

**101ST GENERAL ASSEMBLY****State of Illinois****2019 and 2020****SB1186**

Introduced 2/5/2019, 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 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, 2021. 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, except for the identities of individual producers, all information reported to the Department under the Act shall be public record, to be made available on the Department's website. 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.

LRB101 07905 CPF 52960 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 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) nearly 70% of medically important antibiotics sold
4 in the United States are given to food-producing animals,
5 often to compensate for the effects of unsanitary and
6 overcrowded living conditions;

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

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

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

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

22 "Control the spread of a disease or infection" means the
23 use of a medically important antibiotic to stop the
24 transmission of a documented disease or infection present in:

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

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

2 "Department" means the Department of Public Health.

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

7 "Food-producing animal" means:

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

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

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

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

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

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

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

8 Section 15. Administration of antibiotics to
9 food-producing animals.

10 (a) This Section applies to the provision of medically
11 important antibiotics to food-producing animals on or after
12 January 1, 2021.

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

18 (1) to treat a disease;

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

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

23 (c) A producer may provide a medically important antibiotic
24 to a food-producing animal only for the period necessary to
25 accomplish a purpose described in subsection (b). In that case,

1 antibiotics should be used on the smallest number of animals
2 and for the shortest time possible. In addition to any
3 information described in Section 20, the producer shall keep a
4 record of the specific beginning and ending dates for the
5 provision of an antibiotic.

6 (d) A medically important antibiotic may not be
7 administered to food-producing animals solely for the purpose
8 of:

- 9 (1) promoting weight gain;
10 (2) improving feed efficiency; or
11 (3) disease prevention.

12 Section 20. Annual report.

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

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

3 (2) the medically important antibiotic and class of
4 antimicrobial used;

5 (3) the duration of use, including the number of
6 treatment days;

7 (4) the species and production class of animals
8 receiving the medically important antibiotic;

9 (5) the number of animals receiving the medically
10 important antibiotic;

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

14 (7) the indication and purpose for which the
15 veterinarian prescribed the medically important
16 antibiotic;

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

18 (9) the quantity of each medically important
19 antibiotic prescribed to each species of food-producing
20 animal;

21 (10) the method for providing each medically important
22 antibiotic to a food-producing animal; and

23 (11) any other information required to be kept pursuant
24 to U.S. Food and Drug Administration regulations 21 CFR
25 558.6(b) (3) and 21 CFR 558.6(b) (4) .

26 (b) Information provided under paragraph (7) of subsection

1 (a) must include whether a medically-important antibiotic was
2 provided to a food-producing animal for the purpose of:

- 3 (1) surgery or a medical procedure;
4 (2) disease control; or
5 (3) disease treatment.

6 (c) Information reported under this Section shall be made
7 publicly available by the Department annually in a searchable
8 database of aggregated data on its website, except that the
9 Department shall withhold the identities of individual
10 producers.

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

17 (e) The Department of Public Health shall consult with the
18 Department of Agriculture as necessary to fulfill the
19 requirements of this Section.

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

24 Section 30. Violations. The Attorney General has exclusive

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