

Legislation

Public Health Security and Bioterrorism Preparedness and Response Act of 2002

On June 12, 2002, the President signed into law the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (the Bioterrorism Act; Public Law 107-188).

The Bioterrorism Act contains provisions intended to protect the Nation's food supply from bioterrorism and food-borne illnesses. The Act also authorizes the Secretary of Health and Human Services to issue regulations to carry out these provisions.

Members of the alcohol beverage industry should note that, for purposes of the Bioterrorism Act, *the term "food" includes alcohol beverages*.

The Bioterrorism Act requires that:

- All domestic and foreign food facilities that manufacture, process, pack, or hold food for consumption in the United States must register with the Food and Drug Administration (FDA) by December 12, 2003.
- All food importers must give prior notice to the FDA of food to be imported or offered for import into the United States after December 12, 2003.
- All domestic persons who manufacture, process, pack, transport,

distribute, receive, hold, or import food for consumption in the United States, and foreign facilities that manufacture, process, pack, or hold food for import into the United States, must establish and maintain records identifying the immediate previous source(s) and immediate subsequent recipient(s) of their food.

The Bioterrorism Act also authorizes the administrative detention of food by FDA officials if there is credible evidence or information that such food presents a serious health risk to humans or animals.

These provisions of the Bioterrorism Act do not apply to farms, restaurants, retail food establishments, or nonprofit food establishments in which food is prepared or served directly to the consumer. Also, the foreign facilities registration requirement is limited to facilities whose food is exported to the United States without further processing or packaging outside of the United States.

The FDA will soon issue proposed regulations to carry out the food facility registration, prior import notice, recordkeeping, and administrative detention provisions discussed above. For more information on the Bioterrorism Act and its related regulations, visit the FDA Internet Web site at <http://www.fda.gov>.