

**§ 381.215**

**§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.**

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

**§ 381.216 Procedure for judicial seizure, condemnation, and disposition.**

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

**§ 381.217 Authority for condemnation or seizure under other provisions of law.**

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

**§ 381.218 Criminal offenses.**

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect

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to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

**Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein**

**§ 381.220 Definition of “State”.**

For purposes of this subpart, the term “State” means any State (including the Commonwealth of Puerto Rico) or organized territory.

**§ 381.221 Designation of States under paragraph 5(c) of the Act.**

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within the State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions
Alaska .....	July 31, 1999.
Arkansas .....	Jan. 2, 1971.
California .....	Apr. 1, 1976.
Colorado .....	Jan. 2, 1971.
Connecticut .....	Oct. 1, 1975.
Florida .....	Dec. 2, 1997.
Georgia .....	Jan. 2, 1971.
Guam .....	Jan. 21, 1972.
Hawaii .....	Nov. 1, 1995.
Idaho .....	Jan. 2, 1971.
Kentucky .....	July 28, 1971.
Maryland .....	Mar. 31, 1991.
Massachusetts .....	Jan. 12, 1976.
Michigan .....	Jan. 2, 1971.
Nebraska .....	July 28, 1971.
Nevada .....	July 1, 1973.
New Hampshire .....	Aug. 6, 1978
New Jersey .....	Do.
New Mexico .....	Aug. 13, 2007.
New York .....	Apr. 10, 1977.
Northern Mariana Islands .....	Oct. 29, 1979.
Oregon .....	Jan. 2, 1971.
Pennsylvania .....	Oct. 31, 1971.
Puerto Rico .....	Jan. 17, 1972.
Rhode Island .....	Oct. 1, 1981.
South Dakota .....	Jan. 2, 1971.
Tennessee .....	Oct. 1, 1975.
Virgin Islands .....	Nov. 27, 1971.
Washington .....	June 1, 1973.