

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 and by adding Section 21 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
9 meat food product, or poultry or poultry food product under
10 one or 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
22 chemical in or on a raw agricultural commodity; (ii) a
23 food additive; or (iii) a color additive) which may, in

1 the judgment of the Director, make such article unfit for
2 human 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
6 346a 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
11 is unsafe within the meaning of Section 379e of the
12 federal Food, Drug, and Cosmetic Act: Provided, That an
13 article which is not adulterated under clause (B), (C), or
14 (D) 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
18 or 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
12 in part omitted or abstracted therefrom; or if any
13 substance has been substituted, wholly or in part
14 therefor; or if damage or inferiority has been concealed
15 in any manner; or if any substance has been added thereto
16 or mixed or packed therewith so as to increase its bulk or
17 weight, or reduce its quality or strength, or make it
18 appear better or of greater value than it; or

19 (9) if it is margarine containing animal fat and any
20 of the raw material used therein consisted in whole or in
21 part 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 siluriformes fish, or products that
25 historically have been considered by customers as products of
26 the meat or poultry 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 "Custom processing" means the cutting up, packaging,
10 wrapping, storing, freezing, smoking, or curing of meat or
11 poultry products as a service by an establishment for the
12 owner or the agent of the owner of the meat or poultry products
13 exclusively for use in the household of the owner and his or
14 her nonpaying guests and employees or slaughtering with
15 respect to live poultry purchased by the consumer at this
16 establishment and processed by a custom plant operator in
17 accordance with the consumer's instructions.

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

24 "Department" means the Department of Agriculture of the
25 State of Illinois.

26 "Director" means, unless otherwise provided, the Director

1 of the Department of Agriculture of the State of Illinois or
2 his or her duly appointed representative.

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

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

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

16 "Federal Meat Inspection Act" means the Act approved March
17 4, 1907 (34 Stat. 1260), as now or hereafter amended by the
18 Wholesome Meat Act (81 Stat. 584), as now or hereafter
19 amended.

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

25 "Illinois inspected and passed" means that the meat or
26 poultry product so stamped and identified has been inspected

1 and passed under the provisions of this Act and the rules and
2 regulations pertaining thereto at the time of inspection and
3 identification was found to be sound, clean, wholesome, and
4 unadulterated.

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

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

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

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

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

20 "Meat broker", "poultry broker", or "meat and poultry
21 broker" means any person, firm, or corporation engaged in the
22 business of buying, negotiating for purchase of, handling or
23 taking possession of, or selling meat or poultry products on
24 commission or otherwise purchasing or selling of such articles
25 other than for the person's own account in their original
26 containers without changing the character of the products in

1 any way. A broker shall not possess any processing equipment
2 in his or her licensed facility.

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

18 "Misbranded" means any carcass, part thereof, meat or meat
19 food product, or poultry or poultry food product if:

20 (1) its labeling is false or misleading in any
21 particular;

22 (2) it is offered for sale under the name of another
23 food;

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

1 food imitated;

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

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

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

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

26 (8) it purports to be or is represented as a food for

1 which a standard of fill of container is prescribed in
2 Section 13 of this Act and it falls below the applicable
3 standard of fill of container applicable thereto, unless
4 its label bears, in such manner and form as such
5 regulations specify, a statement that it falls below such
6 standard;

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

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

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

24 (12) it fails to bear, directly thereon or on its
25 container, the inspection legend and unrestricted by any
26 of the foregoing provisions, such other information as

1 necessary to assure that it will not have false or
2 misleading labeling and that the public will be informed
3 of the manner of handling required to maintain the article
4 in a wholesome condition.

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

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

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

25 "Person" means any individual or entity, including, but
26 not limited to, a sole proprietorship, partnership,

1 corporation, cooperative, association, limited liability
2 company, estate, or trust.

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

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

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

14 "Poultry Products Inspection Act" means the Act approved
15 August 28, 1957 (71 Stat. 441), as now or hereafter amended by
16 the Wholesome Poultry Products Act, approved August 18, 1968
17 (82 Stat. 791), as now or hereafter amended.

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

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

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

1 container.

2 "Slaughterer" means an establishment where any or all of
3 the following may be performed on animals or poultry: (i)
4 stunning; (ii) bleeding; (iii) defeathering, dehairing, or
5 skinning; (iv) eviscerating; or (v) preparing carcasses for
6 chilling.

7 "State inspection" means the meat and poultry inspection
8 service conducted by the Department of Agriculture of the
9 State of Illinois by the authority of this Act.

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

11 (225 ILCS 650/21 new)

12 Sec. 21. Wholesale distribution standard. All
13 siluriformes, carcasses, or products entering any official
14 establishment intended for wholesale distribution shall be
15 inspected, handled, stored, prepared, packaged, marked, and
16 labeled as required by 9 CFR 530 through 9 CFR 561, which is
17 hereby incorporated by reference.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.