

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 ignated), 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”; and  
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

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

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

(ii) by adding at the end the following:

“(ii) INTERSTATE COMMERCE.—

“(I) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may allow the shipment in interstate commerce of poultry products inspected under the State poultry product inspection program described in clause (i).

“(II) ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.—Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.”;

1           (3) in subsection (b), by striking “(b) The ap-  
 2       appropriate” 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 ignated), 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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