

Calendar No. 584

111TH CONGRESS
2^D SESSION

S. 3767

To establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2010

Mr. LEAHY (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. KOHL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 23, 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

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 “~~Food Safety Account-~~
5 ~~ability Act of 2010~~”.

1 **SEC. 2. CRIMINAL PENALTIES.**

2 (a) **IN GENERAL.**—Chapter 47 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1041. Misbranded and adulterated food**

6 “(a) **IN GENERAL.**—It shall be unlawful for any per-
7 son to knowingly—

8 “(1) introduce or deliver for introduction into
9 interstate commerce any food that is adulterated or
10 misbranded; or

11 “(2) adulterate or misbrand any food in inter-
12 state commerce.

13 “(b) **PENALTY.**—Any person who violates subsection
14 (a) shall be fined under this title, imprisoned for not more
15 than 10 years, or both.”

16 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
17 The table of sections for chapter 47 of title 18, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

“1041. Misbranded and adulterated food.”

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Food Safety Account-*
22 *ability Act of 2010”.*

23 **SEC. 2. CRIMINAL PENALTIES.**

24 *Section 303(a) of the Federal Food, Drug, and Cos-*
25 *metic Act (21 U.S.C. 333(a)) is amended—*

1 (1) in paragraph (1), by striking “Any” and in-
2 serting “Except as provided in paragraph (2) or (3),
3 any”;

4 (2) in paragraph (2), by striking “Notwith-
5 standing the provisions of paragraph (1) of this sec-
6 tion, if” and inserting “If”; and

7 (3) by adding at the end the following:

8 “(3) Any person who knowingly violates subsection (a),
9 (b), (c), (k), or (v) of section 301 with respect to any food
10 and with conscious or reckless disregard of a risk of death
11 or serious bodily injury shall be fined under title 18, United
12 States Code, imprisoned for not more than 10 years, or
13 both.”.

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