

Calendar No. 21

112TH CONGRESS
1ST SESSION

S. 216

To increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2011

Mr. LEAHY (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 31, 2011

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

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 “Food Safety Account-
5 ability Act of 2011”.

1 **SEC. 2. CRIMINAL PENALTIES.**

2 (a) IN GENERAL.—Chapter 47 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1041. Misbranded and adulterated food**

6 “(a) DEFINITION.—In this section, the term ‘food’
7 has the meaning given that term in section 201 of the
8 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

9 “(b) OFFENSE.—Any person who violates subsection
10 (a), (b), (c), or (k) of section 301 of the Federal Food,
11 Drug, and Cosmetic Act (21 U.S.C. 331) with respect to
12 any food—

13 “(1) knowingly and intentionally to defraud or
14 mislead; and

15 “(2) with conscious or reckless disregard of a
16 risk of death or serious bodily injury,
17 shall be fined under this title, imprisoned for not more
18 than 10 years, or both.”

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of sections for chapter 47 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

“1041. Misbranded and adulterated food.”

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Food Safety Account-*
25 *ability Act of 2011”.*

1 **SEC. 2. CRIMINAL PENALTIES.**

2 *Section 303(a) of the Federal Food, Drug, and Cos-*
3 *metic Act (21 U.S.C. 333(a)) is amended—*

4 *(1) in paragraph (1), by striking “Any” and in-*
5 *serting “Except as provided in paragraph (2) or (3),*
6 *any”;*

7 *(2) in paragraph (2), by striking “Notwith-*
8 *standing the provisions of paragraph (1) of this sec-*
9 *tion, if” and inserting “If”; and*

10 *(3) by adding at the end the following:*

11 *“(3) Any person who violates subsection (a), (b), (c),*
12 *or (k) of section 301 with respect to any food—*

13 *“(A) knowingly and intentionally to defraud or*
14 *mislead; and*

15 *“(B) with conscious or reckless disregard of a*
16 *risk of death or serious bodily injury,*
17 *shall be fined under title 18, United States Code, impris-*
18 *oned for not more than 10 years, or both.”.*

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