

## Illinois State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Ill. Admin. Code tit. 8, § 65.30
    - ii. Sale of Expired Foods
      - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
      - 2. Ill. Admin. Code tit. 8, § 65.30
  - b. Milk
    - i. Grade “A” Milk
      - 1. The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.
      - 2. 77 Ill. Adm. Code 775.30
  - c. Eggs
    - i. Date Labels
      - 1. These laws require egg containers to be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers
      - 2. Ill. Admin. Code tit. 8, § 65.30
  - d. Candy
    - i. Lead Restrictions
      - 1. These laws prohibit the distribution of candy or candy in wrappers that contains an amount of lead in excess of stipulated levels.
      - 2. IL ST CH 410 § 45/4
  - e. Baby Food
    - i. Packaging with BPA
      - 1. These laws prohibit the sale of baby food in jars containing the additive bisphenol A (“BPA”) due to concerns about the chemical’s safety and adverse health impacts it may have on young children.
      - 2. 410 ILCS 44/10
  - f. Cottage Food Production
    - i. Labeling, Production, and Restriction of Sale

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1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
  2. IL ST CH 410 § 625/4
- II. Alcohol
- a. None
- III. Drugs
- a. Recreational
    - i. Salvia
      1. Salvia divinorum or “Salvia” is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
      2. IL ST CH 720 § 570/204
    - ii. Kratom
      1. Mitragyna speciosa, commonly known as “kratom,” is a tropical evergreen tree whose leaves contain opioid properties that make it popular in the U.S. as a recreational drug. These laws criminalize possession or otherwise restrict import or use of kratom so as to function as a ban or partial ban.
      2. 720 ILCS 642/5
  - b. Tobacco
    - i. Minimum Age Requirements
      1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
      2. 2017 IL S.B. 2332 (NS) (pending)
    - ii. Fire Safety Standards
      1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
      2. 425 Ill. Comp. Stat. Ann. 8/5
      3. 425 Ill. Comp. Stat. Ann. 8/10
      4. 425 Ill. Comp. Stat. Ann. 8/15
      5. 425 Ill. Comp. Stat. Ann. 8/20
      6. 425 Ill. Comp. Stat. Ann. 8/30
      7. 425 Ill. Comp. Stat. Ann. 8/35
      8. 425 Ill. Comp. Stat. Ann. 8/40

## IV. Fishing

Source: Harvard Law School Animal Law & Policy Program, Analysis of the “Protect Interstate Commerce Act of 2018” H.R. 4879. 2018. Available at [animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/](http://animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/)

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- a. None
- V. Wood and Lumber
  - a. Firewood
    - i. Import Restrictions
      - 1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
      - 2. 8 Ill. Adm. Code 240.125
    - b. Christmas Trees
      - i. Import Requirements
        - 1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
        - 2. 505 ILCS 90/11
- VI. Home Goods and Products
  - a. Furniture and Bedding
    - i. Label Laws
      - 1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
      - 2. 410 Ill. Comp. Stat. Ann. 68/10
    - ii. Sterilization and Sanitation Requirements
      - 1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
      - 2. 410 Ill. Comp. Stat. Ann. 68/25
    - iii. Registration, Licensing, and Permits
      - 1. These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
      - 2. 410 Ill. Comp. Stat. Ann. 68/15
    - iv. Damaged Goods
      - 1. These regulations impose restrictions on the sale of bedding or other similar items that have been damaged or otherwise contain damaged materials. Some require the manufacturer remake or pay for the return of products not made to satisfaction.

2. 410 Ill. Comp. Stat. Ann. 68/20
- b. Children's Products and Upholstery
  - i. Brominated Flame Retardants
    1. These laws restrict the use or impose requirements on the use of brominated flame retardants and other flame-retardant chemicals in children's products, upholstery, and other goods offered for sale within the state. They are intended to protect consumers from their potentially toxic or carcinogenic effects, to which young children are particularly susceptible. Frequently, these laws set maximum allowable levels of brominated flame retardants that may appear in items offered for sale. They could be preempted to the extent that these chemicals are applied to agricultural products, which may include furniture, changing pads, and bedding.
    2. HRS § 332D-2
- VII. Live Animal Imports
  - a. Authorizations
    - i. Authority to Quarantine
      1. These laws establish the authority of state officials to impose embargoes, quarantines, or other regulations restricting the importation of agricultural products coming into the state. They are intended to affirm the state's police powers and ability to protect local interests from pests and disease.
      2. 8 Ill. Adm. Code 240.280
    - b. Aquaculture
      - i. Aquaculture Import and Disease Reporting
        1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
        2. 17 Ill. Adm. Code 875.10
        3. 17 Ill. Adm. Code 870.50
      - ii. Viral Hemorrhagic Septicemia
        1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
        2. 17 Ill. Adm. Code 875.10
        3. 17 Ill. Adm. Code 870.50
      - iii. Diseased Fish

1. These regulations prohibit the importation of certain varieties of diseased or potentially diseased fish.
  2. 17 Ill. Adm. Code 870.50
- c. Birds
- i. Avian Influenza and Newcastle Disease
    1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
    2. 8 Ill. Adm. Code 85.10
    3. 8 Ill. Adm. Code 85.125
- d. Cattle and Bison
- i. Anthrax
    1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
    2. 8 Ill. Adm. Code 85.150
    3. 8 Ill. Adm. Code 85.12
  - ii. Brucellosis
    1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
    2. 8 Ill. Adm. Code 40.100
  - iii. Bovine Tuberculosis
    1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in

conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. 8 Ill. Adm. Code 80.80
3. 8 Ill. Adm. Code 80.140

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. 8 Ill. Adm. Code 85.150
3. 8 Ill. Adm. Code 85.12

e. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. 17 Ill. Adm. Code 635.20

f. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. 8 Ill. Adm. Code 60.60

ii. Bee Quarantines

1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.

2. 8 Ill. Adm. Code 60.60

iii. Prohibition on Africanized Bees

1. These regulations prohibit the introduction of Africanized bees into the state. Some impose certification requirements to confirm that only European honeybees are allowed into the state for

transport or sale and to protect the public from more aggressive Africanized bees.

2. 8 Ill. Adm. Code 60.50

iv. Disease Free Certifications for Sale

1. These laws require certification that bees or bee equipment be free of disease, or confirmation that each has been sterilized prior to being offered for sale within the state. They are intended to protect local consumers and bee populations.

2. 8 Ill. Adm. Code 60.60

v. Bee Transportation Requirements

1. These laws regulate the movement of bees into or through the state. Some require bees to be packaged or housed a certain way, impose temperature requirements, or require documentation to accompany them.

2. 8 Ill. Adm. Code 60.40

g. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. IL ST CH 510 § 65/4

h. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. 8 Ill. Adm. Code 85.55

i. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an

- animal tests positive. Additionally, many states require testing or certification prior to import.
      - 2. 8 Ill. Adm. Code 105.10
      - 3. 8 Ill. Adm. Code 105.30
    - ii. Swine Vesicular Disease
      - 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
      - 2. 8 Ill. Adm. Code 85.150
      - 3. 8 Ill. Adm. Code 85.12
  - j. Exotic Meats
    - i. Horsemeat Labeling
      - 1. These state regulations require that horsemeat be specifically labelled as such. They are intended to increase transparency regarding sourcing.
      - 2. 8 Ill. Adm. Code 70.80
      - 3. 225 ILCS 635/9
    - ii. Horsemeat Importation for Human Consumption
      - 1. The importation of horsemeat for sale for human consumption is illegal in some states. These laws criminalize or otherwise prohibit the importation or offering for sale of horsemeat for human consumption.
      - 2. 225 ILCS 635/1.5
- VIII. Companion Animals
  - a. Dogs and Cats
    - i. Minimum Age at Sale
      - 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
      - 2. 225 I.L.C.S. § 605/2.2
    - ii. Lemon Laws
      - 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
      - 2. 225 ILCS 605/3.15(a-c)
      - 3. 226 ILCS 605/3.15(d)
      - 4. 227 ILCS 605/3.15(e)



- iii. Veterinary Inspection Requirements
  - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
  - 2. 8 Ill. Adm. Code § 25.47
- IX. Products for Animals
  - a. Pet Food
    - i. Ingredients
      - 1. These laws impose content requirements for pet food. Often they regulate the maximum or minimum amounts of crude protein, fat, fiber, and moisture that may go into a product. Others limit the types of ingredients that may be used, such as those regulations prohibiting the use of meat products that do not come from licensed processing plants subject to inspection.
      - 2. Ill. Admin. Code tit. 8, § 200.130
    - ii. Nutritional Labeling
      - 1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.
      - 2. Ill. Admin. Code tit. 8, § 200.130
    - iii. Nutritional Claims
      - 1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
      - 2. Ill. Admin. Code tit. 8, § 200.130
    - iv. Flavor Labeling
      - 1. These regulations govern flavor designation and labeling on pet food packaging.
      - 2. Ill. Admin. Code tit. 8, § 200.140
    - v. Requirements of Manufacturers
      - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      - 2. 505 Ill. Comp. Stat. Ann. 30/4
- X. Dead Animals and Animal Parts
  - a. Shark Fins
    - i. Possession or Sale
      - 1. These laws prohibit the sale of shark fins for human consumption or the possession of a detached shark fin within the state. (It should be noted that sharks are a class of fish and, as a result, are likely to be considered an agricultural product within the meaning of PICA).

2. 515 ILCS 5/5-30
- XI. Invasive Pests, Plants, and Disease
- a. Ash Trees
    - i. Emerald Ash Borer
      1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
      2. 8 Ill. Adm. Code 240.125
    - b. Walnut Trees
      - i. Thousand Cankers Disease
        1. These laws impose a quarantine or other restrictions on the importation of products that may be carrying thousand cankers disease. They are intended to contain the spread of the disease and protect local trees.
        2. Authority pursuant to 505 Illinois Compiled Statutes 90/1 et.seq. Proclamation, put forth by the Governor, dated February 1, 2012
    - c. Nursery Imports Generally
      - i. Labeling, Testing, and Other Requirements
        1. These laws require shipments of plants or plant seeds entering the state to be properly labeled with information about the producer as well as about where the plants were grown. Some require disease testing information to be included as well.
        2. 8 Ill. Adm. Code 230.40
        3. 505 ILCS 90/11
    - d. Noxious Weeds
      1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
      2. 8 Ill. Adm. Code 220.60
      3. 8 Ill. Adm. Code 230.30
      4. 8 Ill. Adm. Code 230.20
    - e. Noxious Weed Seeds
      1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.

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2. 8 Ill. Adm. Code 230.20
- XII. Procurement
  - a. Agricultural Goods
    - i. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
    - ii. 30 ILCS 500/45 50
- XIII. General Prohibitions
  - a. Toxins in Packaging
    - i. Materials Used to Package Agricultural Products
      1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
      2. 415 ILCS 5/21.5
- XIV. Miscellaneous
  - a. None