



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4812

Introduced 1/12/2010, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Horse Meat Act. Exempts certain types of horse meat from regulation under the Act. Creates the Equine Rescue Assistance Fund. Requires certain facilities to collect a \$25 fee for each slaughtered horse and to remit those sums to the Department of Agriculture for deposit into the Equine Rescue Assistance Fund. Requires the Department to create and administer an Equine Rescue Assistance Program to make grants to qualified equine rescue organizations for the expansion of equine rescue facilities and for the care and maintenance of rescued horses. Repeals a provision that prohibits the slaughter of horses for human consumption. Amends the Animals Intended for Food Act. Expands the definition of "animal" to include "horses, mules, or other equidae". Amends the Illinois Equine Infectious Anemia Control Act. Allows equidae more than 12 months of age to enter the State for immediate slaughter without a certificate of veterinary inspection. Requires equidae entering the State for immediate slaughter to be accompanied by a consignment direct to slaughter at an approved equine slaughtering establishment. Amends the Humane Care for Animals Act. Creates an exemption from the general prohibition against selling, offering to sell, leading, riding, transporting, or driving on any public way any equidae that, because of debility, disease, lameness, or any other cause could not be worked in this State. Deletes a provision that prohibits injured equidae from being sent directly to a slaughter facility. Amends the Humane Slaughter of Livestock Act. Deletes a provision in the definition of the term "livestock" that excludes "horses, mules, or other equidae to be used in and for the preparation of meat or meat products for consumption by human beings". Effective immediately.

LRB096 15726 JDS 30965 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 State Finance Act is amended by adding
5 Section 5.755 as follows:

6 (30 ILCS 105/5.755 new)

7 Sec. 5.755. The Equine Rescue Assistance Fund.

8 Section 7. The Illinois Horse Meat Act is amended by adding
9 Sections 13.1 and 13.3 as follows:

10 (225 ILCS 635/13.1 new)

11 Sec. 13.1. Exclusions from the Act. Horse meat labeled as
12 such in hermetically sealed containers and registered under the
13 Illinois Commercial Feed Act of 1961 is excluded from the
14 provisions of this Act. Horse meat prepared in federally
15 inspected plants located in the State of Illinois, for sale
16 outside of the State of Illinois, is excluded from the
17 provisions of this Act.

18 (225 ILCS 635/13.3 new)

19 Sec. 13.3. Equine Rescue Assistance Fund and Program.

20 (a) The Equine Rescue Assistance Fund is created as a

1 special fund in the State Treasury. The Fund may accept fees,
2 gifts, grants, donations, and federal or State appropriations
3 for use by the Department in making grants to qualified equine
4 rescue organizations through the Equine Rescue Assistance
5 Program.

6 (b) Federally inspected facilities that produce horse meat
7 that is exempt from this Act's requirements because of Section
8 13.1 shall collect a fee of \$25 for every horse slaughtered.
9 These facilities shall remit these fees to the Department on a
10 quarterly basis, and the Department shall deposit remitted fees
11 into the Equine Rescue Assistance Fund.

12 (c) The Department shall create and administer an Equine
13 Rescue Assistance Program. Subject to appropriation from the
14 Fund, the Department shall make grants to qualified equine
15 rescue organizations for the expansion of equine rescue
16 facilities and for the care and maintenance of rescued horses.

17 (225 ILCS 635/1.5 rep.)

18 Section 10. The Illinois Horse Meat Act is amended by
19 repealing Section 1.5.

20 Section 15. The Animals Intended for Food Act is amended by
21 changing Section 2.1 as follows:

22 (410 ILCS 605/2.1) (from Ch. 8, par. 107.1)

23 Sec. 2.1. When in the interest of the general public and in

1 the opinion of the Department of Agriculture it is deemed
2 advisable, the Department has authority to quarantine or
3 restrict any and all animals intended for human consumption
4 that contain poisonous or deleterious substances which may
5 render meat or meat products or poultry or poultry products
6 from such animals or poultry injurious to health; except in
7 case the quantity of such substances in such animals does not
8 ordinarily render meat or meat products or poultry or poultry
9 products from such animals injurious to health.

10 The Department or its duly authorized agent shall
11 investigate or cause to be investigated all cases where it has
12 reason to believe that animals intended for human consumption
13 are contaminated with any poisonous or deleterious substance
14 which may render them unfit for human consumption.

15 The Department or its duly designated agent in performing
16 the duties vested in it under this Act is empowered to enter
17 any premises, barns, stables, sheds, or other places for the
18 purposes of administering this Act.

19 The Department may allow the sale or transfer of animals
20 under quarantine or restriction subject to reasonable rules and
21 regulations as may be prescribed.

22 For the purposes of this Act, the term "Animal" means
23 cattle, calves, sheep, swine, horses, mules, or other equidae,
24 goats, poultry and any other animal which can be or may be used
25 in and for meat or poultry or their products for human
26 consumption.

1 (Source: P.A. 95-2, eff. 5-24-07.)

2 Section 20. The Illinois Equine Infectious Anemia Control
3 Act is amended by changing Section 4 as follows:

4 (510 ILCS 65/4) (from Ch. 8, par. 954)

5 Sec. 4. Tests of equidae entering the State. All equidae
6 more than 12 months of age entering the State for any reason
7 other than for immediate slaughter shall be accompanied by a
8 Certificate of Veterinary Inspection issued by an accredited
9 veterinarian of the state of origin within 30 days prior to
10 entry and shall be negative to an official test for EIA within
11 one year prior to entry. Equidae entering the State for
12 immediate slaughter shall be accompanied by a consignment
13 direct to slaughter at an approved equine slaughtering
14 establishment.

15 (Source: P.A. 95-2, eff. 5-24-07.)

16 Section 25. The Humane Care for Animals Act is amended by
17 changing Sections 5 and 7.5 as follows:

18 (510 ILCS 70/5) (from Ch. 8, par. 705)

19 Sec. 5. Lamé or disabled horses. No person shall sell,
20 offer to sell, lead, ride, transport, or drive on any public
21 way any equidae which, because of debility, disease, lameness
22 or any other cause, could not be worked in this State without

1 violating this Act, unless the equidae are being sold,
2 transported, or housed with the intent that it will be moved in
3 an expeditious and humane manner to an approved slaughtering
4 establishment. Such equidae may be conveyed to a proper place
5 for medical or surgical treatment, ~~or~~ for humane keeping or
6 euthanasia, or for slaughter in an approved slaughtering
7 establishment.

8 A person convicted of violating this Section or any rule,
9 regulation, or order of the Department pursuant thereto is
10 guilty of a Class A misdemeanor. A second or subsequent
11 violation is a Class 4 felony.

12 (Source: P.A. 95-2, eff. 5-24-07.)

13 (510 ILCS 70/7.5)

14 Sec. 7.5. Downed animals.

15 (a) For the purpose of this Section a downed animal is one
16 incapable of walking without assistance.

17 (b) No downed animal shall be sent to a stockyard, auction,
18 or other facility where its impaired mobility may result in
19 suffering. An injured animal ~~other than those of the equine~~
20 ~~genus~~ may be sent directly to a slaughter facility.

21 (c) A downed animal sent to a stockyard, auction, or other
22 facility in violation of this Section shall be humanely
23 euthanized, the disposition of such animal shall be the
24 responsibility of the owner, and the owner shall be liable for
25 any expense incurred.

1 If an animal becomes downed in transit it shall be the
2 responsibility of the carrier.

3 (d) A downed animal shall not be transported unless
4 individually segregated.

5 (e) A person convicted of violating this Section or any
6 rule, regulation, or order of the Department pursuant thereto
7 is guilty of a Class B misdemeanor. A second or subsequent
8 violation is a Class 4 felony, with every day that a violation
9 continues constituting a separate offense.

10 (Source: P.A. 95-2, eff. 5-24-07.)

11 Section 30. The Humane Slaughter of Livestock Act is
12 amended by changing Section 2 as follows:

13 (510 ILCS 75/2) (from Ch. 8, par. 229.52)

14 Sec. 2. As used in this Act:

15 (1) "Director" means the Director of the Department of
16 Agriculture of the State of Illinois.

17 (2) "Person" means any individual, partnership,
18 corporation, or association doing business in this State,
19 in whole or in part.

20 (3) "Slaughterer" means any person regularly engaged
21 in the commercial slaughtering of livestock.

22 (4) "Livestock" means cattle, calves, sheep, swine,
23 horses, mules, goats, and any other animal which can or may
24 be used in and for the preparation of meat or meat products

1 for consumption by human beings or animals. ~~"Livestock",~~
2 ~~however, does not include horses, mules, or other equidae~~
3 ~~to be used in and for the preparation of meat or meat~~
4 ~~products for consumption by human beings, which is~~
5 ~~prohibited under Section 1.5 of the Illinois Horse Meat~~
6 ~~Act.~~

7 (5) "Packer" means any person engaged in the business
8 of slaughtering or manufacturing or otherwise preparing
9 meat or meat products for sale, either by such person or
10 others; or of manufacturing or preparing livestock
11 products for sale by such person or others.

12 (6) "Humane method" means either (a) a method whereby
13 the animal is rendered insensible to pain by gunshot or by
14 mechanical, electrical, chemical or other means that is
15 rapid and effective, before being shackled, hoisted,
16 thrown, cast or cut; or (b) a method in accordance with
17 ritual requirements of the Jewish faith or any other
18 religious faith whereby the animal suffers loss of
19 consciousness by anemia of the brain caused by the
20 simultaneous and instantaneous severance of the carotid
21 arteries with a sharp instrument.

22 (Source: P.A. 95-2, eff. 5-24-07.)

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

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.755 new

4 225 ILCS 635/13.1 new

5 225 ILCS 635/13.3 new

6 225 ILCS 635/1.5 rep.

7 410 ILCS 605/2.1 from Ch. 8, par. 107.1

8 510 ILCS 65/4 from Ch. 8, par. 954

9 510 ILCS 70/5 from Ch. 8, par. 705

10 510 ILCS 70/7.5

11 510 ILCS 75/2 from Ch. 8, par. 229.52