

110TH CONGRESS
1ST SESSION

S. 1150

To enhance the State inspection of meat and poultry in the United States,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2007

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

A BILL

To enhance the State inspection of meat and poultry in
the United States, 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 2007”.

6 **SEC. 2. REPORT ON STATE MEAT AND POULTRY INSPEC-**
7 **TION PROGRAMS.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of enactment of this Act, the Secretary of Agriculture
10 shall submit to Congress a report that identifies changes

1 in each State meat and poultry inspection program that
 2 the Secretary determines are necessary to enable future
 3 transition to a State program of enforcing Federal inspec-
 4 tion requirements as described in the amendments made
 5 by sections 3 and 4.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
 8 appropriated such sums as are necessary to carry
 9 out this section.

10 (2) AVAILABLE FUNDS.—Notwithstanding any
 11 other provision of law, only funds specifically appro-
 12 priated under paragraph (1) may be used to carry
 13 out this section.

14 **SEC. 3. STATE MEAT INSPECTION PROGRAMS.**

15 (a) IN GENERAL.—Title III of the Federal Meat In-
 16 spection Act (21 U.S.C. 661 et seq.) is amended to read
 17 as follows:

18 **“TITLE III—STATE MEAT**
 19 **INSPECTION PROGRAMS**

20 **“SEC. 301. FINDINGS; STATEMENT OF POLICY.**

21 **“(a) FINDINGS.—**Congress finds that—

22 **“(1)** the goal of a safe and wholesome supply
 23 of meat and meat food products throughout the
 24 United States would be better served if a consistent
 25 set of requirements, established by the Federal Gov-

ernment, were applied to all meat and meat food products produced under a Federal or State inspection program;

“(2) under the set of requirements described in paragraph (1), meat inspection programs carried out by the Federal Government and the States would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply of the United States that is transported through interstate commerce;

“(3) the set of requirements described in paragraph (1) would—

“(A) ensure the viability of State meat inspection programs; and

“(B) help ensure the viability of small establishments;

“(4) the inspection programs of the States are carried out by individuals who have expertise in addressing the unique needs of small and very small plants, many of which produce specialty and seasonal meat and poultry products; and

“(5) maintaining the identity of State inspection programs is important for the continuing provision of technical support, guidance, and specialized services to small establishments.

1 “(b) STATEMENT OF POLICY.—It is the policy of
2 Congress—

3 “(1) to protect the public from meat and meat
4 food products that are adulterated or misbranded;
5 and

6 “(2) to assist the efforts of Federal agencies
7 and the States to protect the public from those prod-
8 ucts.

9 **“SEC. 302. APPROVAL OF STATE MEAT INSPECTION PRO-**
10 **GRAMS.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of this Act, the Secretary may approve a State meat
13 inspection program and allow the shipment in commerce
14 of carcasses, parts of carcasses, meat, and meat food prod-
15 ucts inspected under the State meat inspection program
16 in accordance with this title.

17 “(b) ELIGIBILITY.—

18 “(1) IN GENERAL.—To receive or maintain ap-
19 proval from the Secretary for a State meat inspec-
20 tion program in accordance with subsection (a), a
21 State shall—

22 “(A) implement a State meat inspection
23 program that enforces the mandatory ante-
24 mortem and postmortem inspection, reinspec-
25 tion, sanitation, and related Federal require-

ments of titles I, II, and IV (including the regulations, directives, notices, policy memoranda, and other regulatory requirements issued under those titles); and

“(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

“(2) ADDITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—In addition to the requirements described in paragraph (1), not later than 180 days after the date on which the report is submitted under section 2(a) of the New Markets for State-Inspected Meat and Poultry Act of 2007, a State meat inspection program shall implement all recommendations made in the report, in a manner approved by the Secretary.

“(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

“(i) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term ‘new State meat inspection program’ means a State meat inspection program that is not approved in accordance with subsection (a) during the

1 period beginning on the effective date of
2 the New Markets for State-Inspected Meat
3 and Poultry Act of 2007 and ending on the
4 date that is 1 year after the effective date
5 of that Act.

6 “(ii) REVIEW REQUIREMENT.—Not
7 later than 1 year after the date on which
8 the Secretary approves a new State meat
9 inspection program, the Secretary shall
10 conduct a review of the new State meat in-
11 spection program, which shall include—

12 “(I) a determination of the effec-
13 tiveness of the new State meat inspec-
14 tion program; and

15 “(II) identification of changes
16 necessary to ensure enforcement of
17 Federal inspection requirements.

18 “(iii) IMPLEMENTATION REQUIRE-
19 MENTS.—In addition to the requirements
20 described in paragraph (1), to continue to
21 be an approved State meat inspection pro-
22 gram, a new State meat inspection pro-
23 gram shall implement all recommendations
24 from the review conducted in accordance

1 with this subparagraph, in a manner ap-
2 proved by the Secretary.

3 “(c) COOPERATIVE AGREEMENT.—Notwithstanding
4 chapter 63 of title 31, United States Code, the Secretary
5 may enter into a cooperative agreement with a State
6 that—

7 “(1) establishes the terms governing the rela-
8 tionship between the Secretary and the State meat
9 inspection program;

10 “(2) provides that the State will adopt (includ-
11 ing adoption by reference) provisions that are iden-
12 tical to titles I, II, and IV (including the regulations,
13 directives, notices, policy memoranda, and other reg-
14 ulatory requirements issued under those titles);

15 “(3) provides that State-inspected and passed
16 meat and meat food products shall be marked with
17 a mark of State inspection, which shall be consid-
18 ered to be an official mark, in accordance with re-
19 quirements issued by the Secretary;

20 “(4) provides that the State will comply with all
21 labeling requirements issued by the Secretary gov-
22 erning meat and meat food products inspected under
23 the State meat inspection program;

24 “(5) provides that the Secretary shall have au-
25 thority—

1 “(A) to detain and seize livestock, car-
2 carcasses, parts of carcasses, meat, and meat food
3 products under the State meat inspection pro-
4 gram;

5 “(B) to obtain access to facilities, records,
6 livestock, carcasses, parts of carcasses, meat,
7 and meat food products of any person, firm, or
8 corporation that slaughters, processes, handles,
9 stores, transports, or sells meat or meat food
10 products inspected under the State meat inspec-
11 tion program to determine compliance with this
12 Act (including the regulations issued under this
13 Act); and

14 “(C) to direct the State to conduct any ac-
15 tivity authorized to be conducted by the Sec-
16 retary under this Act (including the regulations
17 issued under this Act); and

18 “(6) includes such other terms as the Secretary
19 determines to be necessary to ensure that the ac-
20 tions of the State and the State meat inspection pro-
21 gram are consistent with this Act (including the reg-
22 ulations, directives, notices, policy memoranda, and
23 other regulatory requirements issued under this
24 Act).

25 “(d) RESTRICTION ON ESTABLISHMENT SIZE.—

1 “(1) IN GENERAL.—After the date that is 90
2 days after the effective date of the New Markets for
3 State-Inspected Meat and Poultry Act of 2007, an
4 establishment with more than 50 employees may not
5 be accepted into a State meat inspection program.

6 “(2) EXISTING ESTABLISHMENTS.—Any estab-
7 lishment that is subject to State inspection on the
8 date specified in paragraph (1) may remain subject
9 to State inspection.

10 “(e) REIMBURSEMENT OF STATE COSTS.—The Sec-
11 retary may reimburse a State for not less than 50 percent
12 of the State’s costs of meeting the Federal requirements
13 for the State meat inspection program.

14 “(f) SAMPLING.—A duly authorized representative of
15 the Secretary shall be afforded access to State inspected
16 establishments to take reasonable samples of the inventory
17 of the establishments upon payment of the fair market
18 value of the samples.

19 “(g) NONCOMPLIANCE.—If the Secretary determines
20 that a State meat inspection program does not comply
21 with this title or the cooperative agreement under sub-
22 section (c), the Secretary shall take such action as the Sec-
23 retary determines to be necessary to ensure that the car-
24 casses, parts of carcasses, meat, and meat food products
25 in the State are inspected in a manner that effectuates

1 this Act (including the regulations, directives, notices, pol-
2 icy memoranda, and other regulatory requirements issued
3 under this Act).

4 **“SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPEC-**
5 **TION PROGRAMS.**

6 “(a) NOTIFICATION.—If the Secretary has reason to
7 believe that a State is not in compliance with this Act (in-
8 cluding the regulations, directives, notices, policy memo-
9 randa, and other regulatory requirements issued under
10 this Act) or the cooperative agreement under section
11 302(c) and is considering the revocation or temporary sus-
12 pension of the approval of the State meat inspection pro-
13 gram, the Secretary shall promptly notify and consult with
14 the Governor of the State.

15 “(b) SUSPENSION AND REVOCATION.—

16 “(1) IN GENERAL.—The Secretary may revoke
17 or temporarily suspend the approval of a State meat
18 inspection program and take over a State meat in-
19 spection program if the Secretary determines that
20 the State meat inspection program is not in compli-
21 ance with this Act (including the regulations, direc-
22 tives, notices, policy memoranda, and other regu-
23 latory requirements issued under this Act) or the co-
24 operative agreement under section 302(c).

1 “(2) PROCEDURES FOR REINSTATEMENT.—A
2 State meat inspection program that has been the
3 subject of a revocation may be reinstated as an ap-
4 proved State meat inspection program under this
5 Act only in accordance with the procedures under
6 section 302(b)(2)(B).

7 “(c) PUBLICATION.—If the Secretary revokes or tem-
8 porarily suspends the approval of a State meat inspection
9 program in accordance with subsection (b), the Secretary
10 shall publish notice of the revocation or temporary suspen-
11 sion under that subsection in the Federal Register.

12 “(d) INSPECTION OF ESTABLISHMENTS.—Not later
13 than 30 days after the date of publication of a determina-
14 tion under subsection (c), an establishment subject to a
15 State meat inspection program with respect to which the
16 Secretary makes a determination under subsection (b)
17 shall be inspected by the Secretary.

18 **“SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPEC-**
19 **TION OF STATE-INSPECTED ESTABLISH-**
20 **MENTS.**

21 “Notwithstanding any other provision of this title, if
22 the Secretary determines that an establishment operating
23 under a State meat inspection program is not operating
24 in accordance with this Act (including the regulations, di-
25 rectives, notices, policy memoranda, and other regulatory

1 requirements issued under this Act) or the cooperative
2 agreement under section 302(c), and the State, after noti-
3 fication by the Secretary to the Governor, has not taken
4 appropriate action within a reasonable time as determined
5 by the Secretary, the Secretary may immediately deter-
6 mine that the establishment is an establishment that shall
7 be inspected by the Secretary, until such time as the Sec-
8 retary determines that the State will meet the require-
9 ments of this Act (including the regulations, directives, no-
10 tices, policy memoranda, and other regulatory require-
11 ments) and the cooperative agreement with respect to the
12 establishment.

13 **“SEC. 305. ANNUAL REVIEW.**

14 “(a) IN GENERAL.—The Secretary shall develop and
15 implement a process to annually review each State meat
16 inspection program approved under this title and to certify
17 the State meat inspection programs that comply with the
18 cooperative agreement entered into with the State under
19 section 302(c).

20 “(b) COMMENT FROM INTERESTED PARTIES.—In
21 developing the review process described in subsection (a),
22 the Secretary shall solicit comment from interested par-
23 ties.

1 **“SEC. 306. FEDERAL INSPECTION OPTION.**

2 “(a) IN GENERAL.—An establishment that operates
3 in a State with an approved State meat inspection pro-
4 gram may apply for inspection under the State meat in-
5 spection program or for Federal inspection.

6 “(b) LIMITATION.—An establishment shall not make
7 an application under subsection (a) more than once every
8 4 years.”.

9 (b) RESTAURANTS AND RETAIL STORES.—Title IV
10 of the Federal Meat Inspection Act is amended—

11 (1) by redesignating section 411 (21 U.S.C.
12 680) as section 414; and

13 (2) by inserting after section 410 (21 U.S.C.
14 679a) the following:

15 **“SEC. 411. RESTAURANTS AND RETAIL STORES.**

16 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
17 REQUIREMENTS.—The provisions of this Act requiring in-
18 spection of the slaughter of animals and the preparation
19 of carcasses, parts of carcasses, meat, and meat food prod-
20 ucts shall not apply to operations of types traditionally
21 and usually conducted at retail stores and restaurants, as
22 determined by the Secretary, if the operations are con-
23 ducted at a retail store, restaurant, or similar retail estab-
24 lishment for sale of such prepared articles in normal retail
25 quantities or for service of the articles to consumers at
26 such an establishment.

1 “(b) CENTRAL KITCHEN FACILITIES.—

2 “(1) IN GENERAL.—For the purposes of this
3 section, operations conducted at a central kitchen fa-
4 cility of a restaurant shall be considered to be con-
5 ducted at a restaurant if the central kitchen of the
6 restaurant prepares meat or meat food products that
7 are ready to eat when they leave the facility and are
8 served in meals or as entrees only to customers at
9 restaurants owned or operated by the same person,
10 firm, or corporation that owns or operates the facil-
11 ity.

12 “(2) EXCEPTION.—A facility described in para-
13 graph (1) shall be subject to section 202 and may
14 be subject to the inspection requirements of title I
15 for as long as the Secretary determines to be nec-
16 essary, if the Secretary determines that the sanitary
17 conditions or practices of the facility or the proc-
18 essing procedures or methods at the facility are such
19 that any of the meat or meat food products of the
20 facility are rendered adulterated.

21 **“SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
22 **MEAT AND MEAT FOOD PRODUCTS.**

23 “Notwithstanding any provision of State law, a State
24 or local government shall not prohibit or restrict the move-
25 ment or sale of meat or meat food products that have been

1 inspected and passed in accordance with this Act for inter-
 2 state commerce.

3 **“SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND**
 4 **STATE PROGRAMS.**

5 “The Secretary may appoint advisory committees
 6 consisting of such representatives of appropriate State
 7 agencies as the Secretary and the State agencies may des-
 8 ignate to consult with the Secretary concerning State and
 9 Federal programs with respect to meat inspection and
 10 other matters within the scope of this Act.”.

11 **SEC. 4. STATE POULTRY INSPECTION PROGRAMS.**

12 (a) IN GENERAL.—Section 5 of the Poultry Products
 13 Inspection Act (21 U.S.C. 454) is amended to read as fol-
 14 lows:

15 **“SEC. 5. STATE POULTRY INSPECTION PROGRAMS.**

16 “(a) POLICY.—It is the policy of Congress to protect
 17 the public from poultry products that are adulterated or
 18 misbranded and to assist in efforts by State and other gov-
 19 ernment agencies to accomplish that policy.

20 “(b) FINDINGS.—Congress finds that—

21 “(1) the goal of a safe and wholesome supply
 22 of poultry products throughout the United States
 23 would be better served if a consistent set of require-
 24 ments, established by the Federal Government, were

1 applied to all poultry products, whether produced
 2 under State inspection or Federal inspection;

3 “(2) under such a system, State and Federal
 4 poultry inspection programs would function together
 5 to create a seamless inspection system to ensure
 6 food safety and inspire consumer confidence in the
 7 food supply in interstate commerce; and

8 “(3) such a system would ensure the viability of
 9 State poultry inspection programs, which should
 10 help to foster the viability of small official establish-
 11 ments.

12 “(c) APPROVAL OF STATE POULTRY INSPECTION
 13 PROGRAMS.—

14 “(1) IN GENERAL.—Notwithstanding any other
 15 provision of this Act, the Secretary may approve a
 16 State poultry inspection program and allow the ship-
 17 ment in commerce of poultry products inspected
 18 under the State poultry inspection program in ac-
 19 cordance with this section and section 5A.

20 “(2) ELIGIBILITY.—

21 “(A) IN GENERAL.—To receive or main-
 22 tain approval from the Secretary for a State
 23 poultry inspection program in accordance with
 24 paragraph (1), a State shall—

1 “(i) implement a State poultry inspec-
2 tion program that enforces the mandatory
3 antemortem and postmortem inspection,
4 reinspection, sanitation, and related Fed-
5 eral requirements of sections 1 through 4
6 and 6 through 33 (including the regula-
7 tions, directives, notices, policy memo-
8 randa, and other regulatory requirements
9 issued under those sections); and

10 “(ii) enter into a cooperative agree-
11 ment with the Secretary in accordance
12 with paragraph (3).

13 “(B) ADDITIONAL REQUIREMENTS.—

14 “(i) IN GENERAL.—In addition to the
15 requirements described in subparagraph
16 (A), not later than 180 days after the date
17 on which the report is submitted under
18 section 2(a) of the New Markets for State-
19 Inspected Meat and Poultry Act of 2007,
20 a State poultry inspection program shall
21 implement all recommendations made in
22 the report, in a manner approved by the
23 Secretary.

24 “(ii) REVIEW OF NEW STATE POUL-
25 TRY INSPECTION PROGRAMS.—

1 “(I) DEFINITION OF NEW STATE
2 POULTRY INSPECTION PROGRAM.—In
3 this clause, the term ‘new State poul-
4 try inspection program’ means a State
5 poultry inspection program that is not
6 approved in accordance with para-
7 graph (1) during the period beginning
8 on the effective date of the New Mar-
9 kets for State-Inspected Meat and
10 Poultry Act of 2007 and ending on
11 the date that is 1 year after the effec-
12 tive date of that Act.

13 “(II) REVIEW REQUIREMENT.—
14 Not later than 1 year after the date
15 on which the Secretary approves a
16 new State poultry inspection program,
17 the Secretary shall conduct a review
18 of the new State poultry inspection
19 program, which shall include—

20 “(aa) a determination of the
21 effectiveness of the new State
22 poultry inspection program; and

23 “(bb) identification of
24 changes necessary to ensure en-

1 enforcement of Federal inspection
2 requirements.

3 “(III) IMPLEMENTATION RE-
4 QUIREMENTS.—In addition to the re-
5 quirements described in subparagraph
6 (A), to continue to be an approved
7 State poultry inspection program, a
8 new State poultry inspection program
9 shall implement all recommendations
10 from the review conducted in accord-
11 ance with this clause, in a manner ap-
12 proved by the Secretary.

13 “(3) COOPERATIVE AGREEMENT.—Notwith-
14 standing chapter 63 of title 31, United States Code,
15 the Secretary may enter into a cooperative agree-
16 ment with a State that—

17 “(A) establishes the terms governing the
18 relationship between the Secretary and the
19 State poultry inspection program;

20 “(B) provides that the State will adopt (in-
21 cluding adoption by reference) provisions that
22 are identical to sections 1 through 4 and 6
23 through 33 (including the regulations, direc-
24 tives, notices, policy memoranda, and other reg-

1 ulatory requirements issued under those sec-
2 tions);

3 “(C) provides that State-inspected and
4 passed poultry products may be marked with
5 the mark of State inspection, which shall be
6 considered to be an official mark, in accordance
7 with requirements issued by the Secretary;

8 “(D) provides that the State will comply
9 with all labeling requirements issued by the
10 Secretary governing poultry products inspected
11 under the State poultry inspection program;

12 “(E) provides that the Secretary shall have
13 authority—

14 “(i) to detain and seize poultry and
15 poultry products under the State poultry
16 inspection program;

17 “(ii) to obtain access to facilities,
18 records, and poultry products of any per-
19 son that slaughters, processes, handles,
20 stores, transports, or sells poultry products
21 inspected under the State poultry inspec-
22 tion program to determine compliance with
23 this Act (including the regulations issued
24 under this Act); and

1 “(iii) to direct the State to conduct
2 any activity authorized to be conducted by
3 the Secretary under this Act (including the
4 regulations issued under this Act); and

5 “(F) includes such other terms as the Sec-
6 retary determines to be necessary to ensure
7 that the actions of the State and the State
8 poultry inspection program are consistent with
9 this Act (including the regulations, directives,
10 notices, policy memoranda, and other regulatory
11 requirements issued under this Act).

12 “(4) RESTRICTION ON ESTABLISHMENT SIZE.—

13 “(A) IN GENERAL.—After the date that is
14 90 days after the effective date of the New
15 Markets for State-Inspected Meat and Poultry
16 Act of 2007, an establishment with more than
17 50 employees may not be accepted into a State
18 meat inspection program.

19 “(B) EXISTING ESTABLISHMENTS.—Any
20 establishment that is subject to State inspection
21 on the date specified in subparagraph (A) may
22 remain subject to State inspection.

23 “(5) REIMBURSEMENT OF STATE COSTS.—The
24 Secretary may reimburse a State for not less than
25 60 percent of the State’s costs of meeting the Fed-

1 eral requirements for the State poultry inspection
2 program.

3 “(6) SAMPLING.—A duly authorized representa-
4 tive of the Secretary shall be afforded access to
5 State inspected establishments to take reasonable
6 samples of their inventory upon payment of the fair
7 market value of the samples.

8 “(7) NONCOMPLIANCE.—If the Secretary deter-
9 mines that a State poultry inspection program does
10 not comply with this section, section 5A, or the co-
11 operative agreement under paragraph (3), the Sec-
12 retary shall take such action as the Secretary deter-
13 mines to be necessary to ensure that the poultry
14 products in the State are inspected in a manner that
15 effectuates this Act (including the regulations, direc-
16 tives, notices, policy memoranda, and other regu-
17 latory requirements issued under this Act).

18 “(d) ANNUAL REVIEW.—

19 “(1) IN GENERAL.—The Secretary shall develop
20 and implement a process to annually review each
21 State poultry inspection program approved under
22 this section and to certify the State poultry inspec-
23 tion programs that comply with the cooperative
24 agreement entered into with the State under sub-
25 section (c)(3).

1 “(2) COMMENT FROM INTERESTED PARTIES.—

2 In developing the review process described in para-
3 graph (1), the Secretary shall solicit comment from
4 interested parties.

5 “(e) FEDERAL INSPECTION OPTION.—

6 “(1) IN GENERAL.—An official establishment
7 that operates in a State with an approved State
8 poultry inspection program may apply for inspection
9 under the State poultry inspection program or for
10 Federal inspection.

11 “(2) LIMITATION.—An official establishment
12 shall not make an application under paragraph (1)
13 more than once every 4 years.

14 **“SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY IN-**
15 **SPECTION ACTIVITIES.**

16 “(a) AUTHORITY TO TAKE OVER STATE POULTRY
17 INSPECTION PROGRAMS.—

18 “(1) NOTIFICATION.—If the Secretary has rea-
19 son to believe that a State is not in compliance with
20 this Act (including the regulations, directives, no-
21 tices, policy memoranda, and other regulatory re-
22 quirements issued under this Act) or the cooperative
23 agreement under section 5(c)(3) and is considering
24 the revocation or temporary suspension of the ap-
25 proval of the State poultry inspection program, the

1 Secretary shall promptly notify and consult with the
2 Governor of the State.

3 “(2) SUSPENSION AND REVOCATION.—

4 “(A) IN GENERAL.—The Secretary may re-
5 voke or temporarily suspend the approval of a
6 State poultry inspection program and take over
7 a State poultry inspection program if the Sec-
8 retary determines that the State poultry inspec-
9 tion program is not in compliance with this Act
10 (including the regulations, directives, notices,
11 policy memoranda, and other regulatory re-
12 quirements issued under this Act) or the coop-
13 erative agreement.

14 “(B) PROCEDURES FOR REINSTATE-
15 MENT.—A State poultry inspection program
16 that has been the subject of a revocation may
17 be reinstated as an approved State poultry in-
18 spection program under this Act only in accord-
19 ance with the procedures under section
20 5(c)(2)(B)(ii).

21 “(3) PUBLICATION.—If the Secretary revokes
22 or temporarily suspends the approval of a State
23 poultry inspection program in accordance with para-
24 graph (2), the Secretary shall publish notice of the

1 revocation or temporary suspension under that para-
2 graph in the Federal Register.

3 “(4) INSPECTION OF ESTABLISHMENTS.—Not
4 later than 30 days after the date of publication of
5 a determination under paragraph (3), an official es-
6 tablishment subject to a State poultry inspection
7 program with respect to which the Secretary makes
8 a determination under paragraph (2) shall be in-
9 spected by the Secretary.

10 “(b) EXPEDITED AUTHORITY TO TAKE OVER IN-
11 SPECTION OF STATE-INSPECTED OFFICIAL ESTABLISH-
12 MENTS.—Notwithstanding any other provision of this
13 title, if the Secretary determines that an official establish-
14 ment operating under a State poultry inspection program
15 is not operating in accordance with this Act (including the
16 regulations, directives, notices, policy memoranda, and
17 other regulatory requirements issued under this Act) or
18 the cooperative agreement under section 5(c)(3), and the
19 State, after notification by the Secretary to the Governor,
20 has not taken appropriate action within a reasonable time
21 as determined by the Secretary, the Secretary may imme-
22 diately determine that the official establishment is an es-
23 tablishment that shall be inspected by the Secretary, until
24 such time as the Secretary determines that the State will
25 meet the requirements of this Act (including the regula-

1 tions, directives, notices, policy memoranda, and other reg-
 2 ulatory requirements) and the cooperative agreement with
 3 respect to the official establishment.”.

4 (b) RESTAURANTS AND RETAIL STORES, ACCEPT-
 5 ANCE OF INTERSTATE SHIPMENTS OF POULTRY PROD-
 6 UCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND
 7 STATE PROGRAMS.—The Poultry Products Inspection Act
 8 is amended by inserting after section 30 (21 U.S.C. 471)
 9 the following:

10 **“SEC. 31. RESTAURANTS AND RETAIL STORES.**

11 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
 12 REQUIREMENTS.—The provisions of this Act requiring in-
 13 spection of the slaughter of poultry and the processing of
 14 poultry products shall not apply to operations of types tra-
 15 ditionally and usually conducted at retail stores and res-
 16 taurants, if the operations are conducted at a retail store,
 17 restaurant, or similar retail establishment for sale of such
 18 prepared articles in normal retail quantities or for service
 19 of the articles to consumers at such an establishment.

20 “(b) CENTRAL KITCHEN FACILITIES.—

21 “(1) IN GENERAL.—For the purposes of this
 22 section, operations conducted at a central kitchen fa-
 23 cility of a restaurant shall be considered to be con-
 24 ducted at a restaurant if the central kitchen of the
 25 restaurant prepares poultry products that are ready

1 to eat when they leave the facility and are served in
2 meals or as entrees only to customers at restaurants
3 owned or operated by the same person that owns or
4 operates the facility.

5 “(2) EXCEPTION.—A facility described in para-
6 graph (1) shall be subject to section 11(b) and may
7 be subject to the inspection requirements of this Act
8 for as long as the Secretary determines to be nec-
9 essary, if the Secretary determines that the sanitary
10 conditions or practices of the facility or the proc-
11 essing procedures or methods at the facility are such
12 that any of the poultry products of the facility are
13 rendered adulterated.

14 **“SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
15 **POULTRY PRODUCTS.**

16 “Notwithstanding any provision of State law, a State
17 or local government shall not prohibit or restrict the move-
18 ment or sale of poultry products that have been inspected
19 and passed in accordance with this Act for interstate com-
20 merce.

21 **“SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND**
22 **STATE PROGRAMS.**

23 “The Secretary may appoint advisory committees
24 consisting of such representatives of appropriate State
25 agencies as the Secretary and the State agencies may des-

1 ignatate to consult with the Secretary concerning State and
2 Federal programs with respect to poultry product inspec-
3 tion and other matters within the scope of this Act”.

4 **SEC. 5. REGULATIONS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary of Agriculture shall promulgate
7 such regulations as are necessary to implement the
8 amendments made by sections 3 and 4.

9 **SEC. 6. EFFECTIVE DATE.**

10 The amendments made by sections 3 and 4 of this
11 Act take effect on the date that is 180 days after the date
12 of enactment of this Act.

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