



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5382

Introduced 2/15/2012, by Rep. Richard Morthland

SYNOPSIS AS INTRODUCED:

225 ILCS 635/14.5 new	
225 ILCS 635/1.5 rep.	
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. Repeals the provisions of Public Act 95-2 that concerns the ban on slaughtering horses for human consumption. Amends various Acts by adding or deleting certain language that was added or deleted by Public Act 95-2. Effective immediately.

LRB097 18235 CEL 63459 b

1 AN ACT concerning regulation.

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

4 Section 1. The Illinois Horse Meat Act is amended by adding
5 Section 14.5 as follows:

6 (225 ILCS 635/14.5 new)

7 Sec. 14.5. Hermetically sealed horse meat. Horse meat
8 labeled as such in hermetically sealed containers and
9 registered under the Illinois Commercial Feed Act of 1961 is
10 excluded from the provisions of this Act. Horse meat prepared
11 in federally inspected plants located in the State of Illinois,
12 for sale outside of the State of Illinois, is excluded from the
13 provisions of this Act.

14 (225 ILCS 635/1.5 rep.)

15 Section 5. The Illinois Horse Meat Act is amended by
16 repealing Section 1.5.

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

19 (410 ILCS 605/2.1) (from Ch. 8, par. 107.1)

20 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 15. 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 20. 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 is 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 25. 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, in
19 whole or in part.

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

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

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

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

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

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

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

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