

115TH CONGRESS  
2D SESSION

# S. 2814

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate sale of State-inspected meat and poultry, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

Mr. ROUNDS (for himself, Mr. KING, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate sale of State-inspected meat and poultry, and for other purposes.

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 “New Markets for  
5 State-Inspected Meat and Poultry Act of 2018”.

6 **SEC. 2. STATE-INSPECTED MEAT.**

7 Section 301 of the Federal Meat Inspection Act (21  
8 U.S.C. 661) is amended—

1 (1) by striking the section designation and in-  
2 serting the following:

3 **“SEC. 301. SALE OF INSPECTED MEAT AND MEAT FOOD**  
4 **PRODUCTS.”;**

5 (2) in subsection (a)—

6 (A) by striking “In furtherance of this pol-  
7 icy” in the matter preceding paragraph (1) and  
8 all that follows through “(1) The Secretary” in  
9 paragraph (1) and inserting the following:

10 “(B) STATE PROGRAMS.—

11 “(i) IN GENERAL.—The Secretary”;

12 (B) by striking “(a) It is” and inserting  
13 the following:

14 “(a) STATE MEAT INSPECTION PROGRAM.—

15 “(1) IN GENERAL.—

16 “(A) POLICY.—It is”; and

17 (C) in paragraph (1)(B) (as so des-  
18 ignated)—

19 (i) in clause (i) (as so designated), by  
20 striking “solely for distribution within such  
21 State” and inserting “for distribution”;  
22 and

23 (ii) by adding at the end the fol-  
24 lowing:

25 “(ii) INTERSTATE COMMERCE.—

1                   “(I) IN GENERAL.—Notwith-  
 2                   standing any other provision of this  
 3                   Act, the Secretary may allow the ship-  
 4                   ment in interstate commerce of car-  
 5                   casses, parts of carcasses, meat, and  
 6                   meat food products inspected under  
 7                   the State meat inspection program de-  
 8                   scribed in clause (i).

9                   “(II) ACCEPTANCE OF INTER-  
 10                   STATE SHIPMENTS OF MEAT AND  
 11                   MEAT FOOD PRODUCTS.—Notwith-  
 12                   standing any provision of State law, a  
 13                   State or local government shall not  
 14                   prohibit or restrict the movement or  
 15                   sale of meat or meat food products  
 16                   that have been inspected and passed  
 17                   in accordance with this Act for inter-  
 18                   state commerce.”;

19                   (3) in subsection (b), by striking “(b) The ap-  
 20                   propriate” and inserting the following:

21                   “(b) COOPERATION OF STATE AGENCY.—The appro-  
 22                   priate”;

23                   (4) in subsection (c)—

24                   (A) by striking “(c)(1) If the Secretary”  
 25                   and inserting the following:

1       “(c) ENFORCEMENT OF FEDERAL REQUIRE-  
2 MENTS.—

3               “(1) DESIGNATION OF STATES.—

4                       “(A) IN GENERAL.—If the Secretary”;

5                       (B) in paragraph (1) (as so designated)—

6                               (i) in subparagraph (A) (as so des-  
7 ignated)—

8                                       (I) in the first sentence, by strik-  
9 ing “solely for distribution within  
10 such State” and inserting “for dis-  
11 tribution”; and

12                                       (II) in the second sentence, by  
13 striking “If the Secretary” and insert-  
14 ing the following:

15                       “(B) DESIGNATION OF STATES.—

16                               “(i) IN GENERAL.—Except as pro-  
17 vided under clause (ii), if the Secretary”;

18                               (ii) in subparagraph (B) (as so des-  
19 ignated)—

20                                       (I) in clause (i) (as so des-  
21 ignated)—

22   (aa) in the first sentence, by  
23 striking “wholly”; and

1 (bb) by striking “State; *Pro-*  
2 *vided*, That if” and inserting the  
3 following: “State.  
4 “(ii) EXCEPTION.—If”; and  
5 (II) in clause (ii) (as so des-  
6 ignated)—  
7 (aa) in the first sentence—  
8 (AA) by striking “such  
9 designation” and inserting  
10 “a designation made under  
11 clause (i)”; and  
12 (BB) by striking “he”  
13 each place it appears and in-  
14 serting “the Secretary”; and  
15 (bb) in the second sentence,  
16 by striking “The Secretary shall”  
17 and inserting the following:  
18 “(C) PUBLICATION OF DESIGNATION.—  
19 The Secretary shall”;  
20 (iii) in subparagraph (C) (as so des-  
21 ignated)—  
22 (I) in the first sentence—  
23 (aa) by striking “if such”;  
24 and

1 (bb) by striking “were”  
2 after “transactions”; and

3 (II) in the second sentence, by  
4 striking “Thereafter, upon request”  
5 and inserting the following:

6 “(D) REVOCATION OF DESIGNATION.—On  
7 request”;

8 (iv) in subparagraph (D) (as so des-  
9 ignated)—

10 (I) in the first sentence, by strik-  
11 ing “such designation” and inserting  
12 “a designation made under subpara-  
13 graph (B)(i)”; and

14 (II) by striking “title IV of this  
15 Act: *And provided further*, That, not-  
16 withstanding”; and inserting the fol-  
17 lowing: “title IV.

18 “(E) ADULTERATED MEAT OR MEAT FOOD  
19 PRODUCT.—

20 “(i) IN GENERAL.—Notwithstanding”;

21 and

22 (v) in subparagraph (E) (as so des-  
23 ignated)—

24 (I) in clause (i) (as so des-  
25 ignated)—

- 1 (aa) in the first sentence—  
2 (AA) by striking “with-  
3 in such State”; and  
4 (BB) by striking “sec-  
5 tion 301 of the Act” and in-  
6 serting “this section”; and  
7 (bb) in the second sentence,  
8 by striking “If the State” and in-  
9 serting the following:  
10 “(ii) ENFORCEMENT.—If the State”;  
11 and  
12 (II) in clause (ii) (as so des-  
13 igned), by striking “as though en-  
14 gaged in commerce”;  
15 (C) in paragraph (2), by striking “(2) The  
16 provisions” and inserting the following:  
17 “(2) EXCEPTIONS TO INSPECTION.—The provi-  
18 sions”;  
19 (D) in paragraph (3)—  
20 (i) by striking “(3) Whenever” and in-  
21 serting the following:  
22 “(3) TERMINATION OF DESIGNATION.—If”;  
23 (ii) by striking “he” and inserting  
24 “the Secretary”; and

1 (E) in paragraph (4), by striking “(4) The  
2 Secretary” and inserting the following:

3 “(4) REPORT.—The Secretary”; and

4 (5) in subsection (d), by striking “(d) As used  
5 in” and inserting the following:

6 “(d) DEFINITION OF STATE.—In”.

7 **SEC. 3. STATE-INSPECTED POULTRY PRODUCTS.**

8 Section 5 of the Poultry Products Inspection Act (21  
9 U.S.C. 454) is amended—

10 (1) by striking the section heading and designa-  
11 tion and inserting the following:

12 **“SEC. 5. SALE OF INSPECTED POULTRY PRODUCTS.”;**

13 (2) in subsection (a)—

14 (A) by striking “In furtherance of this pol-  
15 icy” in the matter preceding paragraph (1) and  
16 all that follows through “(1) The Secretary” in  
17 paragraph (1) and inserting the following:

18 “(B) STATE PROGRAMS.—

19 “(i) IN GENERAL.—The Secretary”;

20 (B) by striking “(a) It is” and inserting  
21 the following:

22 “(a) STATE POULTRY PRODUCT INSPECTION PRO-  
23 GRAM.—

24 “(1) IN GENERAL.—

25 “(A) POLICY.—It is”; and



1 (C) in paragraph (1)(B) (as so des-  
2 ignated)—

3 (i) in clause (i) (as so designated), by  
4 striking “solely for distribution within such  
5 State” and inserting “for distribution”;  
6 and

7 (ii) by adding at the end the fol-  
8 lowing:

9 “(ii) INTERSTATE COMMERCE.—

10 “(I) IN GENERAL.—Notwith-  
11 standing any other provision of this  
12 Act, the Secretary may allow the ship-  
13 ment in interstate commerce of poul-  
14 try products inspected under the State  
15 poultry product inspection program  
16 described in clause (i).

17 “(II) ACCEPTANCE OF INTER-  
18 STATE SHIPMENTS OF POULTRY  
19 PRODUCTS.—Notwithstanding any  
20 provision of State law, a State or local  
21 government shall not prohibit or re-  
22 strict the movement or sale of poultry  
23 products that have been inspected and  
24 passed in accordance with this Act for  
25 interstate commerce.”;

1           (3) in subsection (b), by striking “(b) The ap-  
2           propriate” and inserting the following:

3           “(b) COOPERATION OF STATE AGENCY.—The appro-  
4           priate”;

5           (4) in subsection (c)—

6                   (A) by striking “(c)(1) If the Secretary”  
7                   and inserting the following:

8           “(c) ENFORCEMENT OF FEDERAL REQUIRE-  
9           MENTS.—

10                   “(1) DESIGNATION OF STATES.—

11                           “(A) IN GENERAL.—If the Secretary”;

12                           (B) in paragraph (1) (as so designated)—

13                                   (i) in subparagraph (A) (as so des-  
14                                   ignated)—

15   (I) in the first sentence, by strik-  
16   ing “solely for distribution within  
17   such State” and inserting “for dis-  
18   tribution”; and

19   (II) in the second sentence, by  
20   striking “If the Secretary” and insert-  
21   ing the following:

22                                   “(B) DESIGNATION OF STATES.—

23   “(i) IN GENERAL.—Except as pro-  
24   vided under clause (ii), if the Secretary”;

1 (ii) in subparagraph (B) (as so des-  
2 ignated)—

3 (I) in clause (i) (as so des-  
4 ignated)—

5 (aa) in the first sentence, by  
6 striking “wholly”; and

7 (bb) by striking “State: *Pro-*  
8 *vided*, That if” and inserting the  
9 following: “State.

10 “(ii) EXCEPTION.—If”; and

11 (II) in clause (ii) (as so des-  
12 ignated)—

13 (aa) in the first sentence—

14 (AA) by striking “such  
15 designation” and inserting  
16 “a designation made under  
17 clause (i)”; and

18 (BB) by striking “he”  
19 each place it appears and in-  
20 serting “the Secretary”; and

21 (bb) in the second sentence,  
22 by striking “The Secretary shall”  
23 and inserting the following:

24 “(C) PUBLICATION OF DESIGNATION.—

25 The Secretary shall”;

1 (iii) in subparagraph (C) (as so des-  
2 ignated)—

3 (I) in the first sentence—

4 (aa) by striking “if such”;

5 and

6 (bb) by striking “were”

7 after “transactions”; and

8 (II) in the second sentence, by

9 striking “However, notwithstanding”

10 and inserting the following:

11 “(D) ADULTERATED POULTRY PROD-  
12 UCT.—

13 “(i) IN GENERAL.—Notwithstanding”;

14 and

15 (iv) in subparagraph (D) (as so des-  
16 ignated)—

17 (I) in clause (i) (as so des-  
18 ignated)—

19 (aa) in the first sentence—

20 (AA) by striking “with-  
21 in such State”; and

22 (BB) by striking “sub-  
23 paragraph (a)(4) of this sec-  
24 tion” and inserting “sub-  
25 section (a)(4)”; and

1 (bb) in the second sentence,  
2 by striking “If the State” and in-  
3 serting the following:

4 “(ii) ENFORCEMENT.—If the State”;

5 and

6 (II) in clause (ii) (as so des-  
7 igned), by striking “as though en-  
8 gaged in commerce”;

9 (C) in paragraph (2), by striking “(2) The  
10 provisions” and inserting the following:

11 “(2) EXCEPTIONS TO INSPECTION.—The provi-  
12 sions”;

13 (D) in paragraph (3), by striking “(3)  
14 Whenever” and inserting the following:

15 “(3) TERMINATION OF DESIGNATION.—If”; and

16 (E) in paragraph (4), by striking “(4) The  
17 Secretary” and inserting the following:

18 “(4) REPORT.—The Secretary”; and

19 (5) in subsection (d), by striking “(d) As used  
20 in” and inserting the following:

21 “(d) DEFINITION OF STATE.—In”.

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