HB5640

LRB09915947MGM40264b

99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5640

by Rep. Adam Brown

SYNOPSIS AS INTRODUCED:

505 ILCS 30/9	from Ch. 56 1/2, par. 66.9
505 ILCS 30/10	from Ch. 56 1/2, par. 66.10
505 ILCS 30/14.2	from Ch. 56 1/2, par. 66.14.2

Amends the Illinois Commercial Feed Act of 1961. Provides that inspections under the Act may include documentation of events, including, but not limited to, depictions, photographs, or drawings of the establishment or vehicles. Provides that any rules, regulations, or good manufacturing practices adopted under the Illinois Food, Drug and Cosmetic Act and the federal Food Safety Modernization Act shall serve as the requirements for the good manufacturing practices for the purposes of the Act. Provides that those good manufacturing practices shall apply equally to medicated and non-medicated feed manufacturing including production records and the master records file, unless specifically required as part of another good manufacturing practice rule or regulation. Provides that any person given notice of that person's violation of the Act or its rules shall be given the opportunity to be heard as prescribed by the Director. Establishes penalties for specified violations. Effective immediately.

LRB099 15947 MGM 40264 b

A BILL FOR

AN ACT concerning agriculture.

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

Section 5. The Illinois Commercial Feed Act of 1961 is amended by changing Sections 9, 10, and 14.2 as follows:

(505 ILCS 30/9) (from Ch. 56 1/2, par. 66.9)

Sec. 9. Inspection, sampling and analysis.

(a) For the purpose of enforcement of this Act, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to its provisions, officers, or employees duly designated by the Director, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, during normal business hours, any factory, warehouse, or establishment within the State in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold feeds; and (2) to inspect any factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. The inspection may include <u>documentation of events, including, but not limited to, depictions, photographs, or drawings of the establishment or vehicles and</u>

the verification of only the records, and production and control procedures as may be necessary to determine compliance with the Good Manufacturing Practice Regulations established under Section 10(d) or other provisions of this Act.

(b) A separate notice shall be given for each inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.

(c) If the officer or employee making the inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) If the owner of any factory, warehouse, or establishment described in subsection (a), or his agent, refuses to admit the Director or his agent to inspect in accordance with subsections (a) and (b), the Director is authorized to obtain from any State Court a warrant directing the owner or his agent to submit the premises, records, vehicles, and any items described in the warrant to inspection.

(e) For the enforcement of this Act, the Director or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during

regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds and photograph those events as deemed necessary.

(f) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other recognized methods.

(g) The results of all analyses of official samples shall be forwarded by the Director to the person named on the label. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within 30 days following the receipt of the analysis, the Director shall furnish to the registrant a portion of the sample concerned.

(h) The Director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample obtained and analyzed as provided for in this Act.

(Source: P.A. 87-664.)

(505 ILCS 30/10) (from Ch. 56 1/2, par. 66.10)

Sec. 10. Rules and regulations.

(a) The Director is hereby charged with the enforcement of this Act and is empowered to promulgate and adopt, after due notice and public hearing, such reasonable rules and

regulations as may be necessary in order to secure efficient administration of this Act.

(b) The official definitions of feed ingredients and official feed terms as adopted and published by the Association of American Feed Control Officials and any amendments or supplements thereto are the official definitions of feed ingredients and official feed terms, except insofar as specifically amended, modified or rejected by a rule adopted by the Director.

(c) Federal rules adopted by the U.S. Food and Drug Administration, Department of Health and Human Resources relating to Sections 406, 408, 409, 512 and 706 of the Federal Food, Drug and Cosmetic Act are the rules governing those Sections, except insofar as specially amended, modified or rejected by a rule adopted by the Director.

(d) Any rules, regulations, or good manufacturing practices adopted under the Illinois Food, Drug and Cosmetic Act and the federal Food Safety Modernization Act shall serve as the requirements for ~~The good manufacturing practices established as part 225 and part 226 rules pursuant to the Federal Food, Drug and Cosmetic Act are~~ the good manufacturing practices for the purposes of this Act, except insofar as specifically amended, supplemented, modified or rejected by rules adopted by the Director. Those good manufacturing practices shall apply equally to medicated and non-medicated feed manufacturing including production records and the master

records file, unless specifically required as part of another good manufacturing practice rule or regulation.

(Source: P.A. 87-664.)

(505 ILCS 30/14.2) (from Ch. 56 1/2, par. 66.14.2)

Sec. 14.2. Suspension or revocation of registration or firm license; Administrative hearings and penalties. Any person given notice of that person's violation of this Act or its rules shall be given the opportunity to be heard as prescribed by the Director. If the hearing officer determines that a violation of this Act or its rules has occurred, the hearing officer shall levy and the Department shall collect administrative penalties as follows:

(1) A penalty of $1,000 shall be imposed for:

(A) neglect or refusal by a person, after notice in writing, to comply with the provisions of this Act or its rules or any lawful order of the Director:

(B) every sale, disposal, or distribution of a feed that is under a stop-sale order; or

(C) concealing facts or conditions, impeding, obstructing, hindering, or otherwise preventing or attempting to prevent the Director, or his or her duly authorized agent, from the performance of his or her duty in connection with the provisions of this Act.

(2) A penalty of $500 shall be imposed for:

(A) distribution of a feed that is misbranded or

adulterated;

(B) distribution of a feed that does not have an accompanying label attached or displayed; or

(C) failure to comply with any provisions of this Act or its rules other than the violations described under this Section.

The Department may suspend or revoke any registration issued under Section 4 of this Act for violation of the Act or any rules adopted pursuant thereto.

The Department may, upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, or revocation of a product registration, under this Act, investigate the actions of any applicant or any person or persons applying for, holding, or claiming to hold a product registration or firm license.

At least 10 days before the date set for the hearing, the Director shall notify in writing the applicant for or holder of a product registration or firm license, referred to as the respondent in this Section, that a hearing will be held on the date designated to determine whether the respondent is entitled to hold a product registration or firm license and shall afford the respondent opportunity to be heard in person or by counsel.

The Department, over the signature of the Director, is authorized to issue subpoenas and to take testimony, either orally, by deposition ~~disposition~~ or by exhibit, in the circuit

courts of this State. The Director is authorized to issue subpoenas duces tecum for any or all records relating to the feed in question.

(Source: P.A. 87-664.)

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