

SB0125



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0125

Introduced 1/17/2025, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Genetically Engineered Food Labeling Act. Provides that, beginning on the effective date of the Act, any food offered for retail sale in this State is misbranded if it is entirely or partially produced with genetic engineering and that fact is not disclosed in a specified manner. Provides that the Act shall not be construed to require the listing of specific ingredients as genetically engineered. Creates exemptions from the requirements of the Act. Creates a right of action for violations of the Act. Provides that the Department of Public Health shall adopt rules necessary to implement the Act. Defines terms. Contains a severability provision. Effective January 1, 2026.

LRB104 07381 BDA 17421 b

A BILL FOR

1 AN ACT concerning health.

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

4 Section 1. Short title. This Act may be cited as the
5 Genetically Engineered Food Labeling Act.

6 Section 15. In this Act, terms have the meanings given to
7 them in the Illinois Food, Drug and Cosmetic Act, except as
8 provided in this Section.

9 "Agriculture" means the science, art, or practice of
10 cultivating soil, producing crops, and raising livestock or
11 fish and, in varying degrees, the preparation and marketing of
12 the resulting products.

13 "Cultivated commercially" means agricultural commodities
14 grown or raised in the course of business or trade and sold
15 within the United States.

16 "Department" means the Department of Public Health.

17 "Enzyme" means a protein that catalyzes chemical reactions
18 of other substances without itself being destroyed or altered
19 upon completion of the reactions.

20 "Food" means any articles used to feed or nourish man,
21 chewing gum, and articles used for components, including food
22 additives, of any such article.

23 "Genetically engineered" means a process that results in a

1 substance that is produced from an organism or organisms in
2 which the genetic material has been changed through the
3 application of the following:

4 (1) in vitro nucleic acid techniques, which include,
5 but are not limited to, recombinant deoxyribonucleic acid
6 (DNA), direct injection of nucleic acid into cells or
7 organelles, encapsulation, gene deletion, and doubling
8 (for the purposes of this definition, "in vitro nucleic
9 acid techniques" include, but are not limited to,
10 recombinant DNA or RNA techniques that use vector systems
11 and techniques involving the direct introduction into the
12 organisms of hereditary materials prepared outside the
13 organisms, such as biolistics, microinjection,
14 macro-injection, chemoporation, electroporation,
15 microencapsulation, and liposome fusion); or

16 (2) methods of fusing cells beyond the taxonomic
17 family that overcome natural physiological reproductive or
18 recombinant barriers, and that are not techniques used in
19 traditional breeding and selection, such as conjugation,
20 transduction, and hybridization.

21 "Label" means a display of written, printed, or graphic
22 matter upon or connected to the immediate container or surface
23 of any article. In order to meet the definition of "label", any
24 word, statement, or other information appearing on the label
25 shall appear on the outside container or wrapper, if any, of
26 the bulk, wholesale, or retail package of the article or be

1 easily legible through the outside container or wrapper.

2 "Labeling" means any written, printed, or graphic matter
3 that is present on the label, accompanies the food, or is
4 displayed near the food, including that for the purpose of
5 promoting its sale or disposal.

6 "Manufacturer" means the person or business that makes,
7 processes, combines, or packages food ingredients into a
8 finished food product.

9 "Medical food" means a food that is formulated to be
10 consumed or administered internally under the supervision of a
11 physician and which is intended for the specific dietary
12 management of a disease or condition for which distinctive
13 nutritional requirements, based on recognized scientific
14 principles, are established by medical evaluation.

15 "Organism" means any biological entity capable of
16 replication, reproduction, or transferring genetic material.

17 "Packaged food" means any food offered for retail sale in
18 this State, other than raw food and food served, sold, or
19 provided ready to eat in any bake sale, restaurant, or
20 cafeteria, and that is otherwise subject to the provisions of
21 the Illinois Food, Drug and Cosmetic Act prohibiting
22 misbranding.

23 "Processed food" means any food other than a raw
24 agricultural commodity, including any food produced from a raw
25 agricultural commodity that has been subject to processing
26 such as canning, smoking, pressing, cooking, freezing,

1 dehydration, fermentation, or milling.

2 "Processing aid" means the following:

3 (a) a substance that is added to a food during the
4 processing of the food but is removed in some manner from
5 the food before it is packaged in its final form;

6 (b) a substance that is added to a food during
7 processing, is converted into constituents normally
8 present in the food, and does not significantly increase
9 the amount of the constituents found in the food; or

10 (c) a substance that is added to a food for its
11 technical or functional effects in the processing but is
12 present in the finished food at insignificant levels and
13 does not have any technical or functional effect in that
14 finished food.

15 "Raw agricultural commodity" means any plant, animal, or
16 fungi grown or produced for human food purposes, including all
17 fruits that are washed, colored, or otherwise treated in their
18 unpeeled natural form before marketing.

19 Section 20. Labeling of genetically engineered foods.

20 (a) Beginning on the effective date of this Act, any food
21 offered for retail sale in this State is misbranded if it is
22 entirely or partially produced with genetic engineering and
23 that fact is not disclosed as follows:

24 (1) In the case of a raw agricultural commodity, on
25 the package offered for retail sale, with the words

1 "Genetically Engineered" appearing clearly and
2 conspicuously on the label on the front of the package of
3 the commodity or, in the case of any such commodity that is
4 not separately packaged or labeled, on a clear and
5 conspicuous label appearing on the retail store shelf or
6 bin in which the commodity is displayed for sale.

7 (2) In the case of processed food containing some
8 products of genetic engineering, the manufacturer must
9 label the product, in clear and conspicuous language on
10 the front or back of the package of such food, with the
11 words "Produced with Genetic Engineering" or "Partially
12 Produced with Genetic Engineering".

13 (b) This Act shall not be construed to require either the
14 listing or identification of any ingredient or ingredients
15 that were genetically engineered, nor that the term
16 "genetically engineered" be placed immediately preceding any
17 common name or primary product descriptor of a food.

18 (c) Until the effective date of this Act, any processed
19 food that would be subject to this Section solely because it
20 includes one or more materials produced by genetic engineering
21 is not misbranded provided that the engineered materials in
22 the aggregate do not account for more than nine-tenths of one
23 percent of the total weight of the processed food.

24 (d) Subsection (a) of this Section does not apply to any of
25 the following:

26 (1) food consisting entirely of, or derived entirely

1 from, an animal that has not itself been genetically
2 engineered, regardless of whether the animal has been fed
3 or injected with any food produced with genetic
4 engineering or any drug or vaccine that has been produced
5 through means of genetic engineering;

6 (2) a raw agricultural commodity or food that has been
7 grown, raised, produced, or derived without the knowing
8 and intentional use of genetically engineered seed or
9 food; to be included within the exclusion under this
10 subsection (d), the person responsible for complying with
11 this Section with respect to a raw agricultural commodity
12 or food must obtain, from whoever sold the raw
13 agricultural commodity or food to that person, a sworn
14 statement that the raw agricultural commodity or food (A)
15 has not been knowingly or intentionally genetically
16 engineered and (B) has been segregated from, and has not
17 been knowingly or intentionally commingled with, foods
18 that may have been genetically engineered at any time; in
19 providing the sworn statement, a person may rely on a
20 sworn statement from his or her own supplier that contains
21 such an affirmation;

22 (3) any processed food that would be subject to this
23 Section solely because one or more processing aids or
24 enzymes were produced or derived with genetic engineering;

25 (4) any alcoholic beverage that is subject to
26 regulation under the Liquor Control Act of 1934;

1 (5) food that has been lawfully certified to be
2 labeled, marketed, and offered for sale as organic under
3 the federal Organic Foods Production Act of 1990, 7 U.S.C.
4 6501, et seq., and the National Organic Program
5 regulations promulgated pursuant thereto by the United
6 States Department of Agriculture;

7 (6) food that is not packaged for retail sale and that
8 either (A) is a processed food prepared and intended for
9 immediate human consumption or (B) is served, sold, or
10 otherwise provided in any restaurant or other food service
11 establishment that is primarily engaged in the sale of
12 food prepared and intended for immediate human
13 consumption; or

14 (7) medical food.

15 (e) With regard to the requirements of this Act concerning
16 raw food, the retailer is responsible only for point of
17 purchase shelf labeling. The supplier must label each
18 container used for packaging, holding, or transporting, or any
19 combination thereof, any raw food produced with genetic
20 engineering that is delivered directly to Illinois retailers.

21 Section 25. Right of action for violations, damages, and
22 attorneys' fees.

23 (a) The Department, acting through the Attorney General,
24 may bring an action in a court of competent jurisdiction to
25 enjoin any person violating this Act.

1 (b) The Department may assess a civil penalty against any
2 person violating this Act.

3 (c) Any injured citizen of this State may, after giving
4 notice of the alleged violation to the Attorney General and
5 the alleged violator and waiting 60 days, bring an action to
6 enjoin a violation of this Act by a manufacturer or retailer in
7 any court of competent jurisdiction. The court may award to a
8 citizen who is a prevailing plaintiff reasonable attorney's
9 fees and costs incurred in investigating and prosecuting the
10 action, but the court may not award any monetary damages.

11 (d) For the purposes of this Act, food shall be considered
12 not to have been produced with the knowing or intentional use
13 of genetic engineering if:

14 (1) the food is lawfully certified to be labeled,
15 marketed, and offered for sale as organic under the
16 federal Organic Foods Production Act of 1990, 7 U.S.C.
17 6501 et seq., which prohibits genetic engineering; or

18 (2) in the case of a manufacturer or retailer
19 obligated to label any food under this Act, if such entity
20 has obtained from whomever sold the food to them a sworn
21 statement that the food has not been knowingly or
22 intentionally genetically engineered and has been
23 segregated from, and not knowingly or intentionally
24 commingled with, foods that may have been genetically
25 engineered at any time.

26 (e) With regard to the sworn statement described in item

1 (2) of subsection (d) of this Section, a manufacturer or
2 retailer may rely on a sworn statement from a supplier that
3 contains the affirmation. Alternatively, a manufacturer or
4 retailer may rely on an independent organization if it
5 determines that the food has not been knowingly or
6 intentionally genetically engineered and has been segregated
7 from, and not knowingly or intentionally commingled with,
8 foods that may have been genetically engineered at any time,
9 if such a determination has been made pursuant to a sampling
10 and testing procedure:

11 (1) consistent with sampling and testing principles
12 recommended by internationally recognized standards
13 organizations; and

14 (2) that does not rely on testing processed foods in
15 which no DNA is detectable.

16 (f) Unless the retailer is also the producer or the
17 manufacturer of the food and sells the food under a brand it
18 owns, no act or omission of any retailer shall be deemed a
19 violation of this Act, except for knowingly and willfully
20 failing to provide point of purchase labeling for unpackaged
21 raw agricultural commodities. In any action in which it is
22 alleged that a retailer has violated the provisions of this
23 Section, it shall be a defense that such retailer reasonably
24 relied on any disclosure as to whether a food was produced
25 through genetic engineering contained in the bill of sale or
26 invoice provided by the wholesaler or distributor, or a lack

1 of such disclosure.

2 (g) No action may be brought against any farmer for any
3 violation of any provision of this Act unless the farmer is
4 also a retailer or manufacturer, but any farmer submitting a
5 false sworn statement under item (2) of subsection (d) of this
6 Section shall be subject to the laws of this State pertaining
7 to perjury.

8 (h) The Department of Public Health shall adopt and
9 enforce rules necessary to implement this Act. The Department
10 of Public Health is not authorized to exempt from the
11 requirements of this Section any food product that is made
12 subject to those requirements by the provisions of this Act.
13 The Department of Public Health may, by rule, provide that a
14 person may be subject to an injunction and responsible for the
15 payment of the prevailing party's attorneys' fees under this
16 Act for failure to label packaged food in accordance with this
17 Act at such time as the Department of Public Health determines
18 the commercial availability of relevant materials not produced
19 with genetic engineering.

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 999. Effective date. This Act takes effect January
23 1, 2026.