



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1019

Introduced 2/8/2007, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

510 ILCS 50/1	from Ch. 8, par. 168
510 ILCS 50/2	from Ch. 8, par. 169
510 ILCS 50/3	from Ch. 8, par. 170
510 ILCS 50/4	from Ch. 8, par. 171
510 ILCS 50/6	from Ch. 8, par. 173
510 ILCS 50/9	from Ch. 8, par. 176
510 ILCS 50/10	from Ch. 8, par. 177
510 ILCS 50/13	from Ch. 8, par. 180
510 ILCS 50/20	from Ch. 8, par. 187
510 ILCS 50/21	from Ch. 8, par. 188
510 ILCS 50/22	from Ch. 8, par. 189
510 ILCS 50/24	from Ch. 8, par. 191

Amends the Illinois Diseased Animals Act. Defines "contaminated". Modifies the provisions of the Act to apply to contaminated animals. Provides that the Department shall have the authority to issue area-wide quarantines on animals and premises in order to control the spread of the dangerously contagious or infectious disease and to reduce the spread of contamination. Provides that quarantines will be removed when epidemiological evidence indicates that the disease or contamination threat to humans or other animals no longer exists. Makes corresponding changes. Effective immediately.

LRB095 10929 CMK 31218 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

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

4 Section 5. The Illinois Diseased Animals Act is amended by
5 changing Sections 1, 2, 3, 4, 6, 9, 10, 13, 20, 21, 22, and 24
6 as follows:

7 (510 ILCS 50/1) (from Ch. 8, par. 168)

8 Sec. 1. For the purposes of this Act:

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

11 "Director" means the Director of the Illinois Department of
12 Agriculture, or his duly appointed representative.

13 "Contagious or infectious disease" means a specific
14 disease designated by the Department as contagious or
15 infectious under rules pertaining to this Act.

16 "Contaminated" or "contamination" means for an animal to
17 come into contact with a chemical or radiological substance at
18 a level which may be considered to be harmful to humans or
19 other animals if they come into contact with the contaminated
20 animal or consume parts of the contaminated animal.

21 "Reportable disease" means a specific disease designated
22 by the Department as reportable under rules pertaining to this
23 Act.

1 "Animals" means domestic animals, poultry, and wild
2 animals in captivity.

3 "Exposed to" means for an animal to come in contact with
4 another animal or an environment that is capable of
5 transmitting a contagious, infectious, or reportable disease.
6 An animal will no longer be considered as "exposed to" when it
7 is beyond the standard incubation time for the disease and the
8 animal has been tested negative for the specific disease or
9 there is no evidence that the animal is contagious, except for
10 animals exposed to Johne's disease. Animals originating from a
11 herd where Johne's disease has been diagnosed will be
12 considered no longer "exposed to" with a negative test. The
13 negative test must have been conducted within 30 days prior to
14 the sale or movement.

15 "Swap meet" means an organized event where animals
16 including, but not limited to, dogs, cats, birds, fish,
17 reptiles, or other animals customarily obtained as pets, are
18 sold, traded, or exchange hands.

19 (Source: P.A. 93-980, eff. 8-20-04.)

20 (510 ILCS 50/2) (from Ch. 8, par. 169)

21 Sec. 2. It is the duty of the Department to investigate all
22 cases or alleged cases coming to its knowledge of contamination
23 or contagious and infectious diseases among animals within the
24 State and to provide for the suppression, prevention, and
25 extirpation of contamination or infectious and contagious

1 diseases of such animals.

2 The Department may make and adopt reasonable rules and
3 regulations for the administration and enforcement of the
4 provisions of this Act. No rule or regulation made, adopted or
5 issued by the Department pursuant to the provisions of this Act
6 shall be effective unless such rule or regulation has been
7 submitted to the Advisory Board of Livestock Commissioners for
8 approval. All rules of the Department, and all amendments or
9 revocations of existing rules, shall be recorded in an
10 appropriate book or books, shall be adequately indexed, shall
11 be kept in the office of the Department, and shall constitute a
12 public record. Such rules shall be printed in pamphlet form and
13 furnished, upon request, to the public free of cost.

14 (Source: P.A. 77-108.)

15 (510 ILCS 50/3) (from Ch. 8, par. 170)

16 Sec. 3. Upon its becoming known to the Department that any
17 animals are infected, or suspected of being infected, with any
18 contagious or infectious disease, or contaminated with any
19 chemical or radiological substance, the Department shall have
20 the authority to quarantine and to cause proper examination
21 thereof to be made. If ~~and if~~ such disease is found to be of a
22 dangerously contagious or dangerously infectious nature, or
23 the contamination level is such that may be harmful to humans
24 or other animals, the Department shall order such diseased or
25 contaminated animals and such as have been exposed to such

1 disease or contamination, and the premises in or on which they
2 are, or have recently occupied, to be quarantined. The
3 Department shall also have the authority to issue area-wide
4 quarantines on animals and premises in order to control the
5 spread of the dangerously contagious or infectious disease and
6 to reduce the spread of contamination. The Department may, in
7 connection with any such quarantine, order that no animal which
8 has been or is so diseased, contaminated, or exposed to such
9 disease or contamination, may be removed from the premises so
10 quarantined and that no animal susceptible to such disease or
11 contamination may be brought therein or thereon, except under
12 such rules as the Department may prescribe.

13 (Source: P.A. 90-385, eff. 8-15-97.)

14 (510 ILCS 50/4) (from Ch. 8, par. 171)

15 Sec. 4. The Department may order the slaughter of any or
16 all of such diseased, contaminated, or exposed animals.

17 The Department may disinfect, and, if they cannot be
18 properly disinfected, may destroy, all barns, stables,
19 outbuildings, premises and personal property contaminated or
20 infected with any such contaminant or contagious or infectious
21 disease as in its judgment is necessary to prevent the spread
22 of any such contaminant or disease; and may order the
23 disinfection of all cars, boats or other vehicles used in
24 transporting animals affected with any such contaminant or
25 disease, or that have been exposed to the contaminant,

1 contagion, or infection thereof, and the disinfection of all
2 yards, pens and chutes that may have been used in handling such
3 contaminated, diseased, or exposed animals.

4 (Source: Laws 1961, p. 3164.)

5 (510 ILCS 50/6) (from Ch. 8, par. 173)

6 Sec. 6. Whenever quarantine is established in accordance
7 with the provisions of this Act, notice shall be given by
8 delivery in person or by mailing by registered or certified
9 mail, postage prepaid, to the owner or occupant of any premises
10 so quarantined. Such notice shall be written or printed, or
11 partly written and partly printed, with an explanation of the
12 contents thereof. Such quarantine shall be sufficiently proved
13 in any court by the production of a true copy of such notice of
14 quarantine together with an affidavit, sworn to by the officer
15 or employee of the Department who delivered or mailed such
16 notice, containing a statement that the original thereof was
17 delivered or mailed in the manner herein prescribed.

18 Every quarantine so established shall remain in effect
19 until removed by order of the Department. Any person aggrieved
20 by any quarantine may appeal to the Department which shall
21 thereupon sustain, modify or annul the quarantine as it may
22 deem proper. Quarantines will be removed when epidemiological
23 evidence indicates that the disease or contamination threat to
24 humans or other animals no longer exists.

25 (Source: Laws 1967, p. 905.)

1 (510 ILCS 50/9) (from Ch. 8, par. 176)

2 Sec. 9. The Department may promulgate and adopt reasonable
3 rules and regulations to prevent the spread of any
4 contamination or contagious or infectious disease within this
5 State. If the condition so warrants, the Director may request
6 the Governor to issue a proclamation quarantining an affected
7 municipality or geographical district whereby all animals of
8 the kind diseased or contaminated would not be permitted to be
9 moved from one premises to another within the municipality or
10 geographical district, or over any public highway, or any
11 unfenced lot or piece of ground, or from being brought into, or
12 taken from the infected or contaminated municipality or
13 geographical district, except by a special permit, signed by
14 the Director. Any such proclamation shall, from the time of its
15 publication, bind all persons. Within one week after the
16 publication of any such proclamation, every person who owns, or
17 who is in charge of animals of the kind diseased or
18 contaminated within the municipality or geographical district,
19 shall report to the Department the number and description of
20 such animals, their location, and the name and address of the
21 owner or person in charge, and during the continuance of the
22 quarantine to report to the Department all cases of sickness,
23 deaths or births among such animals.

24 (Source: P.A. 81-196.)

1 (510 ILCS 50/10) (from Ch. 8, par. 177)

2 Sec. 10. The Department may promulgate and adopt reasonable
3 rules and regulations to prevent the entry into Illinois of any
4 animals which may be contaminated or infected with, or which
5 may have been exposed to, any contaminant or contagious or
6 infectious disease. If the condition so warrants, the Director
7 may request the Governor to issue a proclamation whereby any
8 animals contaminated or diseased or those exposed to disease
9 and any carcasses or portions of carcasses, feed, seed,
10 bedding, equipment or other material capable of conveying
11 contamination or infection will be prohibited from entering
12 Illinois.

13 (Source: P.A. 81-196.)

14 (510 ILCS 50/13) (from Ch. 8, par. 180)

15 Sec. 13. The Department shall cooperate with any
16 commissioner or other officer appointed by the United States
17 authorities, in connection with carrying out any provision of
18 any United States Statute providing for the suppression and
19 prevention of contamination or contagious and infectious
20 diseases among animals, in suppression and preventing the
21 spread of contamination or contagious and infectious diseases
22 among animals in this State.

23 The inspectors of the Animal Health Division of the United
24 States Department of Agriculture and the Illinois Department of
25 Agriculture have the right of inspection, quarantine and

1 condemnation of animals affected with any contamination or
2 contagious or infectious disease, or suspected to be so
3 affected, or that have been exposed to any such contamination
4 or disease, and for these purposes are authorized to enter upon
5 any ground or premises. Such inspectors may call on sheriffs
6 and peace officers to assist them in the discharge of their
7 duties in carrying out the provisions of any such statute,
8 referred to in the preceding paragraph, and the sheriffs and
9 peace officers shall assist such inspectors when so requested.
10 Such inspectors shall have the same powers and protection as
11 peace officers while engaged in the discharge of their duties.
12 (Source: P.A. 91-457, eff. 1-1-00.)

13 (510 ILCS 50/20) (from Ch. 8, par. 187)

14 Sec. 20. Any person who knowingly transports, receives or
15 conveys into this State any animals, carcasses or portions of
16 carcasses, feed, seed, bedding, equipment, or other material
17 capable of conveying contamination or infection as defined and
18 prohibited in a proclamation issued by the Governor under the
19 provisions of Section 10 of this Act is guilty of a business
20 offense, and upon conviction thereof shall be fined not less
21 than \$1,000 nor more than \$10,000, for each offense, and shall
22 be liable for all damages or loss that may be sustained by any
23 person by reason of such importation of such prohibited
24 animals, or prohibited materials, which penalty may be
25 recovered in the circuit court in any county in this State into

1 or through which such animals or materials are brought.

2 (Source: P.A. 81-196.)

3 (510 ILCS 50/21) (from Ch. 8, par. 188)

4 Sec. 21. Any person who, knowing that any contamination or
5 contagious or infectious disease exists among his animals,
6 conceals such fact, or knowing of the existence of such
7 disease, sells any animal or animals so contaminated or
8 diseased, or any exposed animal, or knowing the same, removes
9 any such contaminated, diseased, or exposed animal from his
10 premises to the premises of another, or along any public
11 highway, or knowing of the existence of such contamination,
12 disease, or exposure thereto, transports, drives, leads or
13 ships any animal so contaminated, diseased, or exposed, by any
14 motor vehicle, car or steamboat, to any place in or out of this
15 State; and any person who brings any such contaminated or
16 diseased, or knowingly, brings any such contaminated or exposed
17 animals into this State from another state; and any person who
18 knowingly buys, receives, sells, conveys, or engages in the
19 traffic of such contaminated, diseased, or exposed stock, and
20 any person who violates any quarantine regulation established
21 under the provisions of this or any other Act, for each,
22 either, any or all acts above mentioned in this Section, is
23 guilty of a petty offense and shall forfeit all right to any
24 compensation for any animal or property destroyed under the
25 provisions of this Act.

1 (Source: P.A. 91-457, eff. 1-1-00.)

2 (510 ILCS 50/22) (from Ch. 8, par. 189)

3 Sec. 22. Any veterinarian having information of the
4 existence of any contamination or reportable disease among
5 animals in this State, who fails to promptly report such
6 knowledge to the Department, shall be guilty of a business
7 offense and shall be fined in any sum not exceeding \$1,000 for
8 each offense.

9 (Source: P.A. 90-385, eff. 8-15-97.)

10 (510 ILCS 50/24) (from Ch. 8, par. 191)

11 Sec. 24. Any owner or person having charge of any animal
12 and having knowledge of, or reasonable grounds to suspect the
13 existence among them of any contamination or contagious or
14 infectious disease and who does not use reasonable means to
15 prevent the spread of such contamination or disease or violates
16 any quarantine; or who conveys upon or along any public highway
17 or other public grounds or any private lands, any contaminated
18 or diseased animal, or animal known to have died of, or been
19 slaughtered on account of, any contamination or contagious or
20 infectious disease, except in the case of transportation for
21 medical treatment or diagnosis, shall be liable in damages to
22 the person or persons who may have suffered loss on account
23 thereof.

24 (Source: P.A. 90-385, eff. 8-15-97; 91-457, eff. 1-1-00.)

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