

SB4237



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4237

Introduced 11/14/2022, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

410 ILCS 620/21.2
410 ILCS 635/8

from Ch. 56 1/2, par. 521.2
from Ch. 56 1/2, par. 2208

Amends the Grade A Pasteurized Milk and Milk Products Act. Provides that, notwithstanding any provision of law to the contrary, a dairy farm may sell, distribute, or offer to sell or distribute unpasteurized milk or milk product for human use or consumption without being issued a permit to do so by the Department of Public Health if the animal that produces the milk or milk product is housed at the dairy farm. Makes a conforming change in the Illinois Food, Drug and Cosmetic Act.

LRB102 29315 CPF 41292 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 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by changing Section 21.2 as follows:

6 (410 ILCS 620/21.2) (from Ch. 56 1/2, par. 521.2)

7 Sec. 21.2. After July 1, 1986, except as provided in
8 subsection (b) of Section 8 of the Grade A Pasteurized Milk and
9 Milk Products Act, it shall be unlawful for any person to
10 establish, maintain, conduct or operate a manufactured dairy
11 farm or manufactured dairy plant, or to process milk for
12 manufacturing purposes or manufactured dairy products, or to
13 haul or sample milk for manufacturing purposes within this
14 State, without first obtaining a permit therefor from the
15 Department.

16 It shall be unlawful for any person to bring into Illinois
17 or distribute in Illinois any ice cream, ice cream mix or
18 frozen desserts produced at a plant located outside Illinois,
19 unless the plant has first obtained a permit from the
20 Department.

21 The Department may prescribe and conduct examinations, a
22 portion of which may be written, to test the knowledge of bulk
23 milk hauler-samplers and certified pasteurizer sealers as a

1 condition for awarding permits.

2 Permits issued by the Department for manufactured dairy
3 plants and certified pasteurizer sealers shall expire on
4 December 31 of each year. Permits issued to bulk milk
5 hauler-samplers shall expire on March 31 of each year.

6 It is unlawful for any person to own or operate a bulk milk
7 pickup tank without first obtaining a permit from the
8 Department. Permits issued by the Department for bulk milk
9 pickup tanks shall have no expiration date and shall remain
10 valid unless revoked by the Department for noncompliance with
11 the rules promulgated under this Act or the bulk milk pickup
12 tank is transferred or removed from service.

13 Permits issued for manufactured dairy farms shall have no
14 expiration date and shall remain valid indefinitely unless
15 revoked by the Department for noncompliance with the rules
16 promulgated under this Act or discontinuation of the dairy
17 farm operation for which a permit was issued.

18 Applications for original permits or renewals shall be
19 made on forms furnished by the Department. Each application
20 shall contain: (1) the name and address of the applicant or
21 names and addresses of the partners if the applicant is a
22 partnership, or the names and addresses of the officers if the
23 applicant is a corporation, or the names and addresses of all
24 persons having a financial interest therein if the applicant
25 is a group of individuals, association or trust; and (2) the
26 location of the manufactured dairy farm, manufactured dairy

1 plant, certified pasteurizer sealer, bulk milk pickup tank, or
2 bulk milk hauler-sampler. A permit shall be valid only in the
3 hands of the person to whom it is issued and shall not be the
4 subject of sale, assignment or other transfer, voluntary or
5 involuntary, nor shall the permit be valid for any premises,
6 bulk milk pickup tank, certified pasteurizer sealer, or bulk
7 milk hauler-sampler other than the one for which it was
8 originally issued.

9 The Department shall charge a fee of \$100 for each permit
10 issued to a manufactured dairy plant, \$100 for each permit
11 issued to an out-of-state ice cream, ice cream mix and frozen
12 dessert plant, \$25 for each permit issued to a bulk milk
13 hauler-sampler, \$25 for each permit issued for a bulk milk
14 pickup tank, and \$100 for each certified pasteurizer sealer.

15 In addition to such fees, the Department shall assess a
16 late fee if an application for renewal of a permit is received
17 after the expiration date of the existing permit. The late fee
18 shall be \$50 for a permit issued to a milk plant; \$25 for a
19 permit issued to a receiving station, transfer station, or
20 cleaning and sanitizing facility; and \$15 for a permit issued
21 to a bulk milk hauler-sampler. All permit fees collected shall
22 be deposited into the Food and Drug Safety Fund.

23 In addition to such fees, the Department may assess a
24 penalty whenever milk is adulterated with a violative drug
25 residue. The penalty shall be equivalent to the suspension of
26 milk shipment for 48 hours for the first offense and 96 hours

1 for the second and third offense. The Department shall adopt
2 these penalties by rule. Penalties collected by the Department
3 shall be deposited into the Food and Drug Safety Fund.

4 (Source: P.A. 88-600, eff. 9-1-94; 89-526, eff. 7-19-96.)

5 Section 10. The Grade A Pasteurized Milk and Milk Products
6 Act is amended by changing Section 8 as follows:

7 (410 ILCS 635/8) (from Ch. 56 1/2, par. 2208)

8 Sec. 8. Sale or distribution of unpasteurized milk.

9 (a) After the effective date of this Act, and except as
10 provided in subsection (b), no person shall sell or
11 distribute, offer to sell or distribute any milk or milk
12 product for human use or consumption unless such milk or milk
13 product has been pasteurized and has been produced and
14 processed in accordance with rules and regulations promulgated
15 by the Department.

16 (b) Notwithstanding any provision of law to the contrary,
17 including, but not limited to, subsection (a) of this Section
18 and Section 21.2 of the Illinois Food, Drug and Cosmetic Act, a
19 dairy farm may sell, distribute, or offer to sell or
20 distribute unpasteurized milk or milk product for human use or
21 consumption without being issued a permit to do so by the
22 Department if the animal that produces the milk or milk
23 product is housed at the dairy farm.

24 (c) In this Section, the ~~The~~ term "sell or distribute for

1 use or consumption" means to sell or distribute to a person for
2 human use or consumption and not for processing or resale in
3 any form.

4 (d) The pasteurization requirement of subsection (a) ~~this~~
5 ~~Section~~ shall not be applicable to milk produced in accordance
6 with Department rules and regulations if sold or distributed
7 on the premises of the dairy farm.

8 (Source: P.A. 83-102.)