AMENDMENT TO SENATE BILL 213

AMENDMENT NO. _____. Amend Senate Bill 213, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Commercial Feed Act of 1961 is amended by changing Sections 3 and 7, and by adding Sections 6.5 and 9.5 as follows:

(505 ILCS 30/3) (from Ch. 56 1/2, par. 66.3)

Sec. 3. Definitions of words and terms. When used in this Act unless the context otherwise requires:

(a) The term "person" means any individual, partnership, corporation and association.

(b) The term "distribute" means to offer for sale, sell, exchange, give away or barter commercial feed or to supply, furnish or otherwise provide commercial feed to a contract feeder.

(c) The term "distributor" means any person who distributes.

(d) The term "commercial feed" means all materials, including customer formula feeds, which are distributed for use as feed, or labeled with a guaranteed analysis for use as feed, or for mixing in feed for birds or animals other than

man except:

(1) Whole unmixed seed or grain or physically altered entire unmixed seed or grain, providing such seed or grain is not adulterated within the meaning of Section 7 of this Act.

(2) Unground hay, straw, stover, silage, cobs, husks and hulls when not mixed with other materials and not adulterated within the meaning of Section 7 of this Act.

(3) Individual chemical compounds when not mixed with other materials and not adulterated within the meaning of Section 7 of this Act.

(e) The term "feed ingredient" means each of the constituent materials making up a commercial feed.

(f) The term "mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(g) The term "drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal's body.

(h) The term "customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which mixture is mixed according to the specific instructions of the final purchaser.

(i) The term "manufacture" means to grind, mix or blend or further process a commercial feed for distribution.

(j) The term "brand name" means any word, name, symbol, device, or any combination thereof, identifying the commercial feed of a distributor or manufacturer and distinguishing it from that of others.

(k) The term "product name" means the name of the

commercial feed which identifies it as to kind, class, or specific use.

(l) The term "label" means a display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed or customer-formula feed is distributed.

(m) The term "ton" means a net weight of 2000 pounds avoirdupois.

(n) The term "per cent" or "percentage" means percentage by weight.

(o) The term "official sample" means any sample of feed taken by the Director or his agent and designated as "official" by the Director or his agent.

(p) The term "contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits or amount or quality of product.

(q) The term "seed" means agricultural, grass, vegetable or other seeds as determined by the Department.

(r) The term "grain" means corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans, mixed grain, and any other food grains, feed grains, and oilseeds for which standards are established under the United States Grain Standards Act.

(s) The term "pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

(t) The term "specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(u) The term "specialty pet" means any animal normally

maintained in confinement, including but not limited to, gerbils, hamsters, birds, fish, snakes, turtles, and zoo animals.

(v) The term "animal" means any living creature, domestic or wild, but does not include man.

(w) The term "Department" means the Department of Agriculture of the State of Illinois.

(x) The term "Director" means the Director of the Department of Agriculture of the State of Illinois or duly authorized representative.

(y) The term "ruminant" includes any member of the order of animals that has a stomach with 4 chambers (rumen, reticulum, omasum, and abomasum) through which feed passes in digestion. The order includes, but is not limited to, cattle, buffalo, sheep, goats, deer, elk, and antelopes.

(z) The term "protein derived from mammalian tissues" means any protein-containing portion of mammalian animals, excluding: blood and blood products; gelatin; inspected meat products that have been cooked and offered for human food and further heat processed for feed (such as plate waste and used cellulosic food casings); milk products (milk and milk proteins); and any product whose only mammalian protein consists entirely of porcine or equine protein.

(aa) The term "nonmammalian protein" includes proteins from nonmammalian animals and plants.

(Source: P.A. 87-664.)

(505 ILCS 30/6.5 new)

Sec. 6.5. Record keeping requirements for certain manufacturers and distributors. Manufacturers and distributors that are subject to this Act and manufacture, blend, or distribute products that contain or may contain protein derived from mammalian tissues and that are intended for use in animal feed must maintain records sufficient to

track these materials throughout their receipt, processing, and distribution and, upon request, must make these records available for inspection and copying by the Department. The Department must adopt any rules necessary to implement the requirements of this Section.

(505 ILCS 30/7) (from Ch. 56 1/2, par. 66.7)

Sec. 7. Adulteration. A commercial feed is adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the commercial feed shall not be considered adulterated if the quantity of the substance in such commercial feed does not ordinarily render it injurious to health.

(b) If it bears or contains any poisonous, deleterious or non-nutritive ingredient that has been added in sufficient amount to render it unsafe within the meaning of Section 406 of the Federal Food, Drug and Cosmetic Act, other than one which is a pesticide chemical in or on a raw agricultural commodity or a food additive.

(c) If it is, bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug and Cosmetic Act.

(d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 of the Federal Food, Drug and Cosmetic Act, provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug and Cosmetic Act and the raw agricultural commodity has been subjected to processing, such as, canning, cooking, freezing, dehydrating or milling, the residue of the pesticide chemical remaining in or on the processed feed shall not be deemed unsafe if such residue in

or on the raw agricultural commodity has been removed to the extent possible by good manufacturing practices as adopted and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity, unless the feeding of the processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408 of the Federal Food, Drug and Cosmetic Act.

(e) If it is, bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act.

(f) If it contains a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the Director to assure that the drug meets the requirements of this Act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating these regulations, the Director shall adopt the current good manufacturing practice regulations for Type A medicated articles and Type B and Type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless he determines that they are not appropriate to the conditions which exist in this State.

(g) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(h) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(i) If it contains weed seeds in amounts exceeding the limits established by regulation.

(j) If it contains protein derived from mammalian tissues and is used or intended to be used in ruminant feed or contains other material known to cause or be associated with bovine spongiform encephalopathy or a transmissible spongiform encephalopathy.

(Source: P.A. 87-664.)

(505 ILCS 30/9.5 new)

Sec. 9.5. Inspection of licensees. Every 90 days, the Department must inspect each facility of persons subject to licensure under Section 4 of this Act and that manufactures or distributes commercial feed containing protein derived from mammalian tissues. At each 90-day inspection, the Department must specifically inspect for the presence or absence of commercial feed mixed with or containing protein derived from mammalian tissues. At each inspection, the Department may inspect for any other violation of this Act or its rules.

A facility otherwise subject to the requirements of the Act is exempt from the inspection requirements of this Section if it annually submits to the Department an affidavit, signed by its owner or chief operating officer, stating under oath that the facility does not handle, mix, process, blend, or distribute feed or feed ingredients containing protein derived from mammalian tissues. If at any time after submitting this affidavit a facility handles, mixes, processes, blends, or distributes feed or feed ingredients containing protein derived from mammalian tissues, that facility must within 7 days notify the Department, which shall begin the 90-day inspections under this Section as to this facility.

Unless authorized by law, the 90-day inspection requirements imposed by this Section shall terminate 3 years after the effective date of this amendatory Act of the 92nd

General Assembly.

The Department must adopt any rules necessary to implement the requirements of this Section.

Section 99. Effective date. This Act takes effect upon becoming law.".