

103^D CONGRESS
1ST SESSION

H. R. 3646

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. GUNDERSON introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Meat and Poultry
5 Products Inspection Amendments of 1993”.

1 **SEC. 2. FEDERAL AND STATE COOPERATION UNDER THE**
2 **FEDERAL MEAT INSPECTION ACT.**

3 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIM-
4 TATION.—Subsection (a)(1) of section 301 of the Federal
5 Meat Inspection Act (21 U.S.C. 661) is amended by strik-
6 ing “solely for distribution within such State.”.

7 (b) USE OF STATE INSPECTORS.—Subsection (a) of
8 such section is amended by adding at the end the following
9 new paragraph:

10 “(5) In addition to appointing inspectors under
11 section 21, the Secretary may enter into agreements
12 to utilize officers and employees of a State or the
13 District of Columbia to conduct such examinations,
14 investigations, and inspections authorized under this
15 Act as the Secretary determines practicable.”.

16 (c) TERMINATION OF DESIGNATION OF STATE AS
17 SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE
18 DISTRIBUTION.—Subsection (c)(3) of such section is
19 amended by striking “, with respect to the operations and
20 transactions within such State which are regulated under
21 subparagraph (1), he” and inserting “with respect to all
22 establishments within its jurisdiction which do not operate
23 under Federal inspection under title I and at which any
24 cattle, sheep, swine, goats, or equines are slaughtered, or
25 their carcasses, or parts or products thereof, are prepared,
26 for use as human food, and with respect to the distribution

1 of carcasses, parts thereof, meat, or meat food products
2 of such animals within the States, the Secretary”.

3 (d) EXPANSION OF STATE INSPECTION AUTHOR-
4 ITY.—Such section is further amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e); and

7 (2) by inserting after subsection (c) the follow-
8 ing new subsection:

9 “(d)(1) Except as provided in paragraph (2), car-
10 casses, parts of carcasses, meat, and meat food products
11 of cattle, sheep, swine, goats, or equines prepared under
12 State inspection in any State (other than a State des-
13 igned under subsection (c)) in compliance with the meat
14 inspection law of the State shall be eligible for sale or
15 transportation in interstate commerce, and for entry into
16 and use in the preparation of products in establishments
17 at which Federal inspection is maintained under title I,
18 in the same manner and to the same extent as products
19 prepared at such establishments.

20 “(2) State inspected articles described in paragraph
21 (1), and federally inspected articles prepared (in whole or
22 in part) from such State inspected articles—

23 “(A) shall not be eligible for sale or transpor-
24 tation in foreign commerce; and

1 “(B) shall be separated at all times from all
2 other federally inspected articles in any federally in-
3 spected establishment that engages in the prepara-
4 tion, sale, or transportation of carcasses, parts of
5 carcasses, meat, or meat food products, for foreign
6 commerce.

7 “(3) All carcasses, parts of carcasses, meat, and meat
8 food products that are inspected in a program of inspec-
9 tion in a State (other than a State designated under sub-
10 section (c)) pursuant to State law shall be identified as
11 so inspected only by official marks that identify the State
12 and are such design as the State shall prescribe. Federally
13 inspected articles prepared (in whole or in part) from such
14 State inspected articles shall be identified as so inspected
15 only by the same official marks as prescribed by the Sec-
16 retary for articles slaughtered or prepared under title I.

17 “(4) Except as provided in paragraph (5), the opera-
18 tor of an establishment operated under Federal or State
19 inspection who wishes to transfer to State or Federal in-
20 spection, as the case may be, may do so only on October
21 1 of any year. Such transfer shall occur only if—

22 “(A) the operator provides written notice of the
23 intention to transfer to both inspection agencies at
24 least six months in advance of that date; and

1 “(B) the Secretary determines that the transfer
2 will effectuate the purposes set forth in section 2
3 and will not adversely affect the stability of the total
4 State and Federal inspection systems.

5 “(5) The Secretary may permit the operator of an
6 establishment to transfer from State to Federal inspection
7 at any time if the operator presents clear and convincing
8 evidence to the Secretary that the establishment intends
9 to, and will be able to, engage in foreign commerce to a
10 substantial extent in a manner which would require Fed-
11 eral inspection.

12 “(6) For purposes of this subsection, the term ‘inter-
13 state commerce’ means commerce between States or be-
14 tween a State and the District of Columbia.”.

15 (e) PROHIBITION ON ADDITIONAL OR DIFFERENT
16 STATE REQUIREMENTS.—Section 408 of such Act (21
17 U.S.C. 678) is amended to read as follows:

18 “SEC. 408. (a) Requirements within the scope of this
19 Act with respect to premises, facilities and operations of
20 any establishment at which inspection is provided under
21 title I, which are in addition to, or different than those
22 made under this Act may not be imposed by any State
23 or Territory or the District of Columbia. However, any
24 such jurisdiction may impose recordkeeping and other re-

1 requirements within the scope of section 202, if consistent
2 with such section, with respect to any such establishment.

3 “(b)(1) Except as provided in paragraph (2), mark-
4 ing, labeling, packaging, or ingredient requirements in ad-
5 dition to (or different than) those made under this Act
6 may not be imposed by any State or Territory or the Dis-
7 trict of Columbia with respect to articles prepared at any
8 establishment under Federal inspection in accordance with
9 the requirements of title I or with respect to articles pre-
10 pared for commerce at any State inspected establishment
11 in accordance with the requirements of section 301(d).

12 “(2) A State or territory or the District of Columbia
13 may, consistent with the requirements under this Act, ex-
14 ercise concurrent jurisdiction with the Secretary over arti-
15 cles distributed in commerce or otherwise subject to this
16 Act, for the purpose of preventing the distribution for
17 human food purposes of any such articles which are not
18 in compliance with the requirements under this Act and
19 are outside of any federally or State inspected establish-
20 ment, or in the case of imported articles, which are not
21 at such an establishment, after their entry into the United
22 States.

23 “(c) This Act shall not preclude any State or Terri-
24 tory or the District of Columbia from imposing a require-

1 ment or taking other action, consistent with this Act, with
2 respect to any other matters regulated under this Act.”.

3 **SEC. 3. FEDERAL AND STATE COOPERATION UNDER THE**
4 **POULTRY PRODUCTS INSPECTION ACT.**

5 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIM-
6 TATION.—Subsection (a)(1) of section 5 of the Poultry
7 Products Inspection Act (21 U.S.C. 454) is amended by
8 striking “solely for distribution within such State.”.

9 (b) USE OF STATE INSPECTORS.—Subsection (a) of
10 such section is amended by adding at the end the following
11 new paragraph:

12 “(5) The Secretary may enter into agreements
13 to utilize officers and employees of a State or the
14 District of Columbia to conduct such examinations,
15 investigations, and inspections authorized under this
16 Act as the Secretary determines practicable.”.

17 (c) TERMINATION OF DESIGNATION OF STATE AS
18 SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE
19 DISTRIBUTION.—Subsection (c)(3) of such section is
20 amended by striking “, with respect to the operations and
21 transactions within such State which are regulated under
22 subparagraph (1) of this paragraph (c), he” and inserting
23 “with respect to all establishments within its jurisdiction
24 which do not operate under Federal inspection under this
25 Act and at which any poultry are slaughtered, or any poul-

1 try products are processed, for use as human food, and
2 with respect to the distribution of poultry products within
3 the States, the Secretary’.

4 (d) EXPANSION OF STATE INSPECTION AUTHOR-
5 ITY.—Such section is further amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the follow-
9 ing new subsection:

10 “(d)(1) Except as provided in paragraph (2), poultry
11 products processed under State inspection in any State
12 (other than a State designated under subsection (c)) in
13 compliance with the poultry products inspection law of the
14 State shall be eligible for sale or transportation in inter-
15 state commerce, and for entry into and use in the prepara-
16 tion of products in establishments at which Federal in-
17 spection is maintained under this Act, in the same manner
18 and to the same extent as poultry products processed at
19 such establishments. Poultry products complying with the
20 requirements of the poultry product inspection laws of the
21 State (other than a State designated under subsection (c))
22 in which the products were processed shall be considered
23 as complying with this Act.

24 “(2) State inspected poultry products described in
25 paragraph (1), and federally inspected poultry products

1 processed (in whole or in part) from such State inspected
2 poultry products—

3 “(A) shall not be eligible for sale or transpor-
4 tation in foreign commerce; and

5 “(B) shall be separated at all times from all
6 other federally inspected poultry products in any
7 federally inspected establishment that engages in the
8 processing, sale, or transportation of poultry prod-
9 ucts for foreign commerce.

10 “(3) All poultry products that are inspected in a pro-
11 gram of inspection in a State (other than a State des-
12 ignated under subsection (c)) pursuant to State law shall
13 be identified as so inspected only by official marks that
14 identify the State and are such design as the State shall
15 prescribe. Federally inspected poultry products processed
16 (in whole or in part) from such State inspected poultry
17 products shall be identified as so inspected only by the
18 same official marks as prescribed by the Secretary for
19 poultry products processed under this Act (other than this
20 section or section 11).

21 “(4) Except as provided in paragraph (5), the opera-
22 tor of an establishment operated under Federal or State
23 inspection who wishes to transfer to State or Federal in-
24 spection, as the case may be, may do so only on October
25 1 of any year. Such transfer shall occur only if—

1 “(A) the operator provides written notice of the
2 intention to transfer to both inspection agencies at
3 least six months in advance of that date; and

4 “(B) the Secretary determines that the transfer
5 will effectuate the legislative policy set forth in sec-
6 tion 3 and will not adversely affect the stability of
7 the total State and Federal inspection systems.

8 “(5) The Secretary may permit the operator of an
9 establishment to transfer from State to Federal inspection
10 at any time if the operator presents clear and convincing
11 evidence to the Secretary that the establishment intends
12 to, and will be able to, engage in foreign commerce to a
13 substantial extent in a manner which would require Fed-
14 eral inspection.

15 “(6) For purposes of this subsection, the term ‘inter-
16 state commerce’ means commerce between States or be-
17 tween a State and the District of Columbia.”.

18 (e) PROHIBITION ON ADDITIONAL OR DIFFERENT
19 STATE REQUIREMENTS.—Section 23 of such Act (21
20 U.S.C. 467e) is amended to read as follows:

21 “SEC. 23. (a) Requirements within the scope of this
22 Act with respect to premises, facilities and operations of
23 any official establishment, which are in addition to, or dif-
24 ferent than those made under this Act may not be imposed
25 by any State or territory or the District of Columbia.

1 However, any such jurisdiction may impose recordkeeping
2 and other requirements within the scope of section 11(b),
3 if consistent with such section, with respect to any such
4 establishment.

5 “(b)(1) Except as provided in paragraph (2), mark-
6 ing, labeling, packaging, or ingredient requirements in ad-
7 dition to (or different than) those made under this Act
8 may not be imposed by any State or territory or the Dis-
9 trict of Columbia with respect to articles prepared at any
10 establishment under Federal inspection in accordance with
11 the requirements of this Act or with respect to articles
12 prepared for commerce at any State inspected establish-
13 ment in accordance with the requirements of section 5(d).
14 Further storage or handling requirements found by the
15 Secretary to unduly interfere with the free flow of poultry
16 products in commerce shall not be imposed by any State
17 or territory or the District of Columbia.

18 “(2) A State or territory or the District of Columbia
19 may, consistent with the requirements of this Act, exercise
20 concurrent jurisdiction with the Secretary over articles
21 distributed in commerce or otherwise subject to this Act,
22 for the purpose of preventing the distribution for human
23 food purposes of any such articles which are not in compli-
24 ance with the requirements of this Act and are outside
25 of any federally or State inspected establishment, or in

1 the case of imported articles, which are not at such an
2 establishment, after their entry into the United States.

3 “(c) This Act shall not preclude any State or territory
4 or the District of Columbia from making requirements or
5 taking other action, consistent with this Act, with respect
6 to any other matters regulated under this Act.”.

○