

# #Feed Freedom Act

##An Act to Reduce the Regulatory Burden on the Midwestern Feed Market

## ##Section 1 — Short Title

This Act may be referred to as the “Feed Freedom Act.”

## ##Section 2— Findings

- (a) This assembly finds that there is an immense amount of regulations, including licensing for manufacturers and distributors, on feed distribution in the Midwestern State.
- (b) This assembly finds that these regulatory restrictions limit competition while forcing prices up through compliance costs, overall hurting Midwestern farmers.
- (c) This assembly finds that the laws would be simplified if failure to properly label feed was considered a form of fraud, and the complicated and arcane regulatory structure of feed-exclusive inspections was eliminated.

## ##Section 3 — Provisions

- (a) Section 4 of [505 ILCS 30](<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1677&ChapterID=40>) is amended by striking all language and replacing it with the following.

> No license shall be required in this state for the distribution of feed, nor shall fees or registration be required for the distribution of feed regardless of classification.

- (b) Section 5 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No person or entity shall be required to place any information on a label for the sale or distribution of animal feed; *provided* that either

>> (1) the label must make clear to the purchaser that the purchaser assumes all risk for the use of the feed, or

>> (2) the label must make clear to the purchaser the information necessary for effective use of the feed, and the distributor assume liability for deception under [subparagraph (1) of paragraph (A) of 720 ILCS

5/17-1](<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=072000050HArt%2E+17%2C+Subdiv%2E+5&ActID=1876&ChapterID=53&SeqStart=52000000&SeqEnd=53200000>) in the case that the omission of information necessary for the effective use of the feed leads to illness, injury, or death of animals or livestock, and in which case the packaging of the feed shall be considered a “document disposing of property,” with the money expended on the feed considered the property in question.

(c) Section 6 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state may require that any manufacturer or distributor of feed pay a fee for an inspection or sampling of any feed, an inspection of any facilities used to inspect feed, or an inspection of any vehicles or machinery used to transport or process feed, or require that any such manufacturer or distributor keep or submit records regarding the inspection of feed.

(d) Section 7 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state may enforce or employ any part of the Federal Food, Drug, and Cosmetic Act, including but not limited limitations on feed or other agricultural products, or use a product's similarity to those forbidden or regulated by the Federal Food, Drug, and Cosmetic Act as grounds for prosecution.

(e) Section 8 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state may regulate, inspect, or limit the branding, marketing, distribution, or sale of animal feeds, *provided* that the distributor commits deception under [subparagraph (1) of paragraph (A) of 720 ILCS

5/17-1](<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=072000050HArt%2E+17%2C+Subdiv%2E+5&ActID=1876&ChapterID=53&SeqStart=52000000&SeqEnd=53200000>) if its labeling is false or misleading in any claims regarding its composition or if it is distributed under the name of another animal feed.

(f) Section 9 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state may inspect or enter for the purpose inspecting any factory, warehouse, or establishment within this state in which animal feeds are manufactured, processed, packed, or held for distribution, or inspect or enter for the purpose inspecting any vehicle being used to transport or hold feeds, or inspect any pertinent equipment, finished and unfinished materials, containers, and labeling materials in a factory, warehouse, establishment, or vehicle described by this section without first obtaining a warrant. No agency, board, body, or department, or individual agent or employee, of the government of this state may inspect or enter any private building or vehicle described by this section for the purpose of inspecting records or papers pertaining to the production, distribution, sale, or purchase of animal feed, without first obtaining a warrant. No agency, board, body, or department, or individual agent or employee, of the government of this state may obtain a sample of any material or product from a building or vehicle described by this section without first obtaining a warrant. If a warrant is granted for a sample to be obtained, all sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists,, and the results of all analyses of official samples shall be forwarded by the person who obtained the sample to the person from whom the sample was obtained, as well as a portion of the sample concerned.

(g) Section 10 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state may issue regulations for the promotion of mandatory inspection, sampling, or labeling of animal feed or for the licensing of manufacturers or distributors of animal feed. No agency, board, body, or department, or individual agent or employee, of the government of this state may promote, enforce, or employ regulations not issued by the government of this state, including those issued by the federal Food and Drug Administration, regarding the sampling, inspection, or labeling of animal feed or regarding the licensing of manufacturers or distributors of animal feed.

(h) Section 11 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state, may order or direct any manufacturer, distributor, or seller of animal feed to cease to distribute animal feed for failure to comply with inspection, sampling, labeling, or licensing requirements, mandates, or suggestions. No agency, board, body, or department, or individual agent or employee of the government of this state may seize or condemn any lot of animal feed

for failure to comply with inspection, sampling, labeling, or licensing requirements, mandates, or suggestions.

(i) Section 11.1 of 505 ILCS 30 is struck in its entirety.

(j) Section 12 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No person shall be convicted or punished under this Act, excepting the descriptions of deception provided for in Sections 5 and 8.

(k) Section 13 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state, may compile or publish statistics on the manufacture, purchase, or consumption of feed, or of the nature or composition of feeds manufactured, purchased, or consumed in this state.

(l) Section 14.1 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state, may cooperate or coordinate, or enter into associations or agreements with other governmental agencies of this state or other state or agencies of the federal government or private associations and organizations for the purpose of enforcing or creating regulations on the manufacture, distribution, sale, or consumption of feed.

(m) Section 14.2 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state, may suspend or revoke the registration or license of any kind of any firm or individual for failure to comply with inspection, sampling, labeling, or licensing requirements, mandates, or suggestions.

(n) Section 14.3 of 505 ILCS 30 is amended by striking all language and replacing it with the following.

> No agency, board, body, or department, or individual agent or employee, of the government of this state, may maintain, support, or deposit into any fund for the purposes of feed control or with

revenues or fees from feed control. All funds in the Feed Control Fund as of the enactment of this Act shall be moved to the State's General Revenue Fund.

## **##Section 4 — Enactment**

- (a) The provisions of this Act shall go into effect 90 days after enactment.
- (b) This Act is declared severable. If any part of this Act shall for any person or circumstance be held to be illegal, invalid, unenforceable, and/or unconstitutional, such decision shall not affect the validity of any other part of this Act which is operable without the offending part. The legislature hereby declares that it would have passed each part, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more part be declared illegal, invalid, unenforceable, and/or unconstitutional.