

105TH CONGRESS  
1ST SESSION

# H. R. 1137

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

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

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## 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 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 1997”.

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. PROHIBITION ON ADDITIONAL OR DIFFERENT**  
19                                   **STATE REQUIREMENTS.**

20          “(a) REQUIREMENTS REGARDING PREMISES, FA-  
21          CILITIES, OPERATIONS, AND RECORDKEEPING.—Require-  
22          ments within the scope of this Act with respect to prem-  
23          ises, facilities and operations of any establishment at  
24          which inspection is provided under title I, which are in  
25          addition to (or different than) those made under this Act

1 may not be imposed by any State or Territory or the Dis-  
2 trict of Columbia. However, any such jurisdiction may im-  
3 pose recordkeeping and other requirements within the  
4 scope of section 202, if consistent with such section, with  
5 respect to any such establishment.

6 “(b) REQUIREMENTS REGARDING MARKING, LABEL-  
7 ING, PACKAGING, AND INGREDIENTS.—Marking, labeling,  
8 packaging, or ingredient requirements in addition to (or  
9 different than) those made under this Act may not be im-  
10 posed by any State or Territory or the District of Colum-  
11 bia with respect to articles prepared at any establishment  
12 under Federal inspection in accordance with the require-  
13 ments of title I or with respect to articles prepared for  
14 commerce at any State inspected establishment in accord-  
15 ance with the requirements of section 301(d).

16 “(c) CONCURRENT JURISDICTION.—A State or terri-  
17 tory or the District of Columbia may, consistent with the  
18 requirements under this Act, exercise concurrent jurisdic-  
19 tion with the Secretary over articles distributed in com-  
20 merce or otherwise subject to this Act, for the purpose  
21 of preventing the distribution for human food purposes of  
22 any such articles which are not in compliance with the re-  
23 quirements under this Act and are outside of any federally  
24 or State inspected establishment, or in the case of im-

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

3 “(d) OTHER ACTIVITIES.—This Act shall not pre-  
 4 clude any State or Territory or the District of Columbia  
 5 from imposing a requirement or taking other action, con-  
 6 sistent with this Act, with respect to any other matters  
 7 regulated under this Act.”.

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

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

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

17 “(5) The Secretary may enter into agreements  
 18 to utilize officers and employees of a State or the  
 19 District of Columbia to conduct such examinations,  
 20 investigations, and inspections authorized under this  
 21 Act as the Secretary determines practicable.”.

22 (c) TERMINATION OF DESIGNATION OF STATE AS  
 23 SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE  
 24 DISTRIBUTION.—Subsection (c)(3) of such section is  
 25 amended by striking “, with respect to the operations and

1 transactions within such State which are regulated under  
 2 subparagraph (1) of this paragraph (c), he” and inserting  
 3 “with respect to all establishments within its jurisdiction  
 4 which do not operate under Federal inspection under this  
 5 Act and at which any poultry are slaughtered, or any poul-  
 6 try products are processed, for use as human food, and  
 7 with respect to the distribution of poultry products within  
 8 the States, the Secretary”.

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

11 (1) by redesignating subsection (d) as sub-  
 12 section (e); and

13 (2) by inserting after subsection (c) the follow-  
 14 ing new subsection:

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



1 State (other than a State designated under subsection (c))  
2 in which the products were processed shall be considered  
3 as complying with this Act.

4 “(2) State inspected poultry products described in  
5 paragraph (1), and federally inspected poultry products  
6 processed (in whole or in part) from such State inspected  
7 poultry products—

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

10 “(B) shall be separated at all times from all  
11 other federally inspected poultry products in any  
12 federally inspected establishment that engages in the  
13 processing, sale, or transportation of poultry prod-  
14 ucts for foreign commerce.

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

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

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

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

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

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

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

1 **“SEC. 23. PROHIBITION ON ADDITIONAL OR DIFFERENT**  
2 **STATE REQUIREMENTS.**

3 “(a) REQUIREMENTS REGARDING PREMISES, FA-  
4 CILITIES, OPERATIONS, AND RECORDKEEPING.—Require-  
5 ments within the scope of this Act with respect to prem-  
6 ises, facilities and operations of any official establishment,  
7 which are in addition to, or different than those made  
8 under this Act may not be imposed by any State or terri-  
9 tory or the District of Columbia. However, any such juris-  
10 diction may impose recordkeeping and other requirements  
11 within the scope of section 11(b), if consistent with such  
12 section, with respect to any such establishment.

13 “(b) REQUIREMENTS REGARDING MARKING, LABEL-  
14 ING, PACKAGING, AND INGREDIENTS.—Marking, labeling,  
15 packaging, or ingredient requirements in addition to (or  
16 different than) those made under this Act may not be im-  
17 posed by any State or territory or the District of Columbia  
18 with respect to articles prepared at any establishment  
19 under Federal inspection in accordance with the require-  
20 ments of this Act or with respect to articles prepared for  
21 commerce at any State inspected establishment in accord-  
22 ance with the requirements of section 5(d). Further stor-  
23 age or handling requirements found by the Secretary to  
24 unduly interfere with the free flow of poultry products in  
25 commerce shall not be imposed by any State or territory  
26 or the District of Columbia.

1       “(c) CONCURRENT JURISDICTION.—A State or terri-  
2 tory or the District of Columbia may, consistent with the  
3 requirements of this Act, exercise concurrent jurisdiction  
4 with the Secretary over articles distributed in commerce  
5 or otherwise subject to this Act, for the purpose of pre-  
6 venting the distribution for human food purposes of any  
7 such articles which are not in compliance with the require-  
8 ments of this Act and are outside of any federally or State  
9 inspected establishment, or in the case of imported arti-  
10 cles, which are not at such an establishment, after their  
11 entry into the United States.

12       “(d) OTHER ACTIVITIES.—This Act shall not pre-  
13 clude any State or territory or the District of Columbia  
14 from making requirements or taking other action, consist-  
15 ent with this Act, with respect to any other matters regu-  
16 lated under this Act.”.

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