



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB5657

by Rep. Michael W. Tryon

#### SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.3  
410 ILCS 625/3.4 new  
410 ILCS 625/3.5 new  
410 ILCS 625/4  
410 ILCS 650/11

from Ch. 56 1/2, par. 77

Amends the Food Handling Regulation Enforcement Act. Provides that regulation of farmers' markets by local authorities may be no more stringent than the regulation established by the Department of Public Health. Establishes a framework for the regulation of food samples. Imposes requirements for disclosure of product origin with respect to specialty crops and raw agricultural commodities. Authorizes a State-certified local public health department to impose a fee in connection with the registration of a cottage food operation. Effective immediately.

LRB098 19064 RPM 54214 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning public health.

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

4 Section 5. The Food Handling Regulation Enforcement Act is  
5 amended by changing Sections 3.3 and 4 and by adding Sections  
6 3.4 and 3.5 as follows:

7 (410 ILCS 625/3.3)

8 Sec. 3.3. Farmers' markets.

9 (a) The General Assembly finds as follows:

10 (1) Farmers' markets, as defined in subsection (b) of  
11 this Section, provide not only a valuable marketplace for  
12 farmers and food artisans to sell their products directly  
13 to consumers, but also a place for consumers to access  
14 fresh fruits, vegetables, and other agricultural products.

15 (2) Farmers' markets serve as a stimulator for local  
16 economies and for thousands of new businesses every year,  
17 allowing farmers to sell directly to consumers and capture  
18 the full retail value of their products. They have become  
19 important community institutions and have figured in the  
20 revitalization of downtown districts and rural  
21 communities.

22 (3) Since 1999, the number of farmers' markets has  
23 tripled and new ones are being established every year.

1           There is a lack of consistent regulation from one county to  
2           the next, resulting in confusion and discrepancies between  
3           counties regarding how products may be sold.

4           (4) In 1999, the Department of Public Health published  
5           Technical Information Bulletin/Food #30 in order to  
6           outline the food handling and sanitation guidelines  
7           required for farmers' markets, producer markets, and other  
8           outdoor food sales events.

9           (5) While this bulletin was revised in 2010, there  
10          continues to be inconsistencies, confusion, and lack of  
11          awareness by consumers, farmers, markets, and local health  
12          authorities of required guidelines affecting farmers'  
13          markets from county to county.

14          (b) For the purposes of this Section:

15          "Department" means the Department of Public Health.

16          "Director" means the Director of Public Health.

17          "Farmers' market" means a common facility or area where  
18          farmers gather to sell a variety of fresh fruits and vegetables  
19          and other locally produced farm and food products directly to  
20          consumers. Local food artisans may participate at farmers'  
21          markets.

22          (c) In order to facilitate the orderly and uniform  
23          statewide interpretation of the Department of Public Health's  
24          Technical Information Bulletin/Food #30, the Farmers' Market  
25          Task Force shall be formed by the Director to assist the  
26          Department in implementing statewide administrative

1 regulations for farmers' markets.

2 (d) This Act does not intend and shall not be construed to  
3 limit the power of counties, municipalities, and other local  
4 government units to regulate farmers' markets for the  
5 protection of the public health, safety, morals, and welfare,  
6 including, but not limited to, licensing requirements and time,  
7 place, and manner restrictions. This Act provides for a  
8 statewide scheme for the orderly and consistent interpretation  
9 of the Department of Public Health administrative rules  
10 pertaining to the safety of food and food products sold at  
11 farmers' markets.

12 (e) The Farmers' Market Task Force shall consist of at  
13 least 24 members appointed within 60 days after the effective  
14 date of this Section. Task Force members shall consist of:

15 (1) one person appointed by the President of the  
16 Senate;

17 (2) one person appointed by the Minority Leader of the  
18 Senate;

19 (3) one person appointed by the Speaker of the House of  
20 Representatives;

21 (4) one person appointed by the Minority Leader of the  
22 House of Representatives;

23 (5) the Director of Public Health or his or her  
24 designee;

25 (6) the Director of Agriculture or his or her designee;

26 (7) a representative of a general agricultural

1 production association appointed by the Department of  
2 Agriculture;

3 (8) three representatives of local county public  
4 health departments appointed by the Director and selected  
5 from 3 different counties representing each of the  
6 northern, central, and southern portions of this State;

7 (9) four members of the general public who are engaged  
8 in local farmers' markets appointed by the Director of  
9 Agriculture;

10 (10) a representative of an association representing  
11 public health administrators appointed by the Director;

12 (11) a representative of an organization of public  
13 health departments that serve the City of Chicago and the  
14 counties of Cook, DuPage, Kane, Kendall, Lake, McHenry,  
15 Will, and Winnebago appointed by the Director;

16 (12) a representative of a general public health  
17 association appointed by the Director;

18 (13) the Director of Commerce and Economic Opportunity  
19 or his or her designee;

20 (14) the Lieutenant Governor or his or her designee;  
21 and

22 (15) five farmers who sell their farm products at  
23 farmers' markets appointed by the Lieutenant Governor or  
24 his or her designee.

25 Task Force members' terms shall be for a period of 2 years,  
26 with ongoing appointments made according to the provisions of

1 this Section.

2 (f) The Task Force shall be convened by the Director or his  
3 or her designee. Members shall elect a Task Force Chair and  
4 Co-Chair.

5 (g) Meetings may be held via conference call, in person, or  
6 both. Three members of the Task Force may call a meeting as  
7 long as a 5-working-day notification is sent via mail, e-mail,  
8 or telephone call to each member of the Task Force.

9 (h) Members of the Task Force shall serve without  
10 compensation.

11 (i) The Task Force shall undertake a comprehensive and  
12 thorough review of the current Statutes and administrative  
13 rules that define which products and practices are permitted  
14 and which products and practices are not permitted at farmers'  
15 markets and to assist the Department in developing statewide  
16 administrative regulations for farmers' markets.

17 (j) The Task Force shall assist the Department of Public  
18 Health and the Department of Agriculture in developing  
19 administrative regulations and procedures regarding the  
20 implementation of the various Acts that define which products  
21 and practices are permitted and which products and practices  
22 are not permitted at farmers' markets.

23 (k) The Department of Public Health shall provide staffing  
24 support to the Task Force and shall help to prepare, print, and  
25 distribute all reports deemed necessary by the Task Force.

26 (l) The Task Force may request assistance from any entity

1 necessary or useful for the performance of its duties. The Task  
2 Force shall issue a report annually to the Secretary of the  
3 Senate and the Clerk of the House.

4 (m) The following provisions shall apply concerning  
5 statewide farmers' market food safety guidelines:

6 (1) The Director, in accordance with this Section,  
7 shall adopt administrative rules (as provided by the  
8 Illinois Administrative Procedure Act) for foods found at  
9 farmers' markets.

10 (2) The rules and regulations described in this Act  
11 shall be consistently enforced by local health authorities  
12 throughout the State.

13 (2.5) Notwithstanding any other provision of law  
14 except as provided in this Act, local public health  
15 departments and all other units of local government are  
16 prohibited from creating sanitation guidelines, rules, or  
17 regulations for farmers' markets that are more stringent  
18 than those farmers' market sanitation guidelines contained  
19 in the Department of Public Health's Technical Information  
20 Bulletin #30 Sanitation Guidelines for Farmers Markets  
21 (TIB #30), any subsequent revisions to TIB #30, or any  
22 subsequent administrative rules adopted by the Department  
23 for the purposes of implementing this Act. Except as  
24 provided for in Section 3.4 of this Act, this Act does not  
25 intend and shall not be construed to limit the power of  
26 local health departments and other government units from

1 requiring licensing and permits for the sale of commercial  
2 food products, processed food products, prepared foods,  
3 and potentially hazardous foods at farmers' markets or  
4 conducting related inspections and enforcement activities,  
5 so long as those permits and licenses do not include  
6 onerous and unreasonable fees or sanitation provisions and  
7 rules that are more stringent than those laid out in the  
8 Department's TIB#30, subsequent revisions to TIB #30, or  
9 any subsequent administrative rules adopted by the  
10 Department for the purposes of implementing this Act.

11 (3) In the case of alleged non-compliance with the  
12 provisions described in this Act, local health departments  
13 shall issue written notices to vendors and market managers  
14 of any noncompliance issues.

15 (4) Produce and food products coming within the scope  
16 of the provisions of this Act shall include, but not be  
17 limited to, raw agricultural products, including fresh  
18 fruits and vegetables; popcorn, grains, seeds, beans, and  
19 nuts that are whole, unprocessed, unpackaged, and  
20 unsprouted; fresh herb springs and dried herbs in bunches;  
21 baked goods sold at farmers' markets; cut fruits and  
22 vegetables; milk and cheese products; ice cream; syrups;  
23 wild and cultivated mushrooms; apple cider and other fruit  
24 and vegetable juices; herb vinegar; garlic-in-oil;  
25 flavored oils; pickles, relishes, salsas, and other canned  
26 or jarred items; shell eggs; meat and poultry; fish; and



1 commercially produced prepackaged food products.

2 (n) Local health department regulatory guidelines may be  
3 applied to foods not often found at farmers' markets, all other  
4 food products not regulated by the Department of Agriculture  
5 and the Department of Public Health, as well as live animals to  
6 be sold at farmers' markets.

7 (o) The Task Force shall issue annual reports to the  
8 Secretary of the Senate and the Clerk of the House with  
9 recommendations for the development of administrative rules as  
10 specified. The first report shall be issued no later than  
11 December 31, 2012.

12 (p) The Department of Public Health and the Department of  
13 Agriculture, in conjunction with the Task Force, shall adopt  
14 administrative rules necessary to implement, interpret, and  
15 make specific the provisions of this Act, including, but not  
16 limited to, rules concerning labels, sanitation, and food  
17 product safety according to the realms of their jurisdiction.  
18 Proposed administrative rules shall be drafted and published  
19 for initial public comment no later than October 1, 2014.

20 (q) The Department and the Task Force shall work together  
21 to create a food sampling training and license program as  
22 specified in Section 3.4 of this Act.

23 (Source: P.A. 97-394, eff. 8-16-11.)

24 (410 ILCS 625/3.4 new)

25 Sec. 3.4. Product samples.

1       (a) For the purpose of this Section, "food product  
2 sampling" means food product samples distributed free of charge  
3 for promotional or educational purposes only.

4       (b) Notwithstanding any other provision of law, except as  
5 provided in subsection (c) of this Section, a vendor who  
6 engages in food product sampling at a farmers' market or farm  
7 stand registered with the Department of Agriculture Bureau of  
8 Marketing may do so without obtaining a permit to provide those  
9 samples or any other applicable State or local permit or  
10 license to do so, provided all of the following conditions are  
11 met:

12           (1) Except when samples are entirely prepared and  
13 packaged individually in single-use serving sampling  
14 containers at a commercially certified and inspected  
15 kitchen or cottage food operation prior to arriving at the  
16 farmers' market, a vendor engaged in food product sampling  
17 must at a minimum:

18           (A) provide or have reasonable access to a hand  
19 washing station that consists of a container with a  
20 spigot that provides hands-free flowing potable water,  
21 a waste bucket or catch basin under the spigot, a  
22 pump-type soap dispenser, and single use disposable  
23 towels;

24           (B) operate in accordance with 77 Ill. Adm. Code  
25 750.512 and 750.514 (When to Wash Hands and Where to  
26 Wash Hands); and

1           (C) wash, rinse, and sanitize all equipment,  
2           utensils, and cutting boards used to slice or prepare  
3           samples prior to use in sampling utilizing a 3-sink  
4           system or, at minimum, a basic 3-bucket washing station  
5           setup.

6           (2) Product samples shall be stored and held under  
7           sanitary conditions in accordance with the following  
8           provisions:

9           (A) Product samples must at all times be protected  
10          from insects, flies, dirt, unnecessary handling,  
11          chemicals, adulterants, and any other contamination.

12          (B) Samples at a farmers' market vendor stand or  
13          booth shall be displayed in a manner that protects them  
14          from insects, flies, dirt, unnecessary handling,  
15          chemicals, adulterants, and any other contamination.

16          (C) The premises where samples are distributed  
17          shall be maintained in a neat and clean sanitary  
18          condition.

19          (D) If ice or dry ice is necessary or used to cool  
20          samples or keep samples at the appropriate temperature  
21          as required under the Illinois Food Service Sanitation  
22          Code, it shall be done in accordance with 77 Ill. Adm.  
23          Code 750.1620 and Section 750.1650 (Ice and Wet  
24          Storage). All potentially hazardous food must be held  
25          at the appropriate temperature; any form is  
26          acceptable, so long as the temperature requirement is

1 met.

2 (3) Product samples of food may only be distributed  
3 using single-use sampling equipment, including, but not  
4 limited to, tooth-picks, cups, and containers.

5 (4) Potentially hazardous samples of foods that  
6 require temperature control for safety that have not been  
7 served to consumers within 2 hours after preparation must  
8 be discarded.

9 (5) All raw agricultural foods, such as fruits and  
10 vegetables, must be thoroughly washed in potable water  
11 prior to cutting. All washed food products for sampling  
12 must be stored separately and apart from other unwashed  
13 food items and shall be protected from recontamination  
14 after washing.

15 (6) Animals are not allowed in any food product  
16 sampling or handling areas.

17 (7) The vendor offering samples has a  
18 Department-approved food handling license.

19 The Department of Public Health is instructed to work  
20 with the Farmers' Market Task Force as created in Section  
21 3.3 of this Act to create a specific food sampling at  
22 farmers' market training course and license to fulfill this  
23 requirement. The Department may charge a reasonable fee for  
24 the license and training course. The Department may  
25 delegate or contract authority to administer the food  
26 sampling training course to other public and private

1 entities. Upon completion of the food sampling at farmers'  
2 market training course, a trainee shall submit proof to the  
3 Department and the Department shall issue a food sampling  
4 training license that is valid for 2 years.

5 (c) Notwithstanding the provisions of subsection (b) of  
6 this Section, the Department of Public Health, the Department  
7 of Agriculture, a certified local health department, or any  
8 unit of local government may inspect a vendor at a farmers'  
9 market to ensure compliance with the provisions in this  
10 Section. If an imminent health hazard exists or a vendor's  
11 product has been found to be misbranded, adulterated, or not in  
12 compliance with the permit exemption for vendors pursuant to  
13 this Section, then the regulatory authority may invoke  
14 cessation of sales until it deems that the situation has been  
15 addressed.

16 (410 ILCS 625/3.5 new)

17 Sec. 3.5. Product origin.

18 (a) All vendors or booths selling specialty crops and raw  
19 agricultural commodities at a farmers' market in Illinois must  
20 post at the point of sale a placard or include on a label or  
21 packing slip the physical location of the farm on which those  
22 products were grown or produced.

23 (b) Specialty crops and raw agricultural commodities  
24 direct marketed at farmers' markets that do not include a  
25 placard at the point of sale or on a label or packing slip

1 stating the physical location of the farm on which those  
2 products were grown or produced shall be considered misbranded  
3 and adulterated.

4 (410 ILCS 625/4)

5 Sec. 4. Cottage food operation.

6 (a) For the purpose of this Section:

7 "Cottage food operation" means an operation conducted by a  
8 person who produces or packages non-potentially hazardous food  
9 in a kitchen located in ~~of~~ that person's primary domestic  
10 residence or another kitchen on that property for direct sale  
11 by the owner or a family member, stored in the residence where  
12 the food is made.

13 "Farmers' market" means a common facility or area where  
14 farmers gather to sell a variety of fresh fruits and vegetables  
15 and other locally produced farm and food products directly to  
16 consumers.

17 "Potentially hazardous food" means a food that is  
18 potentially hazardous according to the Federal Food and Drug  
19 Administration 2009 Food Code (FDA 2009 Food Code) or any  
20 subsequent amendments to the FDA 2009 Food Code. Potentially  
21 hazardous food (PHF) in general means a food that requires time  
22 and temperature control for safety (TCS) to limit pathogenic  
23 microorganism growth or toxin formation. In accordance with the  
24 FDA 2009 Food Code, potentially hazardous food does not include  
25 a food item that because of its pH or Aw value, or interaction

1 of Aw and pH values, is designated as a non-PHF/non-TCS food in  
2 Table A or B of the FDA 2009 Food Code's potentially hazardous  
3 food definition.

4 (b) Notwithstanding any other provision of law and except  
5 as provided in subsections (c) and (d) of this Section, neither  
6 the Department of Public Health nor the Department of  
7 Agriculture nor the health department of a unit of local  
8 government may regulate the service of food by a cottage food  
9 operation providing that all of the following conditions are  
10 met:

11 (1) The food is not a potentially hazardous baked good,  
12 jam, jelly, preserve, fruit butter, dry herb, dry herb  
13 blend, or dry tea blend and is intended for end-use only.  
14 The following provisions shall apply:

15 (A) The following jams, jellies and preserves are  
16 allowed: apple, apricot, grape, peach, plum, quince,  
17 orange, nectarine, tangerine, blackberry, raspberry,  
18 blueberry, boysenberry, cherry, cranberry, strawberry,  
19 red currants, or a combination of these fruits.  
20 Rhubarb, tomato, and pepper jellies or jams are not  
21 allowed. Any other jams, jellies, or preserves not  
22 listed may be produced by a cottage food operation  
23 provided their recipe has been tested and documented by  
24 a commercial laboratory, at the expense of the cottage  
25 food operation, as being not potentially hazardous,  
26 containing a pH equilibrium of less than 4.6.

1 (B) The following fruit butters are allowed:  
2 apple, apricot, grape, peach, plum, quince, and prune.  
3 Pumpkin butter, banana butter, and pear butter are not  
4 allowed. Fruit butters not listed may be produced by a  
5 cottage food operation provided their recipe has been  
6 tested and documented by a commercial laboratory, at  
7 the expense of the cottage food operation, as being not  
8 potentially hazardous, containing a pH equilibrium of  
9 less than 4.6.

10 (C) Baked goods, such as, but not limited to,  
11 breads, cookies, cakes, pies, and pastries are  
12 allowed. Only high-acid fruit pies that use the  
13 following fruits are allowed: apple, apricot, grape,  
14 peach, plum, quince, orange, nectarine, tangerine,  
15 blackberry, raspberry, blueberry, boysenberry, cherry,  
16 cranberry, strawberry, red currants or a combination  
17 of these fruits. Fruit pies not listed may be produced  
18 by a cottage food operation provided their recipe has  
19 been tested and documented by a commercial laboratory,  
20 at the expense of the cottage food operation, as being  
21 not potentially hazardous, containing a pH equilibrium  
22 of less than 4.6. The following are potentially  
23 hazardous and prohibited from production and sale by a  
24 cottage food operation: pumpkin pie, sweet potato pie,  
25 cheesecake, custard pies, creme pies, and pastries  
26 with potentially hazardous fillings or toppings.



1 (2) The food is to be sold at a farmers' market.

2 (3) Gross receipts from the sale of food exempted under  
3 this Section do not exceed \$25,000 in a calendar year.

4 (4) The food packaging conforms to the labeling  
5 requirements of the Illinois Food, Drug and Cosmetic Act  
6 and includes the following information on the label of each  
7 of its products:

8 (A) the name and address of the cottage food  
9 operation;

10 (B) the common or usual name of the food product;

11 (C) all ingredients of the food product, including  
12 any colors, artificial flavors, and preservatives,  
13 listed in descending order by predominance of weight  
14 shown with common or usual names;

15 (D) the following phrase: "This product was  
16 produced in a home kitchen not subject to public health  
17 inspection that may also process common food  
18 allergens.";

19 (E) the date the product was processed; and

20 (F) allergen labeling as specified in federal  
21 labeling requirements.

22 (5) The name and residence of the person preparing and  
23 selling products as a cottage food operation is registered  
24 with the health department of a unit of local government  
25 where the cottage food operation resides. No fees shall be  
26 charged for registration. Registration shall be for a

1       minimum period of one year.

2           (6) The person preparing and selling products as a  
3 cottage food operation has a Department of Public Health  
4 approved Food Service Sanitation Management Certificate.

5           (7) At the point of sale a placard is displayed in a  
6 prominent location that states the following: "This  
7 product was produced in a home kitchen not subject to  
8 public health inspection that may also process common food  
9 allergens."

10          (c) Notwithstanding the provisions of subsection (b) of  
11 this Section, if the Department of Public Health or the health  
12 department of a unit of local government has received a  
13 consumer complaint or has reason to believe that an imminent  
14 health hazard exists or that a cottage food operation's product  
15 has been found to be misbranded, adulterated, or not in  
16 compliance with the exception for cottage food operations  
17 pursuant to this Section, then it may invoke cessation of sales  
18 until it deems that the situation has been addressed to the  
19 satisfaction of the Department.

20          (d) Notwithstanding the provisions of subsection (b) of  
21 this Section, a State-certified local public health department  
22 may, upon providing a written statement to the Department of  
23 Public Health, regulate the service of food by a cottage food  
24 operation. The regulation by a State-certified local public  
25 health department may include all of the following  
26 requirements:

1           (1) That the cottage food operation (A) register with  
2           the State-certified local public health department, which  
3           shall be for a minimum of one year and ~~may~~ include a  
4           reasonable fee set by the State-certified local public  
5           health department that is no greater than \$25  
6           notwithstanding paragraph (5) of subsection (b) of this  
7           Section and (B) agree in writing at the time of  
8           registration to grant access to the State-certified local  
9           public health department to conduct an inspection of the  
10          cottage food operation's primary domestic residence in the  
11          event of a consumer complaint or foodborne illness  
12          outbreak.

13          (2) That in the event of a consumer complaint or  
14          foodborne illness outbreak the State-certified local  
15          public health department is allowed to (A) inspect the  
16          premises of the cottage food operation in question and (B)  
17          set a reasonable fee for that inspection.

18          (Source: P.A. 97-393, eff. 1-1-12.)

19          Section 10. The Sanitary Food Preparation Act is amended by  
20          changing Section 11 as follows:

21               (410 ILCS 650/11) (from Ch. 56 1/2, par. 77)

22          Sec. 11. Except as hereinafter provided and as provided in  
23          Sections 3.3, 3.4, and 4 of the Food Handling Regulation  
24          Enforcement Act, the Department of Public Health shall enforce

1 this Act, and for that purpose it may at all times enter every  
2 such building, room, basement, inclosure or premises occupied  
3 or used or suspected of being occupied or used for the  
4 production, preparation or manufacture for sale, or the  
5 storage, sale, distribution or transportation of such food, to  
6 inspect the premises and all utensils, fixtures, furniture and  
7 machinery used as aforesaid; and if upon inspection any such  
8 food producing or distribution establishment, conveyance, or  
9 employer, employee, clerk, driver or other person is found to  
10 be violating any of the provisions of this Act, or if the  
11 production, preparation, manufacture, packing, storage, sale,  
12 distribution or transportation of such food is being conducted  
13 in a manner detrimental to the health of the employees and  
14 operatives, or to the character or quality of the food therein  
15 being produced, manufactured, packed, stored, sold,  
16 distributed or conveyed, the officer or inspector making the  
17 inspection or examination shall report such conditions and  
18 violations to the Department. The Department of Agriculture  
19 shall have exclusive jurisdiction for the enforcement of this  
20 Act insofar as it relates to establishments defined by Section  
21 2.5 of "The Meat and Poultry Inspection Act", approved July 22,  
22 1959, as heretofore or hereafter amended. The Department of  
23 Agriculture or Department of Public Health, as the case may be,  
24 shall thereupon issue a written order to the person, firm or  
25 corporation responsible for the violation or condition  
26 aforesaid to abate such condition or violation or to make such

1 changes or improvements as may be necessary to abate them,  
2 within such reasonable time as may be required. Notice of the  
3 order may be served by delivering a copy thereof to the person,  
4 firm or corporation, or by sending a copy thereof by registered  
5 mail, and the receipt thereof through the post office shall be  
6 prima facie evidence that notice of the order has been  
7 received. Such person, firm or corporation may appear in person  
8 or by attorney before the Department of Agriculture or the  
9 Department of Public Health, as the case may be, within the  
10 time limited in the order, and shall be given an opportunity to  
11 be heard and to show why such order or instructions should not  
12 be obeyed. The hearing shall be under such rules and  
13 regulations as may be prescribed by the Department of  
14 Agriculture or the Department of Public Health, as the case may  
15 be. If after such hearing it appears that this Act has not been  
16 violated, the order shall be rescinded. If it appears that this  
17 Act is being violated, and that the person, firm or corporation  
18 notified is responsible therefor, the previous order shall be  
19 confirmed or amended, as the facts shall warrant, and shall  
20 thereupon be final, but such additional time as is necessary  
21 may be granted within which to comply with the final order. If  
22 such person, firm or corporation is not present or represented  
23 when such final order is made, notice thereof shall be given as  
24 above provided. On failure of the party or parties to comply  
25 with the first order of the Department of Agriculture or the  
26 Department of Public Health, as the case may be, within the

1 time prescribed, when no hearing is demanded, or upon failure  
2 to comply with the final order within the time specified, the  
3 Department shall certify the facts to the State's Attorney of  
4 the county in which such violation occurred, and such State's  
5 Attorney shall proceed against the party or parties for the  
6 fines and penalties provided by this Act, and also for the  
7 abatement of the nuisance: Provided, that the proceedings  
8 herein prescribed for the abatement of nuisances as defined in  
9 this Act shall not in any manner relieve the violator from  
10 prosecution in the first instance for every such violation, nor  
11 from the penalties for such violation prescribed by Section 13.  
12 (Source: P.A. 97-393, eff. 1-1-12; 97-394, eff. 8-16-11;  
13 97-813, eff. 7-13-12.)

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