that historically have not been considered by  
30 consumers as products of the meat food industry and that are  
31 exempted from definition as a meat food product by the Director  
32 under such conditions as the Director may prescribe to assure  
33 that the meat or other portions of such carcass contained in  
34 such product are not adulterated and that such products are not

1 represented as meat food products. This term as applied to food  
2 products of equines or domestic deer shall have a meaning  
3 comparable to that provided in this definition with respect to  
4 cattle, sheep, swine, and goats.

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

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

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

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

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

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

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

31 (7) it purports to be or is represented as a food for  
32 which a definition and standard of identity or composition  
33 is prescribed in Sections 13 and 16 of this Act unless (i)  
34 it conforms to such definition and standard and (ii) its

1 label bears the name of the food specified in the  
2 definition and standard and, as required by such  
3 regulations, the common names of optional ingredients  
4 other than spices and flavoring present in such food;

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

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

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

26 (11) it bears or contains any artificial flavoring,  
27 artificial coloring, or chemical preservative, unless it  
28 bears labeling stating that fact or is exempt; or

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

1 a wholesome condition.

2 "Official establishment" means any establishment as  
3 determined by the Director at which inspection of the slaughter  
4 of livestock or poultry or the preparation of livestock  
5 products or poultry products is maintained under the authority  
6 of this Act.

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

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

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

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

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

32 "Poultry products" means the carcasses or parts of  
33 carcasses of poultry produced entirely or in substantial part  
34 from such poultry, including but not limited to such products



1 cooked, pressed, smoked, dried, pickled, frozen, or similarly  
2 processed.

3 "Poultry Products Inspection Act" means the Act approved  
4 August 28, 1957 (71 Stat. 441), as now or hereafter amended by  
5 the Wholesome Poultry Products Act, approved August 18, 1968  
6 (82 Stat. 791), as now or hereafter amended.

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

10 "Processor" means any person engaged in the business of  
11 preparing ~~animal~~ food from animals, including poultry, derived  
12 wholly or in part from livestock or poultry carcasses or parts  
13 or products of such carcasses.

14 "Shipping container" means any container used or intended  
15 for use in packaging the product packed in an immediate  
16 container.

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

22 "State inspection" means the meat and poultry inspection  
23 service conducted by the Department of Agriculture of the State  
24 of Illinois by the authority of this Act.

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

26 (225 ILCS 650/3) (from Ch. 56 1/2, par. 303)

27 Sec. 3. Licenses.

28 (a) No person shall operate an establishment as defined in  
29 Section 2 or act as a broker as defined in Section 2 without  
30 first securing a license from the Department except as  
31 otherwise exempted.

32 (b) The following annual fees shall accompany each license  
33 application for the license year from July 1 to June 30 or any

1 part thereof. These fees are non-refundable.

2 Meatbroker, Poultry broker or Meat and Poultry  
3 broker ..... \$50

4 Type I Establishment - Processor, Slaughterer, or  
5 Processor and Slaughterer of Meat, Poultry or Meat and  
6 Poultry..... \$50

7 Type II Establishment - Processor, Slaughterer, or  
8 Processor and Slaughterer of Meat, Poultry or Meat and  
9 Poultry..... \$50

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

12 (c) The license issued shall be in such form as the  
13 Department prescribes, shall be under the seal of the  
14 Department and shall contain the name of the licensee, the  
15 location for which the license is issued, the type of  
16 operation, the period of the license, and such other  
17 information as the Department requires. The original license or  
18 a certified copy of it shall be conspicuously displayed by the  
19 licensee in the establishment.

20 (d) Failure to meet all of the conditions to retain a  
21 license may result in a denial of a renewal of a license. The  
22 licensee may request an administrative hearing to dispute the  
23 denial of renewal, after which the Director shall enter an  
24 order either renewing or refusing to renew the license.

25 (e) A penalty of \$50 shall be assessed if renewal license  
26 applications are not received by July 1 of each year and  
27 establishment operations shall be discontinued until payment  
28 is received in full.

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

30 (225 ILCS 650/5.2)

31 Sec. 5.2. Type II licenses.

32 (a) Type II establishments licensed under this Act for  
33 custom slaughtering and custom processing shall:

1 (1) Be permitted to receive, for processing, meat  
2 products and poultry products from animals and poultry  
3 slaughtered by the owner or for the owner for his or her  
4 own personal use or for use by his or her household.

5 (2) Be permitted to receive live animals and poultry  
6 presented by the owner to be slaughtered and processed for  
7 the owner's own personal use or for use by his or her  
8 household.

9 (3) Be permitted to receive, for processing, inspected  
10 meat products and inspected poultry products for the  
11 owner's own personal use or for use by his or her  
12 household.

13 (4) Stamp the words "NOT FOR SALE-NOT INSPECTED" in  
14 letters at least 3/8 inches in height on all carcasses of  
15 animals and immediate poultry product containers for  
16 poultry slaughtered in such establishment and on all meat  
17 products and immediate poultry product containers for  
18 poultry products processed in that establishment.

19 (5) Conspicuously display a license issued by the  
20 Department and bearing the words "NO SALES PERMITTED".

21 (6) Keep a record of the name and address of the owner  
22 of each carcass or portion thereof received in such  
23 licensed establishment, the date received, and the dressed  
24 weight. Such records shall be maintained for at least one  
25 year and shall be available, during reasonable hours, for  
26 inspection by Department personnel.

27 (b) No custom slaughterer or custom processor shall engage  
28 in the business of buying or selling any poultry or meat  
29 products capable of use as human food, or slaughter of any  
30 animals or poultry intended for sale.

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