

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Meat and Poultry Inspection Act is amended  
5 by changing Section 5 as follows:

6 (225 ILCS 650/5) (from Ch. 56 1/2, par. 305)

7 Sec. 5. Exemptions; producers, retailers, and poultry  
8 raisers. ~~Exemptions — Producers, Retailers, and Poultry~~  
9 ~~Raisers.~~

10 The following types of establishments are exempt from the  
11 specific provisions of this Act:

12 (A) A "producer" means any person engaged in producing  
13 agricultural products, for personal or family use, on  
14 whose farm the number of animals or poultry is in keeping  
15 with the size of the farm or with the volume or character  
16 of the agricultural products produced thereon, but does  
17 not mean any person engaged in producing agricultural  
18 products who:

19 1. actively engages in buying or trading animals  
20 or poultry or both; or

21 2. actively engages directly or indirectly in  
22 conducting a business which includes the slaughter of  
23 animals or poultry or both, for human food purposes;

1           or

2           3. actively engages, directly or indirectly, in  
3           canning, curing, pickling, freezing, salting meat or  
4           poultry, or in preparing meat or poultry products for  
5           sale.~~7. or~~

6           ~~4. slaughters or permits any person to slaughter~~  
7           ~~on his or their farm animals or poultry not owned by~~  
8           ~~the producer for more than 30 days.~~

9           (A-5) Retail dealers or retail butchers with respect  
10          to meat or poultry products sold directly to consumers in  
11          retail stores; provided, that the only processing  
12          operation performed by such retail dealers or retail  
13          butchers is the cutting up of meat or poultry products  
14          which have been inspected under the provisions of this Act  
15          and is incidental to the operation of the retail food  
16          store.

17          (B) Poultry raisers with respect to poultry raised on  
18          their own farms or premises if:

19           (a) ~~if~~ such raisers slaughter, eviscerate, or  
20           further process not more than 7,500 ~~5,000~~ poultry  
21           during the calendar year for which this exemption is  
22           being granted;

23           (b) such poultry raisers do not engage in buying  
24           or selling poultry products other than those produced  
25           from poultry raised on their own farms or premises;

26           (c) such poultry or poultry products are

1           slaughtered, otherwise prepared, sold or delivered to  
2           the consumer on or from the premises for which the  
3           exemption is given, including sales at the poultry  
4           raiser's farm, at a farmers' market, at a roadside  
5           stand, or through delivery to the consumer;

6           (d) such slaughter or preparation shall be  
7           performed in sanitary facilities, in a sanitary  
8           manner, and subject to periodic inspection by  
9           Department personnel;

10          (e) persons desiring such exemptions shall submit  
11          in writing a request to the Department;

12          (f) there is at least one person who is  
13          responsible for all periods of operation for the  
14          premises for which the exemption is given who has  
15          successfully obtained a certification as a Certified  
16          Food Protection Manager from a program that is  
17          accredited by the American National Standards  
18          Institute;

19          (g) the poultry products are labeled in at least  
20          10-point font to include the producer's name and  
21          address, the date on which the poultry product was  
22          processed, and the statement "NOT INSPECTED-Exempt  
23          P.L. 90-492";

24          (h) at the point of sale, notice is provided in a  
25          prominent location and states the following: "These  
26          poultry products were processed in an on-farm facility

1       that is exempt from continuous inspection by the  
2       Illinois Department of Agriculture or the United  
3       States Department of Agriculture.". A notice on a  
4       physical display shall be prominently displayed on a  
5       placard in at least 18-point font. A notice displayed  
6       online shall be displayed in the form of a message on  
7       the farm's online sales interface at the point of  
8       sale;

9           (i) at the point of sale at farmers' markets,  
10       information in the form of a placard, flyer, or  
11       product label shall be provided to consumers regarding  
12       safe handling instructions for poultry or poultry  
13       products produced under this Section as described in 9  
14       CFR 381.125(b) with the rationale statement provided  
15       in 9 CFR 381.125(b) (2) (ii);

16       (j) poultry and poultry products produced under  
17       this Section shall be maintained at temperatures as  
18       provided in Section 3.3 of the Food Handling  
19       Regulation Enforcement Act during storage,  
20       transportation, shipping, and delivery; and

21       (k) poultry or poultry products produced under  
22       this Section that are sold, offered for sale, or  
23       otherwise distributed at farmers' markets shall be  
24       sealed in a watertight or leakproof bag or other  
25       watertight or leakproof packaging.

26       An ~~The~~ exemption under this Section shall be effective

1       upon written notice from the Department and shall remain  
2       in effect for a period of 2 years, unless revoked.  
3       Adequate records must be maintained to assure that not  
4       more than the number of exempted poultry are slaughtered  
5       or processed in one calendar year. Such records shall be  
6       kept for one year following the termination of each  
7       exemption. Any advertisement regarding the exempt poultry  
8       or poultry products shall reflect the fact of exemption so  
9       as not to mislead the consumer to presume official  
10      inspection has been made under the Meat and Poultry  
11      Inspection Act.

12      (Source: P.A. 91-170, eff. 1-1-00; 91-614, eff. 1-1-00; 92-16,  
13      eff. 6-28-01.)