



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4043

Introduced 1/21/2022, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Administration of Antibiotics to Food-Producing Animals Act. Provides that a medically important antibiotic may be administered to a food-producing animal only if prescribed by a veterinarian licensed under the Veterinary Medicine and Surgery Practice Act of 2004 who has visited the farm operation within the previous 6 months and only if deemed necessary for specified purposes. Provides that a producer may provide a medically important antibiotic to a food-producing animal only for the period necessary to accomplish the specified purposes. Provides that in that case, antibiotics should be used on the smallest number of animals and for the shortest time possible. Provides that a producer shall keep a record of specified information. Provides that provisions concerning the administration of antibiotics to food-producing animals take effect on January 1, 2023. Requires a producer that operates a large concentrated animal feeding operation to file an annual report containing specified information in a form and manner required by the Department of Agriculture by rule. Provides that, except for the identities of individual producers, all information reported to the Department under the Act shall be public record, to be made available online. Provides that the Department may take the actions necessary to prepare to implement the provisions of the Act in advance of the effective date of the other provisions of the Act. Provides that the Attorney General has the exclusive authority to enforce the Act, may issue a civil penalty up to \$1,000 for a violation of the Act, and may seek an injunction to prevent a violation of the Act.

LRB102 24212 CPF 33441 b

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the  
5 Administration of Antibiotics to Food-Producing Animals Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds and declares that:

8 (1) the World Health Organization has stated that  
9 "without urgent, coordinated action by many stakeholders,  
10 the world is headed for a post-antibiotic era, in which  
11 common infections and minor injuries which have been  
12 treatable for decades can once again kill";

13 (2) the United States Food and Drug Administration and  
14 the Centers for Disease Control and Prevention have stated  
15 that there is a definitive link between the use of  
16 antibiotics on industrial farms and the crisis of  
17 antibiotic resistance in humans;

18 (3) the issue of antibiotics overuse, whether on  
19 humans or animals, is a significant and urgent human  
20 health matter;

21 (4) the American Veterinary Medical Association finds  
22 that "antimicrobial use in animals, people, and the  
23 environment all contribute to the emergence of resistance,

1 and resistance spreads across species and settings";

2 (5) the World Health Organization recommends "complete  
3 restriction of use of all classes of medically important  
4 antimicrobials in food-producing animals for prevention of  
5 infectious diseases that have not yet been clinically  
6 diagnosed";

7 (6) nearly two-thirds of medically important  
8 antibiotics sold in the United States are given to  
9 food-producing animals, often to compensate for the  
10 effects of unsanitary and overcrowded living conditions;

11 (7) many of the antibiotics provided to food-producing  
12 animals are identical to, or from the same family as,  
13 drugs used in human medicine to cure serious diseases;  
14 therefore, bacterial resistance to these drugs poses a  
15 threat to human health because these drugs may not work to  
16 treat human disease when needed; and

17 (8) passing this Act is necessary to protect the  
18 health and safety of Illinois consumers from antibiotic  
19 resistant bacteria spreading through the food supply.

20 (b) The purpose of this Act is to protect public health by  
21 preserving the effectiveness of medically important  
22 antibiotics now and for future generations by eliminating the  
23 use of those medicines in food-producing animals for disease  
24 prevention, in order to reduce the rise and spread of  
25 antibiotic resistant bacteria that put human and animal health  
26 at risk.

1 Section 10. Definitions. As used in this Act:

2 "Department" means the Department of Agriculture.

3 "Food-producing animal" means:

4 (1) cattle, swine, or poultry, regardless of whether  
5 the specific animal is raised for the purpose of producing  
6 food for human consumption; or

7 (2) any type of animal that the Department identifies  
8 by rule as livestock typically used to produce food for  
9 human consumption.

10 "Producer" means a person or entity that establishes  
11 management and production standards for the maintenance, care,  
12 and raising of food-producing animals and that:

13 (1) operates a business raising food-producing animals  
14 that are used to produce any product group sold by a  
15 grocer; or

16 (2) purchases or otherwise obtains live food-producing  
17 animals that it slaughters, or sells for slaughter, for  
18 production of any product group sold by a grocer.

19 "Medically important antibiotic" means a drug that is  
20 composed in whole or in part of a drug from an antimicrobial  
21 class that is categorized as critically important, highly  
22 important, or important in the World Health Organization list  
23 of Critically Important Antimicrobials for Human Medicine (5th  
24 Revision, 2017), or a subsequent revision or successor  
25 document issued by the World Health Organization.

1 "Disease prevention" means the administration of medically  
2 important antibiotics by feed, water, injection, or any other  
3 route to a group of animals, none of which have been clinically  
4 diagnosed with the disease for which the antibiotic is given.

5 "Disease control" means the administration of medically  
6 important antibiotics to a group of animals once a proportion  
7 of the animals in the group have been clinically diagnosed  
8 with the disease being controlled.

9 "Disease treatment" means the administration of medically  
10 important antibiotics only to animals diagnosed, based upon  
11 clinical signs or other appropriate diagnostic methods, with  
12 the indicated disease.

13 Section 15. Administration of antibiotics to  
14 food-producing animals.

15 (a) This Section applies to the provision of medically  
16 important antibiotics to food-producing animals on or after  
17 January 1, 2023.

18 (b) A medically important antibiotic may be administered  
19 to a food-producing animal only if prescribed by a  
20 veterinarian licensed under the Veterinary Medicine and  
21 Surgery Practice Act of 2004 who has visited the farm  
22 operation within the previous 6 months and only if deemed  
23 necessary for:

24 (1) disease treatment;

25 (2) disease control; or

1           (3) a surgical or other medical procedure that exposes  
2 normally sterile body sites to infection.

3           (c) A producer may provide a medically important  
4 antibiotic to a food-producing animal only for the period  
5 necessary to accomplish a purpose described in subsection (b).  
6 In that case, antibiotics should be used on the smallest  
7 number of animals and for the shortest time possible.

8           In addition to any information described in Section 20,  
9 the producer shall keep a record of the specific beginning and  
10 ending dates for the provision of an antibiotic.

11           (d) A medically important antibiotic may not be  
12 administered to food-producing animals solely for the purpose  
13 of:

- 14           (1) promoting weight gain;  
15           (2) improving feed efficiency; or  
16           (3) disease prevention.

17           Section 20. Annual report.

18           (a) A producer that operates a large concentrated animal  
19 feeding operation, as defined by the United States  
20 Environmental Protection Agency, must file an annual report  
21 under this Section in a form and manner required by the  
22 Department by rule. If the producer and a contracting entity  
23 enter into an agreement for the contracting entity to assume  
24 the annual report filing duty, the contracting entity shall  
25 include in the annual report the name and address of the

1 producer on whose behalf the contracting entity is submitting  
2 the annual report. If any medically important antibiotics were  
3 provided to food-producing animals during the reporting  
4 period, then the annual report must contain the following  
5 information:

6 (1) the location of the facility where the medically  
7 important antibiotic was used;

8 (2) the medically important antibiotic and class of  
9 antimicrobial used;

10 (3) the duration of use, including the number of  
11 treatment days;

12 (4) the species and production class of animals  
13 receiving the medically important antibiotic;

14 (5) the number of animals receiving the medically  
15 important antibiotic;

16 (6) the total number of animals raised at the  
17 facility, which is data that is key to understanding  
18 variations in use and benchmarking performance;

19 (7) the indication and purpose for which the  
20 veterinarian prescribed the medically important  
21 antibiotic;

22 (8) the dosage of the medically important antibiotic;

23 (9) the quantity of each medically important  
24 antibiotic prescribed to each species of food-producing  
25 animal;

26 (10) the method of providing each medically important

1 antibiotic to a food-producing animal; and

2 (11) any other information required to be kept  
3 pursuant to U.S. Food and Drug Administration regulations  
4 21 CFR 558.6(b) (3) and 21 CFR 558.6(b) (4).

5 (b) Information provided under paragraph (7) of subsection  
6 (a) must include whether a medically important antibiotic was  
7 provided to a food-producing animal for the purpose of:

8 (1) surgery or a medical procedure;

9 (2) disease control; or

10 (3) disease treatment.

11 (c) Information reported under this Section shall be made  
12 publicly available by the Department annually in an online,  
13 searchable database of aggregated data, except that the  
14 Department shall withhold the identities of individual  
15 producers.

16 (d) Except as otherwise provided in subsection (c),  
17 information reported under this Section is a public record and  
18 is not subject to exemption from disclosure. The Department  
19 may not redact, withhold, or delay the release of information  
20 reported under this Section, except the identities of  
21 individual producers pursuant to subsection (c).

22 Section 25. Implementation. The Department may take the  
23 actions necessary to prepare to implement the provisions of  
24 this Act in advance of the effective date of the other  
25 provisions of this Act.



1           Section 30. Violations. The Attorney General has exclusive  
2 authority to enforce the provisions of this Act. Each  
3 violation of this Act is punishable by a civil penalty not to  
4 exceed \$1,000. The Attorney General may also seek injunctive  
5 relief to prevent further violations of this Act.