



Sen. Emil Jones, III

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LRB100 05097 MJP 25957 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 "Menu" means any form from which a customer is offered food
11 and beverage, including, but not limited to, traditional
12 printed listings, white boards, chalkboards, and buffet
13 labels.

14 "Similar fish" means species of fish similar to catfish,
15 but within the families of Siluridae, Clariidae, and
16 Pangasiidae.

1 (b) A restaurant shall not label a menu item as containing
2 catfish unless the item contains catfish.

3 (c) An individual may file a complaint alleging a violation
4 of subsection (b) of this Section with the Department of Public
5 Health or a local health department. The complaint must include
6 a copy, electronic copy, or photograph of the menu. After
7 receiving a complaint that meets the requirements of this
8 subsection, the Department of Public Health or local health
9 department shall notify the restaurant in writing that there
10 has been a complaint alleging a violation of subsection (b).
11 The notice must include information concerning the penalties
12 for violating this Section.

13 If the Department of Public Health or a local health
14 department receives 2 separate complaints for a restaurant that
15 meet the requirements of this subsection, then the Department
16 of Public Health or local health department shall inspect the
17 menu, books, records, and inventory of the restaurant to
18 determine whether, in the Department of Public Health's or
19 local health department's discretion, the item advertised on
20 the restaurant's menu is consistent with the books, records,
21 and inventory of the restaurant.

22 (d) If a restaurant is found to be in violation of this
23 Section following an inspection under subsection (c) of this
24 Section for the first time, then the Department of Public
25 Health or local health department shall: (1) notify the
26 restaurant in writing that the restaurant must correct the

1 mislabeled within 14 days after receiving the notice and (2)
2 impose a \$250 fine upon the restaurant.

3 The Department of Public health or local health department
4 shall impose a \$1,000 fine upon a restaurant found to be in
5 violation of this Section a second time.

6 For a restaurant found to be in violation of this Section a
7 third or subsequent time, the Department of Public Health or
8 local health department shall (1) impose a \$5,000 fine, (2)
9 suspend the restaurant's license, or (3) both.

10 (e) A restaurant found to be incorrectly labeling a menu
11 item as containing catfish shall not be held liable for a
12 violation of this Section by reason of the conduct of another
13 if the restaurant relied on the designation provided by the
14 restaurant's supplier, unless the restaurant willfully
15 disregarded information establishing that the designation was
16 false.

17 If a restaurant's records indicate that it has purchased
18 both catfish and similar fish from its suppliers and the
19 restaurant labels an item on its menu as containing a similar
20 fish, then the restaurant shall not be held liable for a
21 violation of this Section.

22 (f) The Department of Public Health may adopt any rules
23 necessary to implement this Section.

24 Section 99. Effective date. This Act takes effect July 1,
25 2018."