

1 AMENDMENT TO SENATE BILL 750

2 AMENDMENT NO. _____. Amend Senate Bill 750 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Halal Food Act.

6 Section 5. Definitions. As used in this Act:

7 "Advertise" means to engage in promotional activities
8 including, but not limited to, newspaper, radio, and
9 television advertising; the distribution of fliers and
10 circulars; and the display of window and interior signs.

11 "Food", "food product", or "food commodity" means any
12 food, food product, or food preparation, whether raw or
13 prepared for human consumption, and whether in a solid or
14 liquid state, including, but not limited to, any meat, meat
15 product or meat preparation; any milk, milk product or milk
16 preparation; and any alcoholic or non-alcoholic beverage.

17 "Food commodity in package form" means a food commodity
18 put up or packaged in any manner in advance of sale in units
19 suitable for retail sale and which is not intended for
20 consumption at the point of manufacture.

21 "Halal" means prepared under and maintained in strict
22 compliance with the laws and customs of the Islamic religion.

1 Section 10. Deception prohibited.

2 (a) It is a Class B misdemeanor for any person to make
3 any oral or written statement that directly or indirectly
4 tends to deceive or otherwise lead a reasonable individual to
5 believe that a non-halal food or food product is halal.

6 (b) The presence of any non-halal food or food product
7 in any place of business that advertises or represents itself
8 in any manner as selling, offering for sale, preparing, or
9 serving halal food or food products only, is presumptive
10 evidence that the person in possession offers the food or
11 food product for sale in violation of subsection (a).

12 (c) It shall be a complete defense to a prosecution
13 under subsection (a) that the defendant relied in good faith
14 upon the representations of a slaughterhouse, manufacturer,
15 processor, packer, or distributor, or any person or
16 organization which certifies or represents any food or food
17 product at issue to be halal or as having been prepared under
18 or sanctioned by Islamic religious requirements.

19 Section 15. Other offenses concerning halal food. It is
20 a Class B misdemeanor for any person to:

21 (1) falsely represent any food sold, prepared,
22 served, or offered for sale to be halal;

23 (2) remove or destroy, or cause to be removed or
24 destroyed, the original means of identification affixed
25 to food commodities to indicate that the food commodities
26 are halal, except that this paragraph (2) may not be
27 construed to prevent the removal of the identification if
28 the commodity is offered for sale as non-halal;

29 (3) sell, dispose of, or have in his or her
30 possession for the purpose of resale as halal any food
31 commodity to which a slaughterhouse mark, stamp, tag,
32 brand, label, or other means of identification has been
33 fraudulently attached;

1 (4) label or identify a food commodity in package
2 form to be halal or possess such labels or means of
3 identification, unless he or she is the manufacturer or
4 packer of the food commodity in package form;

5 (5) label or identify an article of food not in
6 package form to be halal or possess such labels or other
7 means of identification, unless he or she is the
8 manufacturer of the article of food;

9 (6) falsely label any food commodity in package
10 form as halal by having or permitting to be inscribed on
11 it, in any language, the words "halal" or "helal", or any
12 other words or symbols, not limited to characters in
13 Arabic writing, which would tend to deceive or otherwise
14 lead a reasonable individual to believe that the
15 commodity is halal;

16 (7) sell, offer for sale, prepare, or serve in or
17 from the same place of business both unpackaged non-halal
18 food and unpackaged food he or she represents to be halal
19 unless he or she posts a window sign at the entrance of
20 his or her establishment which states in block letters at
21 least 4 inches in height: "Halal and Non-Halal Foods Sold
22 Here", or "Halal and Non-Halal Foods Served Here", or a
23 statement of similar import;

24 (8) sell or have in his or her possession for the
25 purpose of resale as halal any food commodity not having
26 affixed thereto the original slaughterhouse mark, stamp,
27 tag, brand, label, or other means of identification
28 employed to indicate that the food commodity is halal; or

29 (9) display for sale, in the same show window or
30 other location on or in his or her place of business,
31 both unpackaged food represented to be halal and
32 unpackaged non-halal food unless he or she:

33 (A) displays over the halal and non-halal food
34 signs that read, in clearly visible block letters,

1 "halal food" and "non-halal food", respectively, or,
2 as to the display of meat alone, "halal meat" and
3 "non-halal meat", respectively;

4 (B) separates the halal food products from the
5 non-halal food products by keeping the products in
6 separate display cabinets, or by segregating halal
7 items from non-halal items by use of clearly visible
8 dividers; and

9 (C) slices or otherwise prepares the halal
10 food products for sale with utensils used solely for
11 halal food items.

12 Section 90. The Consumer Fraud and Deceptive Business
13 Practices Act is amended by adding Section 2KK as follows:

14 (815 ILCS 505/2KK new)

15 Sec. 2KK. Halal food; disclosure.

16 (a) As used in this Section:

17 "Dealer" means any establishment that advertises,
18 represents, or holds itself out as selling, preparing, or
19 maintaining food as halal, including, but not be limited to,
20 manufacturers, slaughterhouses, wholesalers, stores,
21 restaurants, hotels, catering facilities, butcher shops,
22 summer camps, bakeries, delicatessens, supermarkets, grocery
23 stores, licensed health care facilities, freezer dealers, and
24 food plan companies. These establishments may also sell,
25 prepare or maintain food not represented as halal.

26 "Director" means the Director of Agriculture.

27 "Food" means a food, food product, food ingredient,
28 dietary supplement, or beverage.

29 "Halal" means prepared under and maintained in strict
30 compliance with the laws and customs of the Islamic religion.

31 (b) Any dealer who prepares, distributes, sells, or
32 exposes for sale any food represented to be halal shall

1 disclose the basis upon which that representation is made by
2 posting the information required by the Director, in
3 accordance with rules adopted by the Director, on a sign of a
4 type and size specified by the Director, in a conspicuous
5 place upon the premises at which the food is sold or exposed
6 for sale, as required by the Director.

7 (c) Any person subject to the requirements of subsection
8 (b) does not commit an unlawful practice if the person shows
9 by a preponderance of the evidence that the person relied in
10 good faith upon the representations of a slaughterhouse,
11 manufacturer, processor, packer, or distributor of any food
12 represented to be halal.

13 (d) Possession by a dealer of any food not in
14 conformance with the disclosure required by subsection (b)
15 with respect to that food is presumptive evidence that the
16 person is in possession of that food with the intent to sell.

17 (e) Any dealer who prepares, distributes, sells, or
18 exposes for sale any food represented to be halal shall
19 comply with all requirements of the Director, including, but
20 not limited to, recordkeeping, labeling and filing, in
21 accordance with rules adopted by the Director.

22 (f) The Director shall adopt rules to carry out this
23 Section in accordance with the Illinois Administrative
24 Procedure Act.

25 (g) It is an unlawful practice under this Act to violate
26 this Section or the rules adopted by the Director to carry
27 out this Section."