

118TH CONGRESS
1ST SESSION

S. 846

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.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. ROUNDS (for himself, Mr. KING, Mr. CRAMER, Mr. DAINES, Mr. BARRASSO, Mr. GRASSLEY, Mr. TESTER, Ms. SMITH, Ms. LUMMIS, Mr. THUNE, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 2023”.

1 **SEC. 2. STATE-INSPECTED MEAT.**

2 Section 301 of the Federal Meat Inspection Act (21
3 U.S.C. 661) is amended—

4 (1) by striking the section designation and in-
5 serting the following:

6 **“SEC. 301. SALE OF INSPECTED MEAT AND MEAT FOOD**
7 **PRODUCTS.”;**

8 (2) in subsection (a)—

9 (A) by striking “In furtherance of this poli-
10 cy” in the matter preceding paragraph (1) and
11 all that follows through “(1) The Secretary” in
12 paragraph (1) and inserting the following:

13 “(B) STATE PROGRAMS.—

14 “(i) IN GENERAL.—The Secretary”;

15 (B) by striking “(a) It is” and inserting
16 the following:

17 “(a) STATE MEAT INSPECTION PROGRAM.—

18 “(1) IN GENERAL.—

19 “(A) POLICY.—It is”; and

20 (C) in paragraph (1)(B) (as so des-
21 ignated)—

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

1 (ii) by adding at the end the fol-
 2 lowing:

3 “(ii) INTERSTATE COMMERCE.—

4 “(I) IN GENERAL.—Notwith-
 5 standing any other provision of this
 6 Act, the Secretary may allow the ship-
 7 ment in interstate commerce of car-
 8 casses, parts of carcasses, meat, and
 9 meat food products inspected under
 10 the State meat inspection program de-
 11 scribed in clause (i).

12 “(II) ACCEPTANCE OF INTER-
 13 STATE SHIPMENTS OF MEAT AND
 14 MEAT FOOD PRODUCTS.—Notwith-
 15 standing any provision of State law, a
 16 State or local government shall not
 17 prohibit or restrict the movement or
 18 sale of meat or meat food products
 19 that have been inspected and passed
 20 in accordance with this Act for inter-
 21 state commerce.”;

22 (3) in subsection (b), by striking “(b) The ap-
 23 propriate” and inserting the following:

24 “(b) COOPERATION OF STATE AGENCY.—The appro-
 25 priate”;

1 (4) in subsection (c)—

2 (A) by striking “(c)(1) If the Secretary”

3 and inserting the following:

4 “(c) ENFORCEMENT OF FEDERAL REQUIRE-
5 MENTS.—

6 “(1) DESIGNATION OF STATES.—

7 “(A) IN GENERAL.—If the Secretary”;

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

9 (i) in subparagraph (A) (as so des-
10 ignated)—

11 (I) in the first sentence, by strik-
12 ing “solely for distribution within
13 such State” and inserting “for dis-
14 tribution”; and

15 (II) in the second sentence, by
16 striking “If the Secretary” and insert-
17 ing the following:

18 “(B) DESIGNATION OF STATES.—

19 “(i) IN GENERAL.—Except as pro-
20 vided under clause (ii), if the Secretary”;

21 (ii) in subparagraph (B) (as so des-
22 ignated)—

23 (I) in clause (i) (as so des-
24 ignated)—

1 (aa) in the first sentence, by
2 striking “wholly”; and

3 (bb) by striking “State; *Pro-*
4 *vided*, That if” and inserting the
5 following: “State.

6 “(ii) EXCEPTION.—If”; and

7 (II) in clause (ii) (as so des-
8 ignated)—

9 (aa) in the first sentence—

10 (AA) by striking “such
11 designation” and inserting
12 “a designation made under
13 clause (i)”; and

14 (BB) by striking “he”
15 each place it appears and in-
16 sserting “the Secretary”; and

17 (bb) in the second sentence,
18 by striking “The Secretary shall”
19 and inserting the following:

20 “(C) PUBLICATION OF DESIGNATION.—
21 The Secretary shall”;

22 (iii) in subparagraph (C) (as so des-
23 ignated)—

24 (I) in the first sentence—

1 (aa) by striking “if such”;

2 and

3 (bb) by striking “were”

4 after “transactions”; and

5 (II) in the second sentence, by

6 striking “Thereafter, upon request”

7 and inserting the following:

8 “(D) REVOCATION OF DESIGNATION.—On
9 request”;

10 (iv) in subparagraph (D) (as so des-
11 ignated)—

12 (I) in the first sentence, by strik-
13 ing “such designation” and inserting
14 “a designation made under subpara-
15 graph (B)(i)”;

16 (II) by striking “title IV of this
17 Act: *And provided further*, That, not-
18 withstanding”; and inserting the fol-
19 lowing: “title IV.

20 “(E) ADULTERATED MEAT OR MEAT FOOD
21 PRODUCT.—

22 “(i) IN GENERAL.—Notwithstanding”;

23 and

24 (v) in subparagraph (E) (as so des-
25 ignated)—

- 1 (I) in clause (i) (as so des-
 2 ignated)—
- 3 (aa) in the first sentence—
- 4 (AA) by striking “with-
 5 in such State”; and
- 6 (BB) by striking “sec-
 7 tion 301 of the Act” and in-
 8 serting “this section”; and
- 9 (bb) in the second sentence,
 10 by striking “If the State” and in-
 11 serting the following:
 12 “(ii) ENFORCEMENT.—If the State”;
 13 and
- 14 (II) in clause (ii) (as so des-
 15 ignated), by striking “as though en-
 16 gaged in commerce”;
- 17 (C) in paragraph (2), by striking “(2) The
 18 provisions” and inserting the following:
 19 “(2) EXCEPTIONS TO INSPECTION.—The provi-
 20 sions”;
- 21 (D) in paragraph (3)—
- 22 (i) by striking “(3) Whenever” and in-
 23 serting the following:
 24 “(3) TERMINATION OF DESIGNATION.—If”; and

1 (ii) by striking “he” and inserting
2 “the Secretary”; and

3 (E) in paragraph (4), by striking “(4) The
4 Secretary” and inserting the following:

5 “(4) REPORT.—The Secretary”; and

6 (5) in subsection (d), by striking “(d) As used
7 in” and inserting the following:

8 “(d) DEFINITION OF STATE.—In”.

9 **SEC. 3. STATE-INSPECTED POULTRY PRODUCTS.**

10 Section 5 of the Poultry Products Inspection Act (21
11 U.S.C. 454) is amended—

12 (1) by striking the section heading and designa-
13 tion and inserting the following:

14 **“SEC. 5. SALE OF INSPECTED POULTRY PRODUCTS.”;**

15 (2) in subsection (a)—

16 (A) by striking “In furtherance of this pol-
17 icy” in the matter preceding paragraph (1) and
18 all that follows through “(1) The Secretary” in
19 paragraph (1) and inserting the following:

20 “(B) STATE PROGRAMS.—

21 “(i) IN GENERAL.—The Secretary”;

22 (B) by striking “(a) It is” and inserting
23 the following:

24 “(a) STATE POULTRY PRODUCT INSPECTION PRO-
25 GRAM.—

1 “(1) IN GENERAL.—

2 “(A) POLICY.—It is”; and

3 (C) in paragraph (1)(B) (as so des-
4 ignated)—

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

9 (ii) by adding at the end the fol-
10 lowing:

11 “(ii) INTERSTATE COMMERCE.—

12 “(I) IN GENERAL.—Notwith-
13 standing any other provision of this
14 Act, the Secretary may allow the ship-
15 ment in interstate commerce of poul-
16 try products inspected under the State
17 poultry product inspection program
18 described in clause (i).

19 “(II) ACCEPTANCE OF INTER-
20 STATE SHIPMENTS OF POULTRY
21 PRODUCTS.—Notwithstanding any
22 provision of State law, a State or local
23 government shall not prohibit or re-
24 strict the movement or sale of poultry
25 products that have been inspected and

1 passed in accordance with this Act for
2 interstate commerce.”;

3 (3) in subsection (b), by striking “(b) The ap-
4 propriate” and inserting the following:

5 “(b) COOPERATION OF STATE AGENCY.—The appro-
6 priate”;

7 (4) in subsection (c)—

8 (A) by striking “(c)(1) If the Secretary”
9 and inserting the following:

10 “(c) ENFORCEMENT OF FEDERAL REQUIRE-
11 MENTS.—

12 “(1) DESIGNATION OF STATES.—

13 “(A) IN GENERAL.—If the Secretary”;

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

15 (i) in subparagraph (A) (as so des-
16 ignated)—

17 (I) in the first sentence, by strik-
18 ing “solely for distribution within
19 such State” and inserting “for dis-
20 tribution”; and

21 (II) in the second sentence, by
22 striking “If the Secretary” and insert-
23 ing the following:

24 “(B) DESIGNATION OF STATES.—

- 1 “(i) IN GENERAL.—Except as pro-
2 vided under clause (ii), if the Secretary”;
3 (ii) in subparagraph (B) (as so des-
4 ignated)—
5 (I) in clause (i) (as so des-
6 ignated)—
7 (aa) in the first sentence, by
8 striking “wholly”; and
9 (bb) by striking “State: *Pro-*
10 *vided*, That if” and inserting the
11 following: “State.
12 “(ii) EXCEPTION.—If”; and
13 (II) in clause (ii) (as so des-
14 ignated)—
15 (aa) in the first sentence—
16 (AA) by striking “such
17 designation” and inserting
18 “a designation made under
19 clause (i)”; and
20 (BB) by striking “he”
21 each place it appears and in-
22 serting “the Secretary”; and
23 (bb) in the second sentence,
24 by striking “The Secretary shall”
25 and inserting the following:

1 “(C) PUBLICATION OF DESIGNATION.—
2 The Secretary shall”;

3 (iii) in subparagraph (C) (as so des-
4 ignated)—

5 (I) in the first sentence—

6 (aa) by striking “if such”;

7 and

8 (bb) by striking “were”

9 after “transactions”; and

10 (II) in the second sentence, by

11 striking “However, notwithstanding”

12 and inserting the following:

13 “(D) ADULTERATED POULTRY PROD-
14 UCT.—

15 “(i) IN GENERAL.—Notwithstanding”;

16 and

17 (iv) in subparagraph (D) (as so des-

18 ignated)—

19 (I) in clause (i) (as so des-

20 ignated)—

21 (aa) in the first sentence—

22 (AA) by striking “with-

23 in such State”; and

24 (BB) by striking “sub-

25 paragraph (a)(4) of this sec-

1 tion” and inserting “sub-
2 section (a)(4)”;

3 (bb) in the second sentence,
4 by striking “If the State” and in-
5 serting the following:

6 “(ii) ENFORCEMENT.—If the State”;

7 and

8 (II) in clause (ii) (as so des-
9 ignated), by striking “as though en-
10 gaged in commerce”;

11 (C) in paragraph (2), by striking “(2) The
12 provisions” and inserting the following:

13 “(2) EXCEPTIONS TO INSPECTION.—The provi-
14 sions”;

15 (D) in paragraph (3), by striking “(3)
16 Whenever” and inserting the following:

17 “(3) TERMINATION OF DESIGNATION.—If”;

18 (E) in paragraph (4), by striking “(4) The
19 Secretary” and inserting the following:

20 “(4) REPORT.—The Secretary”;

21 (5) in subsection (d), by striking “(d) As used
22 in” and inserting the following:

23 “(d) DEFINITION OF STATE.—In”.

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