

HB2387



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2387

Introduced 2/18/2011, by Rep. Tom Cross

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.

LRB097 09557 JDS 49694 b

A BILL FOR

1 AN ACT concerning 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. 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 ~~the~~ substance is not an added substance the article is
13 not adulterated under this paragraph if the quantity of
14 such substance in or on the article does not ordinarily
15 render 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

1 commodity and the commodity bears or contains a pesticide
2 chemical that is unsafe within the meaning of Section 408
3 of the federal Food, Drug, and Cosmetic Act;

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

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

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

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

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

25 (9) its container is composed, in whole or in part, of
26 any poisonous or deleterious substance that may render the

1 contents injurious to health;

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

6 (11) any valuable constituent has been in whole or in
7 part omitted or abstracted from the article; any substance
8 has been substituted, wholly or in part; damage or
9 inferiority has been concealed in any manner; or any
10 substance has been added, mixed, or packed with the article
11 to increase its bulk or weight, to reduce its quality or
12 strength, or to make it appear better or of greater value
13 than it is; or

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

17 "Amenable" means foods containing 3% or more raw, or more
18 than 2% cooked, red meat or poultry, other edible portions of
19 carcass or bird, or products that historically have been
20 considered by customers as products of the meat or poultry
21 industry.

22 "Animals" means cattle, calves, American bison (buffalo),
23 catalo, cattalo, sheep, swine, domestic deer, domestic elk,
24 domestic antelope, domestic reindeer, ratites, water buffalo,
25 and goats.

26 "Capable of use as human food" means the carcass of any

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

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

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

19 "Department" means the Department of Agriculture of the
20 State of Illinois.

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

24 "Establishment" means all premises where animals, poultry,
25 or both, are slaughtered or otherwise prepared either for
26 custom, resale, or retail for food purposes, meat or poultry

1 canneries, sausage factories, smoking or curing operations,
2 restaurants, grocery stores, brokerages, cold storage plants,
3 processing plants, and similar places.

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

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

11 "Federal Meat Inspection Act" means the Act approved March
12 4, 1907 (34 Stat. 1260), as now or hereafter amended by the
13 Wholesome Meat Act (81 Stat. 584), as now or hereafter amended.

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

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

25 "Illinois retained" means that the meat or poultry product
26 so identified is held for further clinical examination by a

1 veterinary inspector to determine its disposal.

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

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

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

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

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

23 "Meat food product" means any product capable of use as
24 human food that is made wholly or in part from any meat or
25 other portion of the carcass of any cattle, sheep, swine, or
26 goats, except products that contain meat or other portions of

1 such carcasses only in a relatively small proportion or
2 products that historically have not been considered by
3 consumers as products of the meat food industry and that are
4 exempted from definition as a meat food product by the Director
5 under such conditions as the Director may prescribe to assure
6 that the meat or other portions of such carcass contained in
7 such product are not adulterated and that such products are not
8 represented as meat food products. This term as applied to food
9 products of equines or domestic deer shall have a meaning
10 comparable to that provided in this definition with respect to
11 cattle, sheep, swine, and goats.

12 "Misbranded" means any carcass, part thereof, meat or meat
13 food product, or poultry or poultry food product if:

14 (1) its labeling is false or misleading in any
15 particular;

16 (2) it is offered for sale under the name of another
17 food;

18 (3) it is an imitation of another food, unless its
19 label bears, in type of uniform size and prominence, the
20 word "imitation" followed immediately by the name of the
21 food imitated;

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

24 (5) it does not bear a label showing (i) the name and
25 place of business of the manufacturer, packer, or
26 distributor and (ii) an accurate statement of the quantity

1 of the contents in terms of weight, measure, or numerical
2 count; however, reasonable variations in such statement of
3 quantity may be permitted;

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

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

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

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

9 (10) it purports to be or is represented for special
10 dietary uses, unless its label bears such information
11 concerning its vitamin, mineral, and other dietary
12 properties as determined by the Secretary of Agriculture of
13 the United States in order to fully inform purchasers as to
14 its value for such uses;

15 (11) it bears or contains any artificial flavoring,
16 artificial coloring, or chemical preservative, unless it
17 bears labeling stating that fact or is exempt; or

18 (12) it fails to bear, directly thereon or on its
19 container, the inspection legend and unrestricted by any of
20 the foregoing provisions, such other information as
21 necessary to assure that it will not have false or
22 misleading labeling and that the public will be informed of
23 the manner of handling required to maintain the article in
24 a wholesome condition.

25 "Official establishment" means any establishment as
26 determined by the Director at which inspection of the slaughter

1 of livestock or poultry or the preparation of livestock
2 products or poultry products is maintained under the authority
3 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 symbols
10 shall be submitted to the Director for approval as to
11 compliance with this Act. Each brand or symbol that bears the
12 official mark shall be delivered into the custody of the
13 inspector in charge of the establishment and shall be used only
14 under the supervision of a Department employee. When not in
15 use, all such brands and symbols bearing the official mark of
16 inspection shall be secured in a locked locker or compartment,
17 the keys of which shall not leave the possession of Department
18 employees.

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

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

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

8 "Poultry Products Inspection Act" means the Act approved
9 August 28, 1957 (71 Stat. 441), as now or hereafter amended by
10 the Wholesome Poultry Products Act, approved August 18, 1968
11 (82 Stat. 791), as now or hereafter amended.

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

15 "Processor" means any person engaged in the business of
16 preparing food from animals, including poultry, derived wholly
17 or in part from livestock or poultry carcasses or parts or
18 products of such carcasses.

19 "Shipping container" means any container used or intended
20 for use in packaging the product packed in an immediate
21 container.

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

1 "State inspection" means the meat and poultry inspection
2 service conducted by the Department of Agriculture of the State
3 of Illinois by the authority of this Act.

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