



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2556

by Rep. Mike Murphy

#### SYNOPSIS AS INTRODUCED:

225 ILCS 650/2  
410 ILCS 620/11

from Ch. 56 1/2, par. 302  
from Ch. 56 1/2, par. 511

Amends the Meat and Poultry Inspection Act. Provides that a carcass, part thereof, meat or meat food product, or poultry or poultry food product is misbranded if it purports to be or is represented as a meat or meat food product or poultry or poultry product but is a cell-cultured food product. Defines "cell-cultured food product". Amends the Illinois Food, Drug and Cosmetic Act. Provides that a food is misbranded if it purports to be or is represented as a meat or meat food product or poultry or poultry product but is a cell-cultured food product as defined in the Meat and Poultry Inspection Act. Effective immediately.

LRB101 09163 CPF 54257 b

1 AN ACT concerning health.

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, part thereof, meat or meat  
9 food product, or poultry or poultry food product under one or  
10 more of the following circumstances:

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

18 (2) (A) if it bears or contains (by reason of  
19 administration of any substance to the live animal or  
20 otherwise) any added poisonous or added deleterious  
21 substance (other than one which is (i) a pesticide chemical  
22 in or on a raw agricultural commodity; (ii) a food  
23 additive; or (iii) a color additive) which may, in the

1 judgment of the Director, make such article unfit for human  
2 food;

3 (B) if it is, in whole or in part, a raw agricultural  
4 commodity and such commodity bears or contains a pesticide  
5 chemical which is unsafe within the meaning of Section 346a  
6 of the federal Food, Drug, and Cosmetic Act;

7 (C) if it bears or contains any food additive which is  
8 unsafe within the meaning of Section 348 of the federal  
9 Food, Drug, and Cosmetic Act;

10 (D) if it bears or contains any color additive which is  
11 unsafe within the meaning of Section 379e of the federal  
12 Food, Drug, and Cosmetic Act: Provided, That an article  
13 which is not adulterated under clause (B), (C), or (D)  
14 shall nevertheless be deemed adulterated if use of the  
15 pesticide chemical, food additive, or color additive in or  
16 on such article is prohibited by regulations of the  
17 Secretary of the United States Department of Agriculture or  
18 under Section 13 or 16 of this Act;

19 (3) if it consists in whole or in part of any filthy,  
20 putrid, or decomposed substance or is for any other reason  
21 unsound, unhealthful, unwholesome, or otherwise unfit for  
22 human food;

23 (4) if it has been prepared, packed, or held under  
24 insanitary conditions whereby it may have become  
25 contaminated with filth, or whereby it may have been  
26 rendered injurious to health;

1           (5) if it is, in whole or in part, the product of an  
2 animal which has died otherwise than by slaughter;

3           (6) if its container is composed, in whole or in part,  
4 of any poisonous or deleterious substance which may render  
5 the contents injurious to health;

6           (7) if it has been intentionally subjected to  
7 radiation, unless the use of the radiation was in  
8 conformity with a regulation or exemption in effect  
9 pursuant to Section 348 of the federal Food, Drug, and  
10 Cosmetic Act;

11           (8) if any valuable constituent has been in whole or in  
12 part omitted or abstracted therefrom; or if any substance  
13 has been substituted, wholly or in part therefor; or if  
14 damage or inferiority has been concealed in any manner; or  
15 if any substance has been added thereto or mixed or packed  
16 therewith so as to increase its bulk or weight, or reduce  
17 its quality or strength, or make it appear better or of  
18 greater value than it; or

19           (9) if it is margarine containing animal fat and any of  
20 the raw material used therein consisted in whole or in part  
21 of any filthy, putrid, or decomposed substance.

22           "Amenable" means foods containing 3% or more raw, or more  
23 than 2% cooked, red meat or poultry, other edible portions of  
24 carcass or bird, or products that historically have been  
25 considered by customers as products of the meat or poultry  
26 industry.

1 "Animals" means cattle, calves, American bison (buffalo),  
2 catalo, cattalo, sheep, swine, domestic deer, domestic elk,  
3 domestic antelope, domestic reindeer, ratites, water buffalo,  
4 and goats.

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

9 "Cell-cultured food product" means food products derived  
10 from the cells of animals or poultry grown in laboratories from  
11 cell cultures.

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

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

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

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

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

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

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

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

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

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

7 "Illinois retained" means that the meat or poultry product  
8 so identified is held for further clinical examination by a  
9 veterinary inspector to determine its disposal.

10 "Immediate container" means any consumer package or any  
11 other container in which livestock products or poultry  
12 products, not consumer packaged, are packed.

13 "Inspector" means any employee of the Department  
14 authorized by the Director to inspect animals and poultry or  
15 meat and poultry products.

16 "Label" means a display of written, printed, or graphic  
17 matter upon any article or the immediate container, not  
18 including package liners, of any article.

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

22 "Meat broker", "poultry broker", or "meat and poultry  
23 broker" means any person, firm, or corporation engaged in the  
24 business of buying, negotiating for purchase of, handling or  
25 taking possession of, or selling meat or poultry products on  
26 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



1 label bears, in type of uniform size and prominence, the  
2 word "imitation" followed immediately by the name of the  
3 food imitated;

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

6 (5) it does not bear a label showing (i) the name and  
7 place of business of the manufacturer, packer, or  
8 distributor and (ii) an accurate statement of the quantity  
9 of the contents in terms of weight, measure, or numerical  
10 count; however, reasonable variations in such statement of  
11 quantity may be permitted;

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

20 (7) it purports to be or is represented as a food for  
21 which a definition and standard of identity or composition  
22 is prescribed in Sections 13 and 16 of this Act unless (i)  
23 it conforms to such definition and standard and (ii) its  
24 label bears the name of the food specified in the  
25 definition and standard and, as required by such  
26 regulations, the common names of optional ingredients

1 other than spices and flavoring present in such food;

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

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

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

1 container, the inspection legend and unrestricted by any of  
2 the foregoing provisions, such other information as  
3 necessary to assure that it will not have false or  
4 misleading labeling and that the public will be informed of  
5 the manner of handling required to maintain the article in  
6 a wholesome condition; or-

7 (13) it purports to be or is represented as a meat or  
8 meat food product or poultry or poultry product but is a  
9 cell-cultured food product.

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

15 "Official mark of inspection" means the official mark of  
16 inspection used to identify the status of any meat product or  
17 poultry product or animal under this Act as established by  
18 rule.

19 Prior to the manufacture, a complete and accurate  
20 description and design of all the brands, legends, and symbols  
21 shall be submitted to the Director for approval as to  
22 compliance with this Act. Each brand or symbol that bears the  
23 official mark shall be delivered into the custody of the  
24 inspector in charge of the establishment and shall be used only  
25 under the supervision of a Department employee. When not in  
26 use, all such brands and symbols bearing the official mark of

1 inspection shall be secured in a locked locker or compartment,  
2 the keys of which shall not leave the possession of Department  
3 employees.

4 "Person" means any individual or entity, including, but not  
5 limited to, a sole proprietorship, partnership, corporation,  
6 cooperative, association, limited liability company, estate,  
7 or trust.

8 "Pesticide chemical", "food additive", "color additive",  
9 and "raw agricultural commodity" have the same meanings for  
10 purposes of this Act as under the federal Food, Drug, and  
11 Cosmetic Act.

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

14 "Poultry products" means the carcasses or parts of  
15 carcasses of poultry produced entirely or in substantial part  
16 from such poultry, including but not limited to such products  
17 cooked, pressed, smoked, dried, pickled, frozen, or similarly  
18 processed.

19 "Poultry Products Inspection Act" means the Act approved  
20 August 28, 1957 (71 Stat. 441), as now or hereafter amended by  
21 the Wholesome Poultry Products Act, approved August 18, 1968  
22 (82 Stat. 791), as now or hereafter amended.

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

26 "Processor" means any person engaged in the business of

1 preparing food from animals, including poultry, derived wholly  
2 or in part from livestock or poultry carcasses or parts or  
3 products of such carcasses.

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

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

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

15 (Source: P.A. 100-843, eff. 8-14-18.)

16 Section 10. The Illinois Food, Drug and Cosmetic Act is  
17 amended by changing Section 11 as follows:

18 (410 ILCS 620/11) (from Ch. 56 1/2, par. 511)

19 Sec. 11. A food is misbranded - (a) If its labeling is  
20 false or misleading in any particular.

21 (b) If it is offered for sale under the name of another  
22 food.

23 (c) If it is an imitation of another food other than honey,  
24 unless its label bears, in type of uniform size and prominence,

1 the word "imitation" and, immediately thereafter, the name of  
2 the food imitated.

3 (d) If its container is so made, formed or filled as to be  
4 misleading.

5 (e) If in package form, unless it bears a label containing  
6 (1) the name and place of business of the manufacturer, packer  
7 or distributor; and (2) an accurate statement of the quantity  
8 of the contents in terms of weight, measure or numerical count.  
9 However, under paragraph (2) of this subsection reasonable  
10 variations shall be permitted and exemptions as to small  
11 packages which shall be established by regulations prescribed  
12 by the Director.

13 (f) If any word, statement or other information required by  
14 or under authority of this Act to appear on the label or  
15 labeling is not prominently placed thereon with such  
16 conspicuousness (as compared with other words, statements,  
17 designs or devices, in the labeling) and in such terms as to  
18 render it likely to be read and understood by the ordinary  
19 individual under customary conditions of purchase and use.

20 (g) If it purports to be or is represented as a food for  
21 which a definition and standard of identity has been prescribed  
22 by regulations as provided by Section 9, unless (1) it conforms  
23 to such definition and standard, and (2) its label bears the  
24 name of the food specified in the definition and standard and,  
25 in so far as may be required by such regulations, the common  
26 names of optional ingredients (other than spices, flavoring and

1 coloring) present in such food.

2 (h) If it purports to be or is represented as:

3 (1) a food for which a standard of quantity has been  
4 prescribed by regulations as provided by Section 9 and its  
5 quantity falls below such standard unless its label bears, in  
6 such manner and form as such regulations specify, a statement  
7 that it falls below such standard; or

8 (2) a food for which a standard or standards of fill of  
9 container have been prescribed by regulation as provided by  
10 Section 9 and it falls below the standard of fill of container  
11 applicable thereto, unless its label bears, in such manner and  
12 form as such regulations specify, a statement that it falls  
13 below such standard.

14 (i) If it is not subject to subsection (g) of this Section,  
15 unless it bears labeling clearly giving (1) the common or usual  
16 name of the food, if any there be, and (2) in case it is  
17 fabricated from 2 or more ingredients, the common or usual name  
18 of each such ingredient; except that spices, flavorings and  
19 colorings, other than those sold as such, may be designated as  
20 spices, flavorings and colorings, without naming each.  
21 However, to the extent that compliance with the requirements of  
22 paragraph (2) of this subsection is impractical or results in  
23 deception or unfair competition, exemptions shall be  
24 established by regulations promulgated by the Director.

25 (j) If it purports to be or is represented for special  
26 dietary uses, unless its label bears such information

1 concerning its vitamin, mineral and other dietary properties as  
2 the Director determines to be, and by regulations prescribes as  
3 necessary in order to fully inform purchasers as to its value  
4 for such uses.

5 (k) If it bears or contains any artificial flavoring,  
6 artificial coloring or chemical preservative, unless it bears  
7 labeling stating that fact. However, to the extent that  
8 compliance with the requirements of this paragraph is  
9 impracticable, exemptions shall be established by regulations  
10 promulgated by the Director. This subsection and subsections  
11 (g) and (i) with respect to artificial coloring do not apply to  
12 butter, cheese or ice cream. This subsection with respect to  
13 chemical preservatives does not apply to a pesticide chemical  
14 when used in or on a raw agricultural commodity which is the  
15 produce of the soil.

16 (l) If it is a raw agricultural commodity for direct human  
17 consumption which is the produce of the soil, bearing or  
18 containing a pesticide chemical applied after harvest, unless  
19 the shipping container of such commodity bears labeling which  
20 declares the presence of such chemical in or on such commodity  
21 and the common usual name and the function of such chemical;  
22 provided, however, that no such declaration shall be required  
23 while such commodity, having been removed from the shipping  
24 container, is being held or displayed for sale at retail out of  
25 such container in accordance with the custom of the trade.

26 (m) If it is a product intended as an ingredient of another



1 food and when used according to the directions of the purveyor  
2 will result in the final food product being adulterated or  
3 misbranded.

4 (n) If it is a color additive unless its packaging and  
5 labeling are in conformity with such packaging and labeling  
6 requirements applicable to such color additive prescribed  
7 under Section 706 of the Federal Act.

8 (o) If a meat or meat food product or poultry or poultry  
9 food product has been frozen prior to sale unless when offered  
10 for sale, the package, container or wrapping bears, in type of  
11 uniform size and prominence, the words "previously frozen" so  
12 as to be readable and understood by the general public except  
13 that this subsection does not apply to products mentioned  
14 herein which are precooked and packaged in hermetically sealed  
15 containers.

16 (p) If its labeling includes the word "honey" or the term  
17 "imitation honey" and the product is not pure honey  
18 manufactured by honeybees.

19 (q) If it contains saccharin, unless its label and labeling  
20 and retail display comply with the requirements of Sections  
21 403(o) and 403(p) of the Federal Act.

22 (r) If it contains saccharin and is offered for sale, but  
23 not for immediate consumption, at a retail establishment,  
24 unless such retail establishment displays prominently, where  
25 such food is held for sale, notice (provided by the  
26 manufacturer of such food pursuant to the Federal Act) for

1 consumers respecting the information required by subsection  
2 (q) to be on food labels and labeling.

3 (s) If it purports to be or is represented as a meat or  
4 meat food product or poultry or poultry product but is a  
5 cell-cultured food product as defined in the Meat and Poultry  
6 Inspection Act.

7 (Source: P.A. 84-891.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.