To provide the Food and Drug Administration with authority to conduct microbial sampling on concentrated animal feeding operations as necessary to facilitate a foodborne illness outbreak investigation, determine the root cause of an outbreak of foodborne illness, or address other public health needs.

IN THE SENATE OF THE UNITED STATES

Mr. Booker introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

To provide the Food and Drug Administration with authority to conduct microbial sampling on concentrated animal feeding operations as necessary to facilitate a foodborne illness outbreak investigation, determine the root cause of an outbreak of foodborne illness, or address other public health needs.

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 “Expanded Food Safety
5 Investigation Act of 2023”.

SEC. 2. MICROBIAL SAMPLING ON CONCENTRATED ANIMAL FEEDING OPERATIONS.

(a) In general.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 425. MICROBIAL SAMPLING ON CONCENTRATED ANIMAL FEEDING OPERATIONS.

“(a) In general.—The Secretary may request access to a concentrated animal feeding operation in order to conduct microbial sampling, if the Secretary determines that such microbial sampling is necessary in order to facilitate a foodborne illness outbreak investigation, determine the root cause of an outbreak of foodborne illness, or address other public health needs.

“(b) Granting of reasonable access.—A concentrated animal feeding operation that receives a request for access under subsection (a) shall provide reasonable access to the Secretary to conduct such microbial sampling, including sampling of plants, animals, water, and the environment, as the Secretary determines appropriate to address the public health need. Such operation may place reasonable conditions on access to the operation, including by specifying a time, place, and manner for sampling, provided that any such conditions do not prevent the Secretary from conducting appropriate sampling within a reasonable period of time.
“(c) Authority Over Foods Regulated by the Secretary of Agriculture.—Nothing in this section shall be construed to impose additional requirements by the Secretary, beyond microbial sampling, with respect to food that is within the jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

“(d) Coordination With Other Public Health Agencies.—The Secretary shall ensure that data collected under this section are made available to the Secretary of Agriculture and relevant State and Federal public health agencies in order to facilitate work in detecting, investigating, or preventing foodborne illness. Nothing in this section shall be construed to limit the rights and exemptions otherwise available under section 552 of title 5, United States Code.

“(e) Definition.—In this section, the term ‘concentrated animal feeding operation’ has the meaning given such term in section 122.23(b) of title 40, Code of Federal Regulations (or any successor regulations).”.

(b) Enforcement.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:
“(jjj) The refusal to provide reasonable access for microbrial sampling in accordance with section 425.”.