

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

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

30 (5) it bears or contains any color additive which is  
31 unsafe within the meaning of Section 706 of the federal  
32 Food, Drug, and Cosmetic Act, provided that an article that

1 is not adulterated under paragraph (3), (4), or (5) is  
2 nevertheless adulterated if use of the pesticide chemical,  
3 food additive, or color additive in or on the article is  
4 prohibited under Section 13 or 16 of this Act;

5 (6) it consists in whole or in part of any filthy,  
6 putrid, or decomposed substance or is for any reason  
7 unsound, unhealthful, unwholesome, or otherwise unfit for  
8 human food;

9 (7) it has been prepared, packed, or held under  
10 unsanitary conditions whereby it may have become  
11 contaminated with filth, or whereby it may have been  
12 rendered injurious to health;

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

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

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

23 (11) any valuable constituent has been in whole or in  
24 part omitted or abstracted from the article; any substance  
25 has been substituted, wholly or in part; damage or  
26 inferiority has been concealed in any manner; or any  
27 substance has been added, mixed, or packed with the article  
28 to increase its bulk or weight, to reduce its quality or  
29 strength, or to make it appear better or of greater value  
30 than it is; or

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

34 "Amenable" means foods containing 3% or more raw, or more  
35 than 2% cooked, red meat or poultry, other edible portions of  
36 carcass or bird, or products that historically have been

1 considered by customers as products of the meat or poultry  
2 industry.

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

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

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

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

26 "Department" means the Department of Agriculture of the  
27 State of Illinois.

28 "Director" means, unless otherwise provided, the Director  
29 of the Department of Agriculture of the State of Illinois or  
30 his or her duly appointed representative.

31 "Establishment" means all premises where animals, poultry,  
32 or both, are slaughtered or otherwise prepared either for  
33 custom, resale, or retail for food purposes, meat or poultry  
34 canneries, sausage factories, smoking or curing operations,  
35 restaurants, grocery stores, brokerages, cold storage plants,  
36 processing plants, and similar places.

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

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

8 "Federal Meat Inspection Act" means the Act approved March  
9 4, 1907 (34 Stat. 1260), as now or hereafter amended by the  
10 Wholesome Meat Act (81 Stat. 584), as now or hereafter amended.

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

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

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

25 "Immediate container" means any consumer package or any  
26 other container in which livestock products or poultry  
27 products, not consumer packaged, are packed.

28 "Inspector" means any employee of the Department  
29 authorized by the Director to inspect animals and poultry or  
30 meat and poultry products.

31 "Label" means a display of written, printed, or graphic  
32 matter upon any article or the immediate container, not  
33 including package liners, of any article.

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

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

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

25 "Misbranded" means any carcass, part thereof, meat or meat  
26 food product, or poultry or poultry food product if:

27 (1) its labeling is false or misleading in any  
28 particular;

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

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

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

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

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

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

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

30          (9) it is not subject to the provisions of paragraph  
31          (7), unless its label bears (i) the common or usual name of  
32          the food, if any, and (ii) if it is fabricated from 2 or  
33          more ingredients, the common or usual name of each  
34          ingredient, except that spices and flavorings may, when  
35          authorized by standards or regulations adopted in or as  
36          provided by Sections 13 and 16 of this Act, be designated

1 as spices and flavorings without naming each;

2 (10) it purports to be or is represented for special  
3 dietary uses, unless its label bears such information  
4 concerning its vitamin, mineral, and other dietary  
5 properties as determined by the Secretary of Agriculture of  
6 the United States in order to fully inform purchasers as to  
7 its value for such uses;

8 (11) it bears or contains any artificial flavoring,  
9 artificial coloring, or chemical preservative, unless it  
10 bears labeling stating that fact or is exempt; or

11 (12) it fails to bear, directly thereon or on its  
12 container, the inspection legend and unrestricted by any of  
13 the foregoing provisions, such other information as  
14 necessary to assure that it will not have false or  
15 misleading labeling and that the public will be informed of  
16 the manner of handling required to maintain the article in  
17 a wholesome condition.

18 "Official establishment" means any establishment as  
19 determined by the Director at which inspection of the slaughter  
20 of livestock or poultry or the preparation of livestock  
21 products or poultry products is maintained under the authority  
22 of this Act.

23 "Official mark of inspection" means the official mark of  
24 inspection used to identify the status of any meat product or  
25 poultry product or animal under this Act as established by  
26 rule.

27 Prior to the manufacture, a complete and accurate  
28 description and design of all the brands, legends, and symbols  
29 shall be submitted to the Director for approval as to  
30 compliance with this Act. Each brand or symbol that bears the  
31 official mark shall be delivered into the custody of the  
32 inspector in charge of the establishment and shall be used only  
33 under the supervision of a Department employee. When not in  
34 use, all such brands and symbols bearing the official mark of  
35 inspection shall be secured in a locked locker or compartment,  
36 the keys of which shall not leave the possession of Department

1 employees.

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

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

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

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

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

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

24 "Processor" means any person engaged in the business of  
25 preparing ~~animal~~ food from animals, including poultry, derived  
26 wholly or in part from livestock or poultry carcasses or parts  
27 or products of such carcasses.

28 "Shipping container" means any container used or intended  
29 for use in packaging the product packed in an immediate  
30 container.

31 "Slaughterer" means an establishment where any or all of  
32 the following may be performed on animals or poultry: (i)  
33 stunning; (ii) bleeding; (iii) defeathering, dehairing, or  
34 skinning; (iv) eviscerating; or (v) preparing carcasses for  
35 chilling.

36 "State inspection" means the meat and poultry inspection



1 service conducted by the Department of Agriculture of the State  
2 of Illinois by the authority of this Act.

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

4 (225 ILCS 650/3) (from Ch. 56 1/2, par. 303)

5 Sec. 3. Licenses.

6 (a) No person shall operate an establishment as defined in  
7 Section 2 or act as a broker as defined in Section 2 without  
8 first securing a license from the Department except as  
9 otherwise exempted.

10 (b) The following annual fees shall accompany each license  
11 application for the license year from July 1 to June 30 or any  
12 part thereof. These fees are non-refundable.

13	Meatbroker, Poultry broker or Meat and Poultry	
14	broker .....	\$50
15	Type I Establishment - Processor, Slaughterer, or	
16	Processor and Slaughterer of Meat, Poultry or Meat and	
17	Poultry.....	\$50
18	Type II Establishment - Processor, Slaughterer, or	
19	Processor and Slaughterer of Meat, Poultry or Meat and	
20	Poultry.....	\$50

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

23 (c) The license issued shall be in such form as the  
24 Department prescribes, shall be under the seal of the  
25 Department and shall contain the name of the licensee, the  
26 location for which the license is issued, the type of  
27 operation, the period of the license, and such other  
28 information as the Department requires. The original license or  
29 a certified copy of it shall be conspicuously displayed by the  
30 licensee in the establishment.

31 (d) Failure to meet all of the conditions to retain a  
32 license may result in a denial of a renewal of a license. The  
33 licensee may request an administrative hearing to dispute the  
34 denial of renewal, after which the Director shall enter an  
35 order either renewing or refusing to renew the license.

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

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

6 (225 ILCS 650/5.2)

7 Sec. 5.2. Type II licenses.

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

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

14 (2) Be permitted to receive live animals and poultry  
15 presented by the owner to be slaughtered and processed for  
16 the owner's own personal use or for use by his or her  
17 household.

18 (3) Be permitted to receive, for processing, inspected  
19 meat products and inspected poultry products for the  
20 owner's own personal use or for use by his or her  
21 household.

22 (4) Stamp the words "NOT FOR SALE-NOT INSPECTED" in  
23 letters at least 3/8 inches in height on all carcasses of  
24 animals and immediate poultry product containers for  
25 poultry slaughtered in such establishment and on all meat  
26 products and immediate poultry product containers for  
27 poultry products processed in that establishment.

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

30 (6) Keep a record of the name and address of the owner  
31 of each carcass or portion thereof received in such  
32 licensed establishment, the date received, and the dressed  
33 weight. Such records shall be maintained for at least one  
34 year and shall be available, during reasonable hours, for  
35 inspection by Department personnel.

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

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