



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3429

Introduced 2/16/2018, by Sen. Jacqueline Y. Collins

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 the use of medically important antibiotics shall not exceed a duration of 21 days. Provides that a producer shall keep a record of the specific beginning and ending dates for the provision of an antibiotic. Provides that provisions concerning the administration of antibiotics to food-producing animals take effect on January 1, 2020. Requires a producer that operates a large concentrated animal feeding operation, as defined by the United States Environmental Protection Agency, to file an annual report containing specified information in a form and manner required by the Department of Public Health by rule. 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, shall issue a civil penalty of \$1,000 for a violation of the Act, and may seek an injunction to prevent a violation of the Act.

LRB100 20725 MJP 36199 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 routine 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 humans
19 or animals, is a significant and urgent human health
20 matter;

21 (4) the World Health Organization recommends "complete
22 restriction of use of all classes of medically important
23 antimicrobials in food-producing animals for prevention of

1 infectious diseases that have not yet been clinically
2 diagnosed";

3 (5) approximately 70% of medically important
4 antibiotics sold in the United States are given to
5 food-producing animals, often in a routine manner for
6 promoting growth or to compensate for the effects of
7 unsanitary and overcrowded living conditions;

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

14 (7) passing this Act is necessary to protect the health
15 and safety of Illinois consumers from antibiotic resistant
16 bacteria spreading through the food supply.

17 (b) The purpose of this Act is to protect public health by
18 preserving the effectiveness of antibiotics now and for future
19 generations by eliminating the routine use of those important
20 medicines in food-producing animals for growth promotion, feed
21 efficiency, and prophylaxis, in order to reduce the rise and
22 spread of antibiotic resistant bacteria.

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

24 "Control the spread of a disease or infection" means the
25 use of a medically important antibiotic to stop the

1 transmission of a documented disease or infection present in:

2 (1) a group of animals in contact with each other; or

3 (2) a barn or equivalent animal housing unit.

4 "Department" means the Department of Public Health.

5 "Food-producing animal" means:

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

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

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

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

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

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

1 issued by the World Health Organization.

2 "Prophylaxis" means the administration of a medically
3 important antibiotic to an animal or multiple animals in the
4 absence of contact with animals with a clinically diagnosed
5 disease for the purpose of avoiding illness.

6 "Treat a disease" means administering a medically
7 important antibiotic to infected individual animals or
8 populations of animals to resolve clinical signs of infection
9 or illness.

10 Section 15. Administration of antibiotics to
11 food-producing animals.

12 (a) This Section applies to the provision of medically
13 important antibiotics to food-producing animals on or after
14 January 1, 2020.

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

20 (1) to treat a disease;

21 (2) to control the spread of a disease or infection; or

22 (3) in relation to a surgical or other medical
23 procedure that exposes normally sterile body sites to
24 infection.

25 (c) A producer may provide a medically important antibiotic

1 to a food-producing animal only for the period necessary to
2 accomplish a purpose described in subsection (b). In that case,
3 antibiotics should be used on the smallest number of animals
4 and for the shortest time possible. The use of medically
5 important antibiotics shall not exceed a duration of 21 days.
6 In addition to any information described in Section 20, the
7 producer shall keep a record of the specific beginning and
8 ending dates for the provision of an antibiotic.

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

- 12 (1) promoting weight gain;
- 13 (2) improving feed efficiency; or
- 14 (3) prophylaxis.

15 Section 20. Annual report.

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

1 provided to food-producing animals during the reporting
2 period, then the annual report must contain the following
3 information:

4 (1) the location of the facility where the
5 antimicrobial was used;

6 (2) the antimicrobial and class of antimicrobial used;

7 (3) the duration of use, including the number of
8 treatment days;

9 (4) the species and production class of animals
10 receiving the antimicrobial;

11 (5) the number of animals receiving the antimicrobial;

12 (6) the total number of animals raised at the facility,
13 this data is key to understanding variations in use and
14 benchmarking performance;

15 (7) the indication and purpose for which the
16 veterinarian prescribed the antimicrobial;

17 (8) the dosage of the antimicrobial; and

18 (9) any other information required to be kept pursuant
19 to U.S. Food and Drug Administration regulations 21 CFR
20 558.6(b) (3) and 21 CFR 558.6(b) (4).

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

24 (1) surgery or a medical procedure;

25 (2) disease control; or

26 (3) disease treatment.

1 (c) Information reported under this Section is a public
2 record and is not subject to exemption from disclosure. The
3 Department may not redact, withhold, or delay the release of
4 information reported under this Section.

5 (d) The Department of Public Health shall consult with the
6 Department of Agriculture as necessary to fulfill the
7 requirements of this Section.

8 Section 25. Implementation. The Department may take the
9 actions necessary to prepare to implement the provisions of
10 this Act in advance of the effective date of the other
11 provisions of this Act.

12 Section 30. Violations. The Attorney General has exclusive
13 authority to enforce the provisions of this Act. Each violation
14 of this Act is punishable by a civil penalty not to exceed
15 \$1,000. The Attorney General may also seek injunctive relief to
16 prevent further violations of this Act.