

Amendment No. 2 to SB0123

Watson
Signature of Sponsor

AMEND Senate Bill No. 123*

House Bill No. 394

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-7-213(b), is amended by deleting the subsection and substituting the following:

(b)

(1) The commissioner is authorized to promulgate rules to establish standards for poultry and poultry products, and to prescribe labeling and advertising standards and requirements for poultry and poultry products.

(2) The commissioner shall promulgate rules and appoint qualified personnel as are necessary to establish a state meat inspection program within the department of agriculture to perform inspections required by this part. The rules must establish standards for meat and meat food products, and prescribe labeling and advertising standards and requirements for meat and meat food products. The commissioner shall consult with the department of health and representatives of the meat industry in this state when promulgating rules required by this subdivision (b)(2).

(3) Subdivisions (b)(1) and (2) do not limit the commissioner's authority to prescribe other rules pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 53-7-213(d), is amended by deleting the subsection and substituting the following:

(d)

(1) Except as required by subdivision (d)(2), in promulgating rules pursuant to this part, the commissioner may consider rules and regulations that have been promulgated pursuant to the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) or the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.).

(2) The rules promulgated pursuant to subdivision (b)(2) must conform with the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) and incorporate the regulations compiled at 9 CFR, Chapter III, Subchapters A and E.

(e) The commissioner shall hire:

(1) One (1) state meat inspection program administrator who shall be responsible for:

(A) Compiling documents to demonstrate adoption of, and statutory authority and food safety regulations to run, a meat inspection program; policies to implement inspection activities, sampling programs, humane handling, and compliance programs; civil rights accountability; and a proposed budget;

(B) Submitting the documents listed in subdivision (e)(1)(A), along with any other required documents, to the federal food safety and inspection service (FSIS) of the United States department of agriculture, for the purpose of entering into a cooperative agreement with FSIS for a state meat inspection program; and

(C) Performing other duties concerning the administration of a state meat inspection program, as determined by the commissioner;

(2) One (1) administrative assistant to assist the program administrator in carrying out the program administrator's duties; and

(3) Sufficient staff to inspect:

(A) Livestock that are subject to inspection under this part;

(B) Livestock carcasses, parts of livestock carcasses, and meat food products; and

(C) Sanitary conditions of official establishments in which meat and meat food products are prepared.

SECTION 3. Tennessee Code Annotated, Section 53-7-214, is amended by deleting subsections (a) and (b) and substituting the following:

(a) This part does not apply to any act or transaction subject to regulation under the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.); provided, that inspectors are not excluded from making routine inspections and from taking samples at federally inspected plants for determining compliance with related federal acts and for compliance with state law.

(b) Notwithstanding a law to the contrary, the commissioner may cooperate with the federal government in carrying out this part or the federal Meat Inspection Act for a state inspection program for interstate commerce.

SECTION 4. Tennessee Code Annotated, Title 53, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) The commissioner is designated as the state official responsible for cooperating with the United States secretary of agriculture under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.). The commissioner shall cooperate with the United States secretary of agriculture in developing and administering the meat inspection program of this state under this part to assure that its requirements will be at least equal to those imposed by the federal Meat Inspection Act (21 U.S.C. § 601 et seq.), and in developing and administering the program of this state under this part in a manner that will effectuate the purposes of this part and federal law.

(b) The commissioner may accept from the United States secretary of agriculture advisory assistance in planning and developing the state program, technical

and laboratory assistance and training, and financial and other aid for administration of the program.

(c) The commissioner may spend public funds of this state, subject to appropriation in the general appropriations act, for administration of this part to pay this state's cost of the cooperative programs developed under this section.

(d) The commissioner may recommend to the United States secretary of agriculture such officials or employees of this state as the commissioner designates for appointment to the advisory committee provided for in 21 U.S.C. § 661(a)(4), and the commissioner shall serve as the representative of the governor of this state for consultation with the United States secretary of agriculture under 21 U.S.C. § 661(c), unless the governor designates another representative.

(e) For the purpose of preventing and eliminating burdens on intrastate commerce with respect to meat and meat products, the jurisdiction of the commissioner within the scope of this part is exclusive, and a county or municipal board of health or other county or municipal agency does not have any power or jurisdiction to regulate the slaughtering of any livestock or the processing or transportation of the carcasses or parts thereof or the meat and meat food products of such animals, nor does any county or municipal board of health or other county or municipal agency have any power or jurisdiction with regard to the inspections provided for in this part, nor with respect to any other activity committed to the authority of the commissioner by this part.

(f)

(1) In carrying out this part, the commissioner may cooperate with all other branches of government, county and municipal, and with county and municipal health departments or other agencies and may conduct such examinations, investigations, and inspections as provided for in this part and as the commissioner determines practical through any officer or employee of this state or any municipality or county in this state qualified for such purpose.

(2) The commissioner may contract with any municipal or county health departments to carry out the duties and requirements of this part. Any municipal or county health department may contract with the commissioner for the purpose of meeting the requirements of this part.

(g) This section does not preclude or restrict any municipality or county from the exercise of its police powers with regard to the establishment and maintenance of the facilities at which the activities regulated by this part are conducted.

SECTION 5.

(a) For the purposes of hiring a state meat inspection program director pursuant to Section 53-7-213(e)(1), hiring an administrative assistant pursuant to Section 53-7-213(e)(2), promulgating rules, and taking all other administrative actions necessary to implement this act, this act takes effect upon becoming a law, the public welfare requiring it.

(b) For all other purposes, this act takes effect immediately upon thirty (30) days following receipt from the federal food safety and inspection service (FSIS) of the United States department of agriculture that Tennessee has met the requirements under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) to enter into a cooperative agreement with FSIS for a state meat inspection program.

(c) The state meat inspection program director, or another person designated by the commissioner of agriculture, shall notify the executive secretary of the Tennessee code commission upon receipt from the FSIS that Tennessee has met the requirements under the federal Meat Inspection Act (21 U.S.C. § 601 et seq.) to enter into a cooperative agreement with FSIS for a state meat inspection program.