SB1799

LRB09908003MGM28143b

99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1799

Introduced 2/20/2015, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

505 ILCS 30/3	from Ch. 56 1/2, par. 66.3
505 ILCS 30/4	from Ch. 56 1/2, par. 66.4
505 ILCS 30/4.5 new	
505 ILCS 30/5	from Ch. 56 1/2, par. 66.5
505 ILCS 30/5.5 new	
505 ILCS 30/6	from Ch. 56 1/2, par. 66.6
505 ILCS 30/7	from Ch. 56 1/2, par. 66.7
505 ILCS 30/9	from Ch. 56 1/2, par. 66.9
505 ILCS 30/11	from Ch. 56 1/2, par. 66.11
505 ILCS 30/11.1	from Ch. 56 1/2, par. 66.11-1
505 ILCS 30/12	from Ch. 56 1/2, par. 66.12
505 ILCS 30/13	from Ch. 56 1/2, par. 66.13
505 ILCS 30/14.1	from Ch. 56 1/2, par. 66.14.1
505 ILCS 30/14.2	from Ch. 56 1/2, par. 66.14.2
505 ILCS 30/14.3	from Ch. 56 1/2, par. 66.14.3

Amends the Illinois Commercial Feed Act of 1961. Removes a requirement that each commercial feed shall be registered before being distributed in this State. Provides that, to facilitate continued access to markets for feed and feed ingredients, the Director may inspect, audit, or certify commercial feed manufacturer or distributer facilities at the request of the manufacturer or distributor and issue certificates of export from the State. Establishes new requirements for labeling and authorizes the Director to perform label review. Makes changes concerning inspections and fees. Establishes new prohibitions under the Act. Establishes new criteria to consider commercial feed as adulterated. Alphabetizes definitions. Defines "labeling", "pet", "quantity statement", and "raw milk". Makes other changes. Effective January 1, 2016.

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A BILL FOR

AN ACT concerning agriculture.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Commercial Feed Act of 1961 is amended by changing Sections 3, 4, 5, 6, 7, 9, 11, 11.1, 12, 13, 14.1, 14.2, and 14.3 and by adding Sections 4.5 and 5.5 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:

"Animal" means any living creature, domestic or wild, but does not include man.

"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.

"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.

"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.

"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.

"Department" means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Department of Agriculture of the State of Illinois or duly authorized representative.

"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.

"Distributor" means any person who distributes.

"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.

"Feed ingredient" means each of the constituent materials making up a commercial feed.

"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.

"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.

"Labeling" means all labels and other written, printed, or graphic matter (1) upon a commercial feed or any of its containers or wrapper or (2) accompanying such commercial feed.

"Manufacture" means to grind, mix or blend or further process a commercial feed for distribution.

"Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

"Official sample" means any sample of feed taken by the Director or his agent and designated as "Official" by the Director or his agent.

"Person" means any individual, partnership, corporation

and association.

"Per cent" or "percentage" means percentage by weight.

"Pet" means dog or cat.

"Pet food" means any commercial feed prepared and distributed for consumption by dogs and cats.

"Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.

"Quantity statement" means the net weight, liquid measure, or count.

"Raw milk" means any milk or milk product, exclusive of USDA licensed veterinary biologics, from any species other than humans, that has not been pasteurized in accordance with processes recognized by the United States Food and Drug Administration.

"Seed" means agricultural, grass, vegetable or other seeds as determined by the Department.

"Specialty pet" means any animal normally maintained in confinement, including but not limited to, gerbils, hamsters, birds, fish, snakes, turtles, and zoo animals.

"Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

"Ton" means a net weight of 2000 pounds avoirdupois.

~~(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.~~

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

(505 ILCS 30/4) (from Ch. 56 1/2, par. 66.4)

Sec. 4. ~~Product Registration and~~ Firm License.

(a) No person who manufactures feed in this State or whose name appears on the label shall distribute a commercial feed unless the person has secured a license under this Act on forms provided by the Department which identify the name and address of the firm and the location of each manufacturing facility of that firm within this State. An application for the license shall be accompanied by a fee of $30 for each year or any portion thereof. All firm licenses shall expire December 31 of each year. ~~Each commercial feed shall be registered before being distributed in this State, provided, however, that customer formula feeds are exempt from registration.~~ The application for <u>license</u> ~~registration~~ shall be submitted to the Director on forms furnished or acceptable to the Director. ~~The registration shall be accompanied by a label and such other information as the Director may require describing the product. All registrations are permanent unless amended or cancelled by the registrant.~~

(b) <u>(Blank).</u> ~~A distributor shall not be required to~~

~~register any product which is already registered under this Act by another person, unless the product has been repackaged or relabelled.~~

(c) (Blank). ~~Changes in the guarantee of either chemical or ingredient composition of a registered product may be permitted provided that such changes would not result in a lowering of the feeding value of the product for the purpose for which designed.~~

(d) The Director is empowered to refuse ~~a product registration or~~ a firm license not in compliance with the provisions of this Act and to suspend or revoke any ~~product registration or~~ firm license subsequently found not to be in compliance with any provision of this Act; provided, however, that no ~~product registration or~~ firm license shall be refused or revoked until an opportunity has been afforded the respondent to be heard before the Director.

(Source: P.A. 96-1310, eff. 7-27-10.)

(505 ILCS 30/4.5 new)

Sec. 4.5. Certificates.

To facilitate continued access to markets for feed and feed ingredients, the Director may:

(1) inspect, audit, or certify commercial feed manufacturer or distributer facilities at the request of the manufacturer or distributor to the extent authorized by this Act, or on the basis of other records voluntarily

supplied by the manufacturer or distributor;

(2) issue certificates under paragraph (1), including, but not limited to, certificates of export from the State;

(3) adopt rules to inspect, audit, or certify and issue certificates under this Section; and

(4) include and collect a schedule of fees that addresses all activities required under this Section.

The fees imposed under paragraph (4) shall not duplicate those established under other Sections of this Act.

(505 ILCS 30/5) (from Ch. 56 1/2, par. 66.5)

Sec. 5. Labeling.

(a) Any commercial feed, except customer-formula feed, distributed in this State shall be accompanied by a legible label bearing the following information:

(1) The quantity statement ~~The net weight~~.

(2) The product and brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis of the commercial feed stated in terms as the Director determines by regulation, that are necessary to advise the consumer of the composition of the commercial feed or to support claims made in the labeling. The substances or elements must be determinable by laboratory methods as published by the Association of Official Analytical Chemists or other recognized methods as adopted in Section 9. When any items

are guaranteed, they shall be subject to inspection and analysis by the Director.

(4) The common or usual names of each ingredient used in the manufacture of the commercial feed, except as the Director may, by regulation, permit the use of a collective term for a group of ingredients which perform similar functions.

(5) The name and principal address of the person responsible for distributing the commercial feed.

(6) Directions for use for all commercial feeds containing drugs and adequate directions for other commercial feeds as the Director determines necessary for their safe and effective use.

(7) Such precautionary statements as the Director determines necessary for the safe and effective use of the commercial feed.

(b) A customer-formula feed shall be accompanied by a label, invoice, delivery slip or other shipping document, bearing the following information:

(1) Name and address of the manufacturer.

(2) Name and address of the purchaser.

(3) Date of delivery or sale.

(4) The name of the product and brand name, if any, and the net weight of each commercial feed and each other ingredient used in the mixture.

(5) Directions for use and precautionary statements

for medicated and non-medicated feeds as necessary for their safe and effective use.

(6) The directions for use and precautionary statements, as required by rule.

(7) If a drug-containing product is used:

(A) the purpose of the medication (claim statement); and

(B) the established name of each active drug ingredient and the level of each drug used in the final mixture expressed, in accordance with Department rules.

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

(505 ILCS 30/5.5 new)

Sec. 5.5. Request for label review.

(a) The Director shall:

(1) adopt rules establishing procedures that allow a licensee to submit a product label to the Director for review;

(2) review each product label submitted by a licensee to determine compliance with the labeling requirements of this Act;

(3) make a detailed report to the licensee regarding changes to the label required for compliance with the Department's rules; and

(4) provide the licensee with the advice that the

Director considers necessary to enable the licensee to comply with the Department's labeling rules.

(b) The Director may not charge a fee for a review, a report, or advice under this Section.

(505 ILCS 30/6) (from Ch. 56 1/2, par. 66.6)

Sec. 6. Inspection fees and reports.

(a) An inspection fee at the rate of 30 cents per ton shall be paid to the Director on commercial feed distributed in this State by the person who first distributes the commercial feed subject to the following:

(1) The inspection fee is not required on the first distribution, if made to an Exempt Buyer, who with approval from the Director, will become responsible for the fee.

(2) Customer-formula feeds are hereby exempted if the inspection fee is paid on the commercial feeds which they contain.

(3) A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

(4) In the case of pet food and specialty pet food which are distributed in the State in packages of 10 pounds or less, an annual fee of $50 ~~$90~~ shall be paid in lieu of an inspection fee. The inspection fee required by subsection (a) shall apply to pet food and specialty pet food distribution in packages exceeding 10 pounds. All fees collected pursuant to this Section shall be paid into the

Feed Control Fund in the State Treasury.

(b) The minimum inspection fee shall be $25 every 6 months.

(c) Each person who is liable for the payment of the inspection fee shall:

(1) File, not later than the last day of January and July of each year, a statement setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar 6 months period; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this Section. This report shall be made on a summary form provided by the Director or on other forms as approved by the Director. If the tonnage report is not filed and the inspection fee is not paid within 15 days after the end of the filing date a collection fee amounting to 10% of the inspection fee that is due or $50 whichever is greater, shall be assessed against the person who is liable for the payment of the inspection fee in addition to the inspection fee that is due.

(2) Keep such records as may be necessary or required by the Director to indicate accurately the tonnage of commercial feed distributed in this State, and the Director shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for

the cancellation of ~~all registrations or~~ firm licenses on file for the manufacturer or distributor.

(d) The Director may by rule exempt a person from paying an inspection fee on commercial feed that the person manufactures or distributes solely for investigational, experimental, or laboratory use by qualified persons, if the investigation or experiment is conducted in the public interest.

(e) Except as otherwise provided by this Section, the inspection fee is 30 cents per ton of commercial feed. The Director shall reduce the inspection fee by increments of 2 cents when the balance of the Feed Control Fund exceeds one-half the projected operating expenses of the Department's feed division operations for the next fiscal year.

(Source: P.A. 96-1310, eff. 7-27-10.)

(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 is, bears, or contains any new animal drug that is considered unsafe under Section 512 of the federal Food, Drug, and Cosmetic Act.

(k) If it consists, in whole or in part, of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed.

(l) If it has been prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(m) If it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter that is considered unsafe under Section 402 (a)(1) or (2) of the federal Food, Drug, and Cosmetic Act.

(n) If its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

(o) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect under Section 409 of the federal Food, Drug, and Cosmetic Act.

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

(505 ILCS 30/9) (from Ch. 56 1/2, par. 66.9)

Sec. 9. Inspection, sampling and analysis.

(a) For the purpose of enforcement of this Act, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to its provisions, officers, or employees duly designated by the

Director, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, during normal business hours, any factory, warehouse, or establishment within the State in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold feeds; and (2) to inspect any factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include the verification of only the records, and production and control procedures as may be necessary to determine compliance with the Good Manufacturing Practice Regulations established under Section 10(d) or other provisions of this Act.

(b) A separate notice shall be given for each inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

(c) If the officer or employee making the inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) If the owner of any factory, warehouse, or establishment described in subsection (a), or his agent, refuses to admit the Director or his agent to inspect in accordance with subsections (a) and (b), the Director is authorized to obtain from any State Court a warrant directing the owner or his agent to submit the premises, records, vehicles, and any items described in the warrant to inspection.

(e) For the enforcement of this Act, the Director or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

(f) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other recognized methods.

(g) The results of all analyses of official samples shall be forwarded by the Director to the person named on the label. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within 30 days following the receipt of the analysis, the Director shall furnish to the licensee ~~registrant~~ a portion of the sample concerned.

(h) The Director, in determining for administrative purposes whether a commercial feed is deficient in any

component, shall be guided by the official sample obtained and analyzed as provided for in this Act.

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

(505 ILCS 30/11) (from Ch. 56 1/2, par. 66.11)

Sec. 11. Detained commercial feeds.

(a) "Withdrawal from distribution" orders: When the Director or his authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this Act or of any of the prescribed regulations under this Act, he may issue and enforce a written or printed "withdrawal from distribution" order, warning the licensee ~~registrant~~ or distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the Director or the Court. The Director shall release the lot of commercial feed so withdrawn when the provisions and regulations have been complied with. If compliance is not obtained within 30 days, the Director may begin, or upon request of the distributor or licensee ~~registrant~~ shall begin, proceedings for condemnation.

(b) Condemnation and confiscation: Any lot of commercial feed not in compliance with the provisions and regulations shall be subject to seizure on complaint of the Director to a court of competent jurisdiction in the county in which the commercial feed is located. In the event the court finds the commercial feed to be in violation of this Act and orders the

condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the State: Provided, that in no instance shall the disposition of the commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or re-label the commercial feed to bring it into compliance with this Act.

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

(505 ILCS 30/11.1) (from Ch. 56 1/2, par. 66.11-1)

Sec. 11.1. Prohibited Acts. It shall be unlawful for any person to:

(a) Manufacture or distribute any commercial feed that is adulterated or misbranded.

(b) Adulterate or misbrand any commercial feed.

(c) Remove or dispose of a commercial feed in violation of an order under Section 11.

(d) Fail or refuse to license the firm ~~or submit product labels~~ in accordance with Section 4.

(e) Violate the provisions of this Act or rules.

(f) Fail to pay fees and penalties and file reports as required by the Act and rules.

(g) Distribute agricultural commodities, such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, that are adulteratred within the meaning of Section 7 of this Act.

(h) Re-use bags and totes used for commercial feeds (including customer-formula feed) unless appropriately cleaned. A firm that intends to re-use bags or totes must document their cleanout procedures.

(i) Distribute raw milk for use as commercial feed for any species:

(1) if it has not been decharacterized using a sufficient quantity of food coloring as designated by the Director;

(2) if it has been decharacterized using food coloring, other than food coloring approved by the U.S. Food and Drug Administration, or in the case of raw milk labeled as organic, approved by the U.S. Department of Agriculture;

(3) if it has been decharacterized and the nutritive value of the milk has been adversely affected by the decharacterization;

(4) that is packaged in containers that are or resemble those used for the packaging of milk for human consumption;

(5) that is stored at retail with, or in the vicinity of, milk or milk products intended for human consumption; or

(6) if it does not comply with subsections (a) through (h) of Section 11.1 of this Act.

(Source: P.A. 87-833.)

(505 ILCS 30/12) (from Ch. 56 1/2, par. 66.12)

Sec. 12. Penalties. (a) Any person convicted of violating provisions of this Act or the rules and regulations issued thereunder or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent the Director or his or her duly authorized agent in performance of his or her duty in connection with the provisions of this Act, shall be adjudged guilty of a business offense. In all prosecutions under this Act involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the Director shall be accepted as prima facie evidence of the composition.

(b) Nothing in this Act shall be construed as requiring the Director or his or her representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Act if he or she believes that the public interest will be best served by a suitable notice of warning in writing.

(c) Each State's attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a circuit court without delay. Before the Director reports a violation for such prosecution, an opportunity shall be given the licensee ~~registrant~~ or distributor to present his or her views to the Director.

(d) The Director may file a complaint and apply for and the court may grant a temporary restraining order or a preliminary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or

any rules or regulations promulgated under the Act notwithstanding the existence of other judicial remedies. The injunctive relief shall be issued without bond.

(e) Any person adversely affected by an act, order or ruling made pursuant to the provisions of this Act may within 45 days thereafter bring an action in the Circuit Court of Sangamon County, Illinois, for a new trial of the issues bearing upon such act, order or ruling, and upon such trial the court may enter and enforce such orders or judgments as the court may deem proper and just. All fines imposed and collected under this Act shall be paid within 30 days after collection to the Department of Agriculture and by it paid into the Feed Control Fund.

(f) Any person who uses to their own advantage, or reveals to persons other than the Director, officers of the Illinois Department of Agriculture, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this Act, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a Class C misdemeanor, provided that this prohibition shall not be deemed as prohibiting the Director or his or her duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States Government, or of other states, who are similarly prohibited by law from revealing this information.

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

(505 ILCS 30/13) (from Ch. 56 1/2, par. 66.13)

Sec. 13. Publications.

The Director shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the State as compared with the analyses guaranteed ~~in the registration and~~ on the label; provided, however, that the information concerning production and use of commercial feeds shall not disclose the operations of any person.

(Source: Laws 1961, p. 2289.)

(505 ILCS 30/14.1) (from Ch. 56 1/2, par. 66.14.1)

Sec. 14.1. Cooperation with other entities. The Director may cooperate with and enter into agreements with governmental agencies of this State, other states, agencies of the federal government, and private associations and organizations in order to carry out the purpose and provisions of this Act, provided that these entities are bound by the confidentiality requirements and penalties in Section 12.

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

(505 ILCS 30/14.2) (from Ch. 56 1/2, par. 66.14.2)

Sec. 14.2. Suspension or revocation of ~~registration or~~ firm license; Administrative hearings and penalties. The Department may suspend or revoke any license ~~registration~~ issued under Section 4 of this Act for violation of the Act or any rules adopted pursuant thereto.

The Department may, upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation of a license ~~product registration~~, under this Act, investigate the actions of any applicant or any person or persons applying for, holding, or claiming to hold a ~~product registration~~ or firm license.

At least 10 days before the date set for the hearing, the Director shall notify in writing the applicant for or holder of a ~~product registration or~~ firm license, referred to as the respondent in this Section, that a hearing will be held on the date designated to determine whether the respondent is entitled to hold a ~~product registration or~~ firm license and shall afford the respondent opportunity to be heard in person or by counsel.

The Department, over the signature of the Director, is authorized to issue subpoenas and to take testimony, either orally, by disposition or by exhibit, in the circuit courts of this State. The Director is authorized to issue subpoenas duces tecum for any or all records relating to the feed in question.

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

(505 ILCS 30/14.3) (from Ch. 56 1/2, par. 66.14.3)

Sec. 14.3. Feed Control Fund. There is created in the State Treasury a special fund to be known as the Feed Control Fund. All firm license, inspection, and penalty fees collected by the Department under this Act shall be deposited in the Feed Control Fund. ~~In addition, for the years 2004 and thereafter, $22 of each annual fee collected by the Department pursuant to Section 6, paragraph 4 of this Act shall be deposited by the Department directly into the State's General Revenue Fund.~~ The amount annually collected as fees shall be appropriated by the General Assembly to the Department for activities related to the enforcement of this Act.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 99. Effective date. This Act takes effect January 1, 2016.