



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1171

Introduced 2/8/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

225 ILCS 635/1.5 new	
225 ILCS 635/14 rep.	from Ch. 56 1/2, par. 253
410 ILCS 605/2.1	from Ch. 8, par. 107.1
510 ILCS 65/4	from Ch. 8, par. 954
510 ILCS 70/5	from Ch. 8, par. 705
510 ILCS 70/7.5	
510 ILCS 75/2	from Ch. 8, par. 229.52

Amends the Illinois Horse Meat Act. Provides that it is unlawful for any person to slaughter a horse if that person knows or should know that any of the horse meat will be used for human consumption and that any person who knowingly does so shall be guilty of a Class C misdemeanor. Provides that is unlawful for any person to possess, to import into or export from the State, or to sell, buy, give away, hold, or accept any horse meat if that person knows or should know that any of the horse meat will be used for human consumption and that any person who knowingly does so shall be guilty of a Class C misdemeanor. Repeals a Section that excludes registered horse meat that is labeled as such in hermetically sealed containers and horse meat prepared in federally inspected plants from the provisions of the Act. Amends the Animals Intended for Food Act. Removes horses, mules, or other equidae from the definition of the term "Animal". Amends the Illinois Equine Infectious Anemia Control Act. Eliminates the testing exemption for horses transported into the State for the sole purpose of slaughter. Amends the Humane Care for Animals Act. Eliminates an exception that allows a person to sell, offer to sell, lead, ride, transport, or drive on any public way equidae that is being sold, transported, or housed with the intent that it will be moved in an expeditious and humane manner to an approved slaughtering establishment. Excludes downed animals of the equine genus from those downed animals that may be sent directly to a slaughter facility . Amends the Humane Slaughter of Livestock Act. Provides that "Livestock" does not include 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.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning horses.

2 WHEREAS, The People of the State of Illinois find and
3 declare that:

4 (a) The horse is a living symbol of the spirit, rugged
5 independence, and tireless energy of our pioneer heritage;

6 (b) Horses have served us in war, carried us into the
7 West and beyond, hauled our goods on their backs and in
8 wagons, and entertained and partnered with man for
9 thousands of years;

10 (c) The horse is a part of Illinois' rich heritage,
11 having played a major role in Illinois' historical growth
12 and development;

13 (d) Horses contribute significantly to the enjoyment
14 of generations of recreation enthusiasts in Illinois,
15 while contributing tremendous economic benefit;

16 (e) Horses are not raised for food or fiber and are
17 taxed differently than food animals; and

18 (f) Horses can be stolen, or purchased without
19 disclosure or under false pretenses, to be slaughtered or
20 shipped for slaughter; and this practice has contributed to
21 crime and consumer fraud; and

22 WHEREAS, The General Assembly hereby also declares the
23 purpose and intent of this amendatory Act to be as follows:

24 (a) To recognize the horse as an important part of
25 Illinois' heritage that deserves protection from those who
26 would slaughter horses for food for human consumption; and

27 (b) To enact into law that which has been widely
28 accepted for generations in this State: it is immoral and
29 unlawful to slaughter horses in this State to be used for
30 food for human consumption; therefore

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

1 Section 5. The Illinois Horse Meat Act is amended by adding
2 Section 1.5 as follows:

3 (225 ILCS 635/1.5 new)

4 Sec. 1.5. Slaughter for human consumption unlawful.

5 (a) Notwithstanding any other provision of law, it is
6 unlawful for any person to slaughter a horse if that person
7 knows or should know that any of the horse meat will be used
8 for human consumption.

9 (b) Notwithstanding any other provision of law, it is
10 unlawful for any person to possess, to import into or export
11 from this State, or to sell, buy, give away, hold, or accept
12 any horse meat if that person knows or should know that the
13 horse meat will be used for human consumption.

14 (c) Any person who knowingly violates any of the provisions
15 of this Section is guilty of a Class C misdemeanor.

16 (d) This Section shall not apply to:

17 (1) Any commonly accepted non commercial,
18 recreational, or sporting activity.

19 (2) Any existing laws which relate to horse taxes or
20 zoning.

21 (3) The processing of food producing animals other than
22 those of the equine genus.

23 (225 ILCS 635/14 rep.) (from Ch. 56 1/2, par. 253)

24 Section 7. The Illinois Horse Meat Act is amended by
25 repealing Section 14.

26 Section 10. The Animals Intended for Food Act is amended by
27 changing Section 2.1 as follows:

28 (410 ILCS 605/2.1) (from Ch. 8, par. 107.1)

29 Sec. 2.1.

30 When in the interest of the general public and in the
31 opinion of the Department of Agriculture it is deemed
32 advisable, the Department has authority to quarantine or

1 restrict any and all animals intended for human consumption
2 that contain poisonous or deleterious substances which may
3 render meat or meat products or poultry or poultry products
4 from such animals or poultry injurious to health; except in
5 case the quantity of such substances in such animals does not
6 ordinarily render meat or meat products or poultry or poultry
7 products from such animals injurious to health.

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

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

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

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

25 (Source: P.A. 77-2117.)

26 Section 15. The Illinois Equine Infectious Anemia Control
27 Act is amended by changing Section 4 as follows:

28 (510 ILCS 65/4) (from Ch. 8, par. 954)

29 Sec. 4. Tests of equidae entering the State. All equidae
30 more than 12 months of age entering the State for any reason
31 ~~other than for immediate slaughter~~ shall be accompanied by a
32 Certificate of Veterinary Inspection issued by an accredited
33 veterinarian of the state of origin within 30 days prior to
34 entry and shall be negative to an official test for EIA within

1 one year prior to entry. ~~Equidae entering the State for~~
2 ~~immediate slaughter shall be accompanied by a consignment~~
3 ~~direct to slaughter at an approved equine slaughtering~~
4 ~~establishment.~~

5 (Source: P.A. 86-223.)

6 Section 20. The Humane Care for Animals Act is amended by
7 changing Sections 5 and 7.5 as follows:

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

9 Sec. 5. Lame or disabled horses. No person shall sell,
10 offer to sell, lead, ride, transport, or drive on any public
11 way any equidae which, because of debility, disease, lameness
12 or any other cause, could not be worked in this State without
13 violating this Act, ~~unless the equidae is being sold,~~
14 ~~transported, or housed with the intent that it will be moved in~~
15 ~~an expeditious and humane manner to an approved slaughtering~~
16 ~~establishment.~~ Such equidae may be conveyed to a proper place
17 for medical or surgical treatment or ~~or~~ for humane keeping or
18 euthanasia, ~~or for slaughter in an approved slaughtering~~
19 ~~establishment.~~

20 A person convicted of violating this Section or any rule,
21 regulation, or order of the Department pursuant thereto is
22 guilty of a Class A misdemeanor. A second or subsequent
23 violation is a Class 4 felony.

24 (Source: P.A. 92-650, eff. 7-11-02.)

25 (510 ILCS 70/7.5)

26 Sec. 7.5. Downed animals.

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

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

33 (c) A downed animal sent to a stockyard, auction, or other

1 facility in violation of this Section shall be humanely
2 euthanized, the disposition of such animal shall be the
3 responsibility of the owner, and the owner shall be liable for
4 any expense incurred.

5 If an animal becomes downed in transit it shall be the
6 responsibility of the carrier.

7 (d) A downed animal shall not be transported unless
8 individually segregated.

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

14 (Source: P.A. 92-650, eff. 7-11-02.)

15 Section 25. The Humane Slaughter of Livestock Act is
16 amended by changing Section 2 as follows:

17 (510 ILCS 75/2) (from Ch. 8, par. 229.52)

18 Sec. 2. As used in this Act:

19 (1) "Director" means the Director of the Department of
20 Agriculture of the State of Illinois.

21 (2) "Person" means any individual, partnership,
22 corporation, or association doing business in this State, in
23 whole or in part.

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

26 (4) "Livestock" means cattle, calves, sheep, swine,
27 horses, mules, goats, and any other animal which can or may be
28 used in and for the preparation of meat or meat products for
29 consumption by human beings or animals. "Livestock", however,
30 does not include horses, mules, or other equidae to be used in
31 and for the preparation of meat or meat products for
32 consumption by human beings, which is prohibited under Section
33 1.5 of the Illinois Horse Meat Act.

34 (5) "Packer" means any person engaged in the business of

1 slaughtering or manufacturing or otherwise preparing meat or
2 meat products for sale, either by such person or others; or of
3 manufacturing or preparing livestock products for sale by such
4 person or others.

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

14 (Source: Laws 1967, p. 2023.)

15 Section 97. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.