



Sen. Emil Jones, III

Filed: 3/16/2017

10000SB0312sam001

LRB100 05097 MJP 23016 a

1 AMENDMENT TO SENATE BILL 312

2 AMENDMENT NO. _____. Amend Senate Bill 312 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 21.4 as follows:

6 (410 ILCS 620/21.4 new)

7 Sec. 21.4. Catfish labeling.

8 (a) As used in this Section:

9 "Catfish" means any species within the family Ictaluridae.

10 "Similar fish" means species of fish similar to catfish,
11 but within the families of Siluridae, Clariidae, and
12 Pangasiidae.

13 "Menu" means any form from which a customer is offered food
14 and beverage, including, but not limited to, traditional
15 printed listings, white boards, chalkboards, and buffet
16 labels.

1 (b) All persons who sell catfish or similar fish products
2 in all forms, including individual product, packaged product,
3 and bulk product, must label the catfish or similar fish in
4 English with the catfish's or similar fish's country of origin.
5 Additional labels in other languages are permissible as long as
6 the requirements of this Section are met. Symbols or flags,
7 with the exception of the United States flag, are not
8 acceptable in lieu of country of origin labeling.

9 (c) The information required by subsection (b) must be
10 provided to customers on the menu of a food service
11 establishment. The information shall be adjacent to the item on
12 the menu and printed in the same font style and size as the
13 item. If a food service establishment sells only catfish or
14 similar fish that are of United States origin, then the food
15 service establishment may generally disclose the country of
16 origin of the product if the disclosure is in a prominent
17 location. Examples of a prominent location include, but are not
18 limited to, table tents or signs around the entry of the
19 restaurant. If requested, the Department of Public Health shall
20 review a menu for compliance prior to the product being offered
21 by a food service establishment.

22 (d) Any person engaged in the business of supplying catfish
23 or similar fish products to a food service establishment,
24 whether directly or indirectly, must make available
25 information to the buyer about the country of origin and method
26 of production. This information may be provided either on the

1 master shipping container or in a document that accompanies the
2 product through retail sale provided that the document
3 identifies the product and the product's country of origin. In
4 addition, the supplier of catfish or similar fish that is
5 responsible for initiating a country of origin claim must
6 possess records that are necessary to substantiate that claim
7 for a period of one year after the date of the transaction.
8 Producer affidavits shall also be considered acceptable
9 records that suppliers may utilize to initiate origin claims,
10 provided that the affidavit is made by someone with first-hand
11 knowledge of the origin of the catfish or similar fish and
12 identifies the catfish or similar fish unique to the
13 transaction.

14 Any person engaged in the business of supplying catfish or
15 similar fish to a food service establishment, whether directly
16 or indirectly, including, but not limited to, harvesters,
17 producers, distributors, handlers, and processors, must
18 maintain records to establish and identify the immediate
19 previous source, if applicable, and immediate subsequent
20 recipient of catfish or similar fish for a period of one year
21 after the date of the transaction.

22 (e) In providing the country of origin notification for
23 catfish or similar fish, in general, food service
24 establishments shall convey the origin information provided to
25 the food service establishment by the food service
26 establishment's supplier. If the food service establishment

1 physically commingles catfish or similar fish, in preparation
2 for service to the customer, then the establishment must
3 provide the country or countries of origin for each fish
4 product. For example, the commingling of United States
5 farm-raised catfish or fish belonging to the families of
6 Ictaluridae, Siluridae, Clariidae, and Pangasiidae, whether in
7 the same container or separately on a buffet line, requires the
8 food service establishment to indicate all countries contained
9 therein and methods of production.

10 (f) Records that identify the catfish or similar fish, the
11 food service establishment's supplier, and the catfish or
12 similar fish's country of origin must be maintained for a
13 period of one year from the date the declaration is made.

14 All records must be legible and may be maintained in either
15 electronic or hard copy formats. Due to the variation in
16 inventory and accounting documentary systems, various forms of
17 documentation and records shall be acceptable. Upon request by
18 the Department of Public Health, suppliers and food service
19 establishments subject to this Section shall make available to
20 the Department of Public Health records maintained in the
21 normal course of business that verify an origin claim. The
22 records shall be provided within 5 days of the request and may
23 be maintained in any location.

24 Records and other documentary evidence relied upon at the
25 point of sale to establish a catfish's or similar fish's
26 country of origin must either be maintained at the retail

1 facility or at another location for as long as the products are
2 on hand and provided to Department of Public Health, if
3 requested, under this subsection.

4 (g) Any food service establishment handling catfish or
5 similar fish that is found to be designated incorrectly as to
6 the country of origin shall not be held liable for a violation
7 of the law by reason of the conduct of another if the food
8 service establishment relied on the designation provided by the
9 food service establishment's supplier, unless the food service
10 establishment willfully disregarded information establishing
11 that the country of origin declaration was false."