

1 AN ACT concerning government.

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 ~~"Adulterated" means any carcass, or part of a carcass, meat~~
23 ~~or meat food product, or poultry or poultry food product if:~~

24 ~~(1) it bears or contains any poisonous or deleterious~~
25 ~~substance which may render it injurious to health, but if~~
26 ~~the substance is not an added substance the article is not~~

1 ~~adulterated under this paragraph if the quantity of such~~
2 ~~substance in or on the article does not ordinarily render~~
3 ~~it injurious to health;~~

4 ~~(2) it bears or contains, because of the administering~~
5 ~~of any substance to the live animal, poultry, or other food~~
6 ~~product, any added poisonous or added deleterious~~
7 ~~substance other than (A) a pesticide chemical in or on a~~
8 ~~raw agricultural commodity or (B) a food additive or a~~
9 ~~color additive that, in the judgment of the Director, may~~
10 ~~make the article unfit for human food;~~

11 ~~(3) it is, in whole or in part, a raw agricultural~~
12 ~~commodity and the commodity bears or contains a pesticide~~
13 ~~chemical that is unsafe within the meaning of Section 408~~
14 ~~of the federal Food, Drug, and Cosmetic Act;~~

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

18 ~~(5) it bears or contains any color additive which is~~
19 ~~unsafe within the meaning of Section 706 of the federal~~
20 ~~Food, Drug, and Cosmetic Act, provided that an article that~~
21 ~~is not adulterated under paragraph (3), (4), or (5) is~~
22 ~~nevertheless adulterated if use of the pesticide chemical,~~
23 ~~food additive, or color additive in or on the article is~~
24 ~~prohibited under Section 13 or 16 of this Act;~~

25 ~~(6) it consists in whole or in part of any filthy,~~
26 ~~putrid, or decomposed substance or is for any reason~~

1 ~~unsound, unhealthful, unwholesome, or otherwise unfit for~~
2 ~~human food;~~

3 ~~(7) it has been prepared, packed, or held under~~
4 ~~unsanitary conditions whereby it may have become~~
5 ~~contaminated with filth, or whereby it may have been~~
6 ~~rendered injurious to health;~~

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

10 ~~(9) its container is composed, in whole or in part, of~~
11 ~~any poisonous or deleterious substance that may render the~~
12 ~~contents injurious to health;~~

13 ~~(10) it has been intentionally subjected to radiation,~~
14 ~~unless the use of the radiation was in conformity with a~~
15 ~~regulation or exemption under Section 409 of the federal~~
16 ~~Food, Drug, and Cosmetic Act;~~

17 ~~(11) any valuable constituent has been in whole or in~~
18 ~~part omitted or abstracted from the article; any substance~~
19 ~~has been substituted, wholly or in part; damage or~~
20 ~~inferiority has been concealed in any manner; or any~~
21 ~~substance has been added, mixed, or packed with the article~~
22 ~~to increase its bulk or weight, to reduce its quality or~~
23 ~~strength, or to make it appear better or of greater value~~
24 ~~than it is; or~~

25 ~~(12) it bears or contains sodium benzoate or benzoic~~
26 ~~acid or any combination thereof, except as permitted in~~

1 ~~accordance with the federal meat or poultry programs.~~

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

7 "Animals" means cattle, calves, American bison (buffalo),
8 catalo, cattalo, sheep, swine, domestic deer, domestic elk,
9 domestic antelope, domestic reindeer, ratites, water buffalo,
10 and goats.

11 "Capable of use as human food" means the carcass of any
12 animal or poultry, or part or product of a carcass of any
13 animal or poultry, unless it is denatured to deter its use as
14 human food or it is naturally inedible by humans.

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

24 "Custom slaughter" means the slaughtering, skinning,
25 defeathering, eviscerating, cutting up, packaging, or wrapping
26 of animals or poultry as a service by an establishment for the

1 owner or the agent of the owner of the animals or poultry
2 exclusively for use in the household of the owner and his or
3 her nonpaying guests and employees.

4 "Department" means the Department of Agriculture of the
5 State of Illinois.

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

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

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

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

22 "Federal Meat Inspection Act" means the Act approved March
23 4, 1907 (34 Stat. 1260), as now or hereafter amended by the
24 Wholesome Meat Act (81 Stat. 584), as now or hereafter amended.

25 "Illinois inspected and condemned" means that the meat or
26 poultry product so identified and marked is unhealthful,

1 unwholesome, adulterated, or otherwise unfit for human food and
2 shall be disposed of in the manner prescribed by the
3 Department.

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

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

13 "Immediate container" means any consumer package or any
14 other container in which livestock products or poultry
15 products, not consumer packaged, are packed.

16 "Inspector" means any employee of the Department
17 authorized by the Director to inspect animals and poultry or
18 meat and poultry products.

19 "Label" means a display of written, printed, or graphic
20 matter upon any article or the immediate container, not
21 including package liners, of any article.

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

25 "Meat broker", "poultry broker", or "meat and poultry
26 broker" means any person, firm, or corporation engaged in the

1 business of buying, negotiating for purchase of, handling or
2 taking possession of, or selling meat or poultry products on
3 commission or otherwise purchasing or selling of such articles
4 other than for the person's own account in their original
5 containers without changing the character of the products in
6 any way. A broker shall not possess any processing equipment in
7 his or her licensed facility.

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

23 "Misbranded" means any carcass, part thereof, meat or meat
24 food product, or poultry or poultry food product if:

- 25 (1) its labeling is false or misleading in any
26 particular;

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

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

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

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

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

23 (7) it purports to be or is represented as a food for
24 which a definition and standard of identity or composition
25 is prescribed in Sections 13 and 16 of this Act unless (i)
26 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,

1 artificial coloring, or chemical preservative, unless it
2 bears labeling stating that fact or is exempt; or

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

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. 94-1052, eff. 1-1-07.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.