

110TH CONGRESS
1ST SESSION

H. R. 2315

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2007

Mr. POMEROY (for himself, Mr. BLUNT, Mrs. BOYDA of Kansas, Mrs. CUBIN, Mr. MORAN of Kansas, Ms. HERSETH SANDLIN, Mr. CONAWAY, Mr. MARSHALL, Mr. SOUDER, Mr. PEARCE, Mr. SENSENBRENNER, Mr. PETRI, Mrs. CAPITO, Mr. LUCAS, Mr. KING of Iowa, Mr. BONNER, and Mr. SALAZAR) introduced the following bill; which was referred to the Committee on Agriculture

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”.

1 **SEC. 2. STATE MEAT INSPECTION PROGRAMS.**

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

5 **“TITLE III—STATE MEAT**
6 **INSPECTION PROGRAMS**

7 **“SEC. 301. POLICY AND FINDINGS.**

8 “(a) POLICY.—It is the policy of Congress to protect
9 the public from meat and meat food products that are
10 adulterated or misbranded and to assist in efforts by State
11 and other government agencies to accomplish that policy.

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

13 “(1) the goal of a safe and wholesome supply
14 of meat and meat food products throughout the
15 United States would be better served if a consistent
16 set of requirements, established by the Federal Gov-
17 ernment, were applied to all meat and meat food
18 products, whether produced under State inspection
19 or Federal inspection;

20 “(2) under such a system, State and Federal
21 meat inspection programs would function together to
22 create a seamless inspection system to ensure food
23 safety and inspire consumer confidence in the food
24 supply in interstate commerce; and

1 “(3) such a system would ensure the viability of
2 State meat inspection programs, which should help
3 to foster the viability of small establishments.

4 **“SEC. 302. APPROVAL OF STATE MEAT INSPECTION PRO-**
5 **GRAMS.**

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

12 “(b) ELIGIBILITY.—

13 “(1) IN GENERAL.—To receive or maintain ap-
14 proval from the Secretary for a State meat inspec-
15 tion program in accordance with subsection (a), a
16 State shall—

17 “(A) implement a State meat inspection
18 program that enforces the mandatory ante-
19 mortem and postmortem inspection, reinspec-
20 tion, sanitation, and related Federal require-
21 ments of titles I, II, and IV (including the regu-
22 lations, directives, notices, policy memoranda,
23 and other regulatory requirements issued under
24 those titles); and

1 “(B) enter into a cooperative agreement
2 with the Secretary in accordance with sub-
3 section (c).

4 “(2) ADDITIONAL REQUIREMENTS.—

5 “(A) IN GENERAL.—In addition to the re-
6 quirements described in paragraph (1), a State
7 meat inspection program reviewed in accord-
8 ance with section 2 of the New Markets for
9 State-Inspected Meat and Poultry Act of 2007
10 shall implement, not later than 180 days after
11 the date on which the report is submitted under
12 subsection (b) of such section, all recommenda-
13 tions from the review, in a manner approved by
14 the Secretary.

15 “(B) REVIEW OF NEW STATE MEAT IN-
16 SPECTION PROGRAMS.—

17 “(i) REVIEW REQUIREMENT.—Not
18 later than one year after the date on which
19 the Secretary approves a new State meat
20 inspection program, the Secretary shall
21 conduct a review of the new State meat in-
22 spection program, which shall include—

23 “(I) a determination of the effec-
24 tiveness of the new State meat inspec-
25 tion program; and

1 “(II) identification of changes
2 necessary to ensure enforcement of
3 Federal inspection requirements.

4 “(ii) IMPLEMENTATION REQUIRE-
5 MENTS.—In addition to the requirements
6 described in paragraph (1), to continue to
7 be an approved State meat inspection pro-
8 gram, a new State meat inspection pro-
9 gram shall implement all recommendations
10 from the review conducted in accordance
11 with this subparagraph, in a manner ap-
12 proved by the Secretary.

13 “(iii) DEFINITION OF NEW STATE
14 MEAT INSPECTION PROGRAM.—In this sub-
15 paragraph, the term ‘new State meat in-
16 spection program’ means a State meat in-
17 spection program that is not approved in
18 accordance with subsection (a) between the
19 effective date of the New Markets for
20 State-Inspected Meat and Poultry Act of
21 2006 and the date that is one year after
22 the effective date of such Act.

23 “(c) COOPERATIVE AGREEMENT.—Notwithstanding
24 chapter 63 of title 31, United States Code, the Secretary

1 may enter into a cooperative agreement with a State
2 that—

3 “(1) establishes the terms governing the rela-
4 tionship between the Secretary and the State meat
5 inspection program;

6 “(2) provides that the State will adopt (includ-
7 ing adoption by reference) provisions identical to ti-
8 tles I, II, and IV (including the regulations, direc-
9 tives, notices, policy memoranda, and other regu-
10 latory requirements issued under those titles);

11 “(3) provides that State-inspected and passed
12 meat and meat food products shall be marked with
13 a mark of State inspection, which shall be deemed
14 to be an official mark, in accordance with require-
15 ments issued by the Secretary;

16 “(4) provides that the State will comply with all
17 labeling requirements issued by the Secretary gov-
18 erning meat and meat food products inspected under
19 the State meat inspection program;

20 “(5) provides that the Secretary shall have au-
21 thority—

22 “(A) to detain and seize livestock, car-
23 casses, parts of carcasses, meat, and meat food
24 products under the State meat inspection pro-
25 gram;

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

10 “(C) to direct the State to conduct any ac-
11 tivity authorized to be conducted by the Sec-
12 retary under this Act (including the regulations
13 issued under this Act); and

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

21 “(d) RESTRICTION ON ESTABLISHMENT SIZE.—After
22 the date that is 90 days after the effective date of the
23 New Markets for State-Inspected Meat and Poultry Act
24 of 2006, establishments with more than 50 employees may
25 not be accepted into a State meat inspection program. Any

1 establishment that is subject to state inspection on such
2 date, may remain subject to State inspection.

3 “(e) REIMBURSEMENT OF STATE COSTS.—The Sec-
4 retary shall reimburse a State for not less than 50 percent
5 of the State’s costs of meeting the Federal requirements
6 for the State meat inspection program.

7 “(f) SAMPLING.—A duly authorized representative of
8 the Secretary shall be afforded access to State inspected
9 establishments to take reasonable samples of the inventory
10 of such establishments upon payment of the fair market
11 value therefor.

12 “(g) NONCOMPLIANCE.—If the Secretary determines
13 that a State meat inspection program does not comply
14 with this title or the cooperative agreement under sub-
15 section (c), the Secretary shall take such action as the Sec-
16 retary determines to be necessary to ensure that the car-
17 casses, parts of carcasses, meat, and meat food products
18 in the State are inspected in a manner that effectuates
19 this Act (including the regulations, directives, notices, pol-
20 icy memoranda, and other regulatory requirements issued
21 under this Act).

22 **“SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPEC-**
23 **TION PROGRAMS.**

24 “(a) NOTIFICATION.—If the Secretary has reason to
25 believe that a State is not in compliance with this Act (in-

1 cluding the regulations, directives, notices, policy memo-
2 randa, and other regulatory requirements issued under
3 this Act) or the cooperative agreement under section
4 302(c) and is considering the revocation or temporary sus-
5 pension of the approval of the State meat inspection pro-
6 gram, the Secretary shall promptly notify and consult with
7 the Governor of the State.

8 “(b) SUSPENSION AND REVOCATION.—

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

18 “(2) PROCEDURES FOR REINSTATEMENT.—A
19 State meat inspection program that has been the
20 subject of a revocation may be reinstated as an ap-
21 proved State meat inspection program under this
22 Act only in accordance with the procedures under
23 section 302(b)(2)(B).

24 “(c) PUBLICATION.—If the Secretary revokes or tem-
25 porarily suspends the approval of a State meat inspection

1 program in accordance with subsection (b), the Secretary
2 shall publish notice of the revocation or temporary suspen-
3 sion under that subsection in the Federal Register.

4 “(d) INSPECTION OF ESTABLISHMENTS.—Not later
5 than 30 days after the date of publication of a determina-
6 tion under subsection (c), an establishment subject to a
7 State meat inspection program with respect to which the
8 Secretary makes a determination under subsection (b)
9 shall be inspected by the Secretary.

10 **“SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPEC-**
11 **TION OF STATE-INSPECTED ESTABLISH-**
12 **MENTS.**

13 “Notwithstanding any other provision of this title, if
14 the Secretary determines that an establishment operating
15 under a State meat inspection program is not operating
16 in accordance with this Act (including the regulations, di-
17 rectives, notices, policy memoranda, and other regulatory
18 requirements issued under this Act) or the cooperative
19 agreement under section 302(c), and the State, after noti-
20 fication by the Secretary to the Governor, has not taken
21 appropriate action within a reasonable time as determined
22 by the Secretary, the Secretary may immediately deter-
23 mine that the establishment is an establishment that shall
24 be inspected by the Secretary, until such time as the Sec-
25 retary determines that the State will meet the require-

1 ments of this Act (including the regulations, directives, no-
2 tices, policy memoranda, and other regulatory require-
3 ments) and the cooperative agreement with respect to the
4 establishment.

5 **“SEC. 305. ANNUAL REVIEW.**

6 “(a) IN GENERAL.—The Secretary shall develop and
7 implement a process to annually review each State meat
8 inspection program approved under this title and to certify
9 the State meat inspection programs that comply with the
10 cooperative agreement entered into with the State under
11 section 302(c).

12 “(b) COMMENT FROM INTERESTED PARTIES.—In
13 developing the review process described in subsection (a),
14 the Secretary shall solicit comment from interested par-
15 ties.

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

17 “(a) IN GENERAL.—An establishment that operates
18 in a State with an approved State meat inspection pro-
19 gram may apply for inspection under the State meat in-
20 spection program or for Federal inspection.

21 “(b) LIMITATION.—An establishment shall not make
22 an application under subsection (a) more than once every
23 four years.”.

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

1 (1) by redesignating section 411 (21 U.S.C.
2 681) as section 414; and

3 (2) by inserting after section 410 (21 U.S.C.
4 680) the following:

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

6 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
7 REQUIREMENTS.—The provisions of this Act requiring in-
8 spection of the slaughter of animals and the preparation
9 of carcasses, parts of carcasses, meat, and meat food prod-
10 ucts shall not apply to operations of types traditionally
11 and usually conducted at retail stores and restaurants, as
12 determined by the Secretary, if the operations are con-
13 ducted at a retail store, restaurant, or similar retail estab-
14 lishment for sale of such prepared articles in normal retail
15 quantities or for service of the articles to consumers at
16 such an establishment.

17 “(b) CENTRAL KITCHEN FACILITIES.—

18 “(1) IN GENERAL.—For the purposes of this
19 section, operations conducted at a central kitchen fa-
20 cility of a restaurant shall be considered to be con-
21 ducted at a restaurant if the central kitchen of the
22 restaurant prepares meat or meat food products that
23 are ready to eat when they leave the facility and are
24 served in meals or as entrees only to customers at
25 restaurants owned or operated by the same person,

1 firm, or corporation that owns or operates the facil-
2 ity.

3 “(2) EXCEPTION.—A facility described in para-
4 graph (1) shall be subject to section 202 and may
5 be subject to the inspection requirements of title I
6 for as long as the Secretary determines to be nec-
7 essary, if the Secretary determines that the sanitary
8 conditions or practices of the facility or the proc-
9 essing procedures or methods at the facility are such
10 that any of the meat or meat food products of the
11 facility are rendered adulterated.

12 **“SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
13 **MEAT AND MEAT FOOD PRODUCTS.**

14 “Notwithstanding any provision of State law, a State
15 or local government shall not prohibit or restrict the move-
16 ment or sale of meat or meat food products that have been
17 inspected and passed in accordance with this Act for inter-
18 state commerce.

19 **“SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND**
20 **STATE PROGRAMS.**

21 “The Secretary may appoint advisory committees
22 consisting of such representatives of appropriate State
23 agencies as the Secretary and the State agencies may des-
24 ignate to consult with the Secretary concerning State and

1 Federal programs with respect to meat inspection and
2 other matters within the scope of this Act.”.

3 **SEC. 3. STATE POULTRY INSPECTION PROGRAMS.**

4 (a) IN GENERAL.—The Poultry Products Inspection
5 Act (21 U.S.C. 451 et seq.) is amended by striking section
6 5 and inserting the following:

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

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

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

13 “(1) the goal of a safe and wholesome supply
14 of poultry products throughout the United States
15 would be better served if a consistent set of require-
16 ments, established by the Federal Government, were
17 applied to all poultry products, whether produced
18 under State inspection or Federal inspection;

19 “(2) under such a system, State and Federal
20 poultry inspection programs would function together
21 to create a seamless inspection system to ensure
22 food safety and inspire consumer confidence in the
23 food supply in interstate commerce; and

24 “(3) such a system would ensure the viability of
25 State poultry inspection programs, which should

1 help to foster the viability of small official establish-
2 ments.

3 “(c) APPROVAL OF STATE POULTRY INSPECTION
4 PROGRAMS.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of this Act, the Secretary may approve a
7 State poultry inspection program and allow the ship-
8 ment in commerce of poultry products inspected
9 under the State poultry inspection program in ac-
10 cordance with this section and section 5A.

11 “(2) ELIGIBILITY.—

12 “(A) IN GENERAL.—To receive or main-
13 tain approval from the Secretary for a State
14 poultry inspection program in accordance with
15 paragraph (1), a State shall—

16 “(i) implement a State poultry inspec-
17 tion program that enforces the mandatory
18 antemortem and postmortem inspection,
19 reinspection, sanitation, and related Fed-
20 eral requirements of sections 1 through 4
21 and 6 through 33 (including the regula-
22 tions, directives, notices, policy memo-
23 randa, and other regulatory requirements
24 issued under those sections); and

1 “(ii) enter into a cooperative agree-
2 ment with the Secretary in accordance
3 with paragraph (3).

4 “(B) ADDITIONAL REQUIREMENTS.—

5 “(i) IN GENERAL.—In addition to the
6 requirements described in subparagraph
7 (A), a State poultry inspection program re-
8 viewed in accordance with section 2 of the
9 New Markets for State-Inspected Meat and
10 Poultry Act of 2006 shall implement, not
11 later 180 days after the date on which the
12 report is submitted under subsection (b) of
13 such section, all recommendations from the
14 review, in a manner approved by the Sec-
15 retary.

16 “(ii) REVIEW OF NEW STATE POUL-
17 TRY INSPECTION PROGRAMS.—

18 “(I) REVIEW REQUIREMENT.—

19 Not later than one year after the date
20 on which the Secretary approves a
21 new State poultry inspection program,
22 the Secretary shall conduct a review
23 of the new State poultry inspection
24 program, which shall include—

1 “(aa) a determination of the
2 effectiveness of the new State
3 poultry inspection program; and

4 “(bb) identification of
5 changes necessary to ensure en-
6 forcement of Federal inspection
7 requirements.

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

18 “(III) DEFINITION OF NEW
19 STATE POULTRY INSPECTION PRO-
20 GRAM.—In this clause, the term ‘new
21 State poultry inspection program’
22 means a State poultry inspection pro-
23 gram that is not approved in accord-
24 ance with paragraph (1) between the
25 effective date of the New Markets for

1 State-Inspected Meat and Poultry Act
2 of 2006 and the date that is one year
3 after the effective date of such Act.

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

8 “(A) establishes the terms governing the
9 relationship between the Secretary and the
10 State poultry inspection program;

11 “(B) provides that the State will adopt (in-
12 cluding adoption by reference) provisions iden-
13 tical to sections 1 through 4 and 6 through 33
14 (including the regulations, directives, notices,
15 policy memoranda, and other regulatory re-
16 quirements issued under those sections);

17 “(C) provides that State-inspected and
18 passed poultry products may be marked with
19 the mark of State inspection, which shall be
20 deemed to be an official mark, in accordance
21 with requirements issued by the Secretary;

22 “(D) provides that the State will comply
23 with all labeling requirements issued by the
24 Secretary governing poultry products inspected
25 under the State poultry inspection program;

1 “(E) provides that the Secretary shall have
2 authority—

3 “(i) to detain and seize poultry and
4 poultry products under the State poultry
5 inspection program;

6 “(ii) to obtain access to facilities,
7 records, and poultry products of any per-
8 son that slaughters, processes, handles,
9 stores, transports, or sells poultry products
10 inspected under the State poultry inspec-
11 tion program to determine compliance with
12 this Act (including the regulations issued
13 under this Act); and

14 “(iii) to direct the State to conduct
15 any activity authorized to be conducted by
16 the Secretary under this Act (including the
17 regulations issued under this Act); and

18 “(F) includes such other terms as the Sec-
19 retary determines to be necessary to ensure
20 that the actions of the State and the State
21 poultry inspection program are consistent with
22 this Act (including the regulations, directives,
23 notices, policy memoranda, and other regulatory
24 requirements issued under this Act).

1 “(4) RESTRICTION ON ESTABLISHMENT SIZE.—
2 After the date that is 90 days after the effective
3 date of the New Markets for State-Inspected Meat
4 and Poultry Act of 2006, establishments with more
5 than 50 employees may not be accepted into a State
6 meat inspection program. Any establishment that is
7 subject to state inspection on such date may remain
8 subject to state inspection.

9 “(5) REIMBURSEMENT OF STATE COSTS.—The
10 Secretary may reimburse a State for not more than
11 60 percent of the State’s costs of meeting the Fed-
12 eral requirements for the State poultry inspection
13 program.

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

19 “(7) NONCOMPLIANCE.—If the Secretary deter-
20 mines that a State poultry inspection program does
21 not comply with this section, section 5A, or the co-
22 operative agreement under paragraph (3), the Sec-
23 retary shall take such action as the Secretary deter-
24 mines to be necessary to ensure that the poultry
25 products in the State are inspected in a manner that

1 effectuates this Act (including the regulations, direc-
2 tives, notices, policy memoranda, and other regu-
3 latory requirements issued under this Act).

4 “(d) ANNUAL REVIEW.—

5 “(1) IN GENERAL.—The Secretary shall develop
6 and implement a process to annually review each
7 State poultry inspection program approved under
8 this section and to certify the State poultry inspec-
9 tion programs that comply with the cooperative
10 agreement entered into with the State under sub-
11 section (c)(3).

12 “(2) COMMENT FROM INTERESTED PARTIES.—

13 In developing the review process described in para-
14 graph (1), the Secretary shall solicit comment from
15 interested parties.

16 “(e) FEDERAL INSPECTION OPTION.—

17 “(1) IN GENERAL.—An official establishment
18 that operates in a State with an approved State
19 poultry inspection program may apply for inspection
20 under the State poultry inspection program or for
21 Federal inspection.

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

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

3 “(a) AUTHORITY TO TAKE OVER STATE POULTRY
4 INSPECTION PROGRAMS.—

5 “(1) NOTIFICATION.—If the Secretary has rea-
6 son to believe that a State is not in compliance with
7 this Act (including the regulations, directives, no-
8 tices, policy memoranda, and other regulatory re-
9 quirements issued under this Act) or the cooperative
10 agreement under section 5(c)(3) and is considering
11 the revocation or temporary suspension of the ap-
12 proval of the State poultry inspection program, the
13 Secretary shall promptly notify and consult with the
14 Governor of the State.

15 “(2) SUSPENSION AND REVOCATION.—

16 “(A) IN GENERAL.—The Secretary may re-
17 voke or temporarily suspend the approval of a
18 State poultry inspection program and take over
19 a State poultry inspection program if the Sec-
20 retary determines that the State poultry inspec-
21 tion program is not in compliance with this Act
22 (including the regulations, directives, notices,
23 policy memoranda, and other regulatory re-
24 quirements issued under this Act) or the coop-
25 erative agreement.

1 “(B) PROCEDURES FOR REINSTATE-
2 MENT.—A State poultry inspection program
3 that has been the subject of a revocation may
4 be reinstated as an approved State poultry in-
5 spection program under this Act only in accord-
6 ance with the procedures under section
7 5(e)(2)(B)(ii).

8 “(3) PUBLICATION.—If the Secretary revokes
9 or temporarily suspends the approval of a State
10 poultry inspection program in accordance with para-
11 graph (2), the Secretary shall publish notice of the
12 revocation or temporary suspension under that para-
13 graph in the Federal Register.

14 “(4) INSPECTION OF ESTABLISHMENTS.—Not
15 later than 30 days after the date of publication of
16 a determination under paragraph (3), an official es-
17 tablishment subject to a State poultry inspection
18 program with respect to which the Secretary makes
19 a determination under paragraph (2) shall be in-
20 spected by the Secretary.

21 “(b) EXPEDITED AUTHORITY TO TAKE OVER IN-
22 SPECTION OF STATE-INSPECTED OFFICIAL ESTABLISH-
23 MENTS.—Notwithstanding any other provision of this
24 title, if the Secretary determines that an official establish-
25 ment operating under a State poultry inspection program

1 is not operating in accordance with this Act (including the
2 regulations, directives, notices, policy memoranda, and
3 other regulatory requirements issued under this Act) or
4 the cooperative agreement under section 5(e)(3), and the
5 State, after notification by the Secretary to the Governor,
6 has not taken appropriate action within a reasonable time
7 as determined by the Secretary, the Secretary may imme-
8 diately determine that the official establishment is an es-
9 tablishment that shall be inspected by the Secretary, until
10 such time as the Secretary determines that the State will
11 meet the requirements of this Act (including the regula-
12 tions, directives, notices, policy memoranda, and other reg-
13 ulatory requirements) and the cooperative agreement with
14 respect to the official establishment.”.

15 (b) RESTAURANTS AND RETAIL STORES, ACCEPT-
16 ANCE OF INTERSTATE SHIPMENTS OF POULTRY PROD-
17 UCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND
18 STATE PROGRAMS.—The Poultry Products Inspection Act
19 (21 U.S.C. 451 et seq.) is amended by inserting after sec-
20 tion 30 the following:

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

22 “(a) LIMITATION ON APPLICABILITY OF INSPECTION
23 REQUIREMENTS.—The provisions of this Act requiring in-
24 spection of the slaughter of poultry and the processing of
25 poultry products shall not apply to operations of types tra-

1 ditionally and usually conducted at retail stores and res-
2 taurants, if the operations are conducted at a retail store,
3 restaurant, or similar retail establishment for sale of such
4 prepared articles in normal retail quantities or for service
5 of the articles to consumers at such an establishment.

6 “(b) CENTRAL KITCHEN FACILITIES.—

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

16 “(2) EXCEPTION.—A facility described in para-
17 graph (1) shall be subject to section 11(b) and may
18 be subject to the inspection requirements of this Act
19 for as long as the Secretary determines to be nec-
20 essary, if the Secretary determines that the sanitary
21 conditions or practices of the facility or the proc-
22 essing procedures or methods at the facility are such
23 that any of the poultry products of the facility are
24 rendered adulterated.

1 **“SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF**
2 **POULTRY PRODUCTS.**

3 “Notwithstanding any provision of State law, a State
4 or local government shall not prohibit or restrict the move-
5 ment or sale of poultry products that have been inspected
6 and passed in accordance with this Act for interstate com-
7 merce.

8 **“SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND**
9 **STATE PROGRAMS.**

10 “The Secretary may appoint advisory committees
11 consisting of such representatives of appropriate State
12 agencies as the Secretary and the State agencies may des-
13 ignate to consult with the Secretary concerning State and
14 Federal programs with respect to poultry product inspec-
15 tion and other matters within the scope of this Act.”.

16 **SEC. 4. REGULATIONS.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act, the Secretary of Agriculture shall pro-
19 mulgate such regulations as are necessary to implement
20 the amendments made by sections 2 and 3.

21 **SEC. 5. EFFECTIVE DATE.**

22 The amendments made by sections 2 and 3 shall take
23 effect on the date that is 180 days after the date of the
24 enactment of this Act.

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