

112TH CONGRESS  
1ST SESSION

# S. 216

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IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To increase criminal penalties for certain knowing and intentional 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Food Safety Account-  
3 ability Act of 2011”.

4 **SEC. 2. CRIMINAL PENALTIES.**

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

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

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

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

14 “(3) Any person who violates subsection (a), (b), (c),  
15 or (k) of section 301 with respect to any food—

16 “(A) knowingly and intentionally to defraud or  
17 mislead; and

18 “(B) with conscious or reckless disregard of a  
19 risk of death or serious bodily injury,

20 shall be fined under title 18, United States Code, impris-  
21 oned for not more than 10 years, or both.”.

Passed the Senate April 4, 2011.

Attest:

NANCY ERICKSON,

*Secretary.*