

SB2022



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2022

Introduced 2/9/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-95 new
410 ILCS 620/11

from Ch. 56 1/2, par. 511

Amends the School Code. Provides that, notwithstanding any provision of law to the contrary, no person shall bring a food product with a Scoville rating of 100,000 SHUs or higher onto school property. Amends the Illinois Food, Drug and Cosmetic Act. Provides that a food is misbranded if it contains a food product with a Scoville rating of 100,000 SHUs or higher without its labeling stating that the food product has a Scoville rating of at least 100,000 SHUs.

LRB103 27008 CPF 53375 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 School Code is amended by adding Section
5 22-95 as follows:

6 (105 ILCS 5/22-95 new)

7 Sec. 22-95. Scoville scale; ban. Notwithstanding any
8 provision of law to the contrary, no person shall bring a food
9 product with a Scoville rating of 100,000 SHUs or higher onto
10 school property.

11 Section 10. The Illinois Food, Drug and Cosmetic Act is
12 amended by changing Section 11 as follows:

13 (410 ILCS 620/11) (from Ch. 56 1/2, par. 511)

14 Sec. 11. A food is misbranded:

15 (a) If its labeling is false or misleading in any
16 particular.

17 (b) If it is offered for sale under the name of another
18 food.

19 (c) If it is an imitation of another food other than
20 honey, unless its label bears, in type of uniform size and
21 prominence, the word "imitation" and, immediately

1 thereafter, the name of the food imitated.

2 (d) If its container is so made, formed or filled as to
3 be misleading.

4 (e) If in package form, unless it bears a label
5 containing (1) the name and place of business of the
6 manufacturer, packer or distributor; and (2) an accurate
7 statement of the quantity of the contents in terms of
8 weight, measure or numerical count. However, under
9 paragraph (2) of this subsection reasonable variations
10 shall be permitted and exemptions as to small packages
11 which shall be established by regulations prescribed by
12 the Director.

13 (f) If any word, statement or other information
14 required by or under authority of this Act to appear on the
15 label or labeling is not prominently placed thereon with
16 such conspicuousness (as compared with other words,
17 statements, designs or devices, in the labeling) and in
18 such terms as to render it likely to be read and understood
19 by the ordinary individual under customary conditions of
20 purchase and use.

21 (g) If it purports to be or is represented as a food
22 for which a definition and standard of identity has been
23 prescribed by regulations as provided by Section 9, unless
24 (1) it conforms to such definition and standard, and (2)
25 its label bears the name of the food specified in the
26 definition and standard and, in so far as may be required

1 by such regulations, the common names of optional
2 ingredients (other than spices, flavoring and coloring)
3 present in such food.

4 (h) If it purports to be or is represented as:

5 (1) a food for which a standard of quantity has
6 been prescribed by regulations as provided by Section
7 9 and its quantity falls below such standard unless
8 its label bears, in such manner and form as such
9 regulations specify, a statement that it falls below
10 such standard; or

11 (2) a food for which a standard or standards of
12 fill of container have been prescribed by regulation
13 as provided by Section 9 and it falls below the
14 standard of fill of container applicable thereto,
15 unless its label bears, in such manner and form as such
16 regulations specify, a statement that it falls below
17 such standard.

18 (i) If it is not subject to subsection (g) of this
19 Section, unless it bears labeling clearly giving (1) the
20 common or usual name of the food, if any there be, and (2)
21 in case it is fabricated from 2 or more ingredients, the
22 common or usual name of each such ingredient; except that
23 spices, flavorings and colorings, other than those sold as
24 such, may be designated as spices, flavorings and
25 colorings, without naming each. However, to the extent
26 that compliance with the requirements of paragraph (2) of

1 this subsection is impractical or results in deception or
2 unfair competition, exemptions shall be established by
3 regulations promulgated by the Director.

4 (j) If it purports to be or is represented for special
5 dietary uses, unless its label bears such information
6 concerning its vitamin, mineral and other dietary
7 properties as the Director determines to be, and by
8 regulations prescribes as necessary in order to fully
9 inform purchasers as to its value for such uses.

10 (k) If it bears or contains any artificial flavoring,
11 artificial coloring or chemical preservative, unless it
12 bears labeling stating that fact. However, to the extent
13 that compliance with the requirements of this paragraph is
14 impracticable, exemptions shall be established by
15 regulations promulgated by the Director. This subsection
16 and subsections (g) and (i) with respect to artificial
17 coloring do not apply to butter, cheese or ice cream. This
18 subsection with respect to chemical preservatives does not
19 apply to a pesticide chemical when used in or on a raw
20 agricultural commodity which is the produce of the soil.

21 (l) If it is a raw agricultural commodity for direct
22 human consumption which is the produce of the soil,
23 bearing or containing a pesticide chemical applied after
24 harvest, unless the shipping container of such commodity
25 bears labeling which declares the presence of such
26 chemical in or on such commodity and the common usual name

1 and the function of such chemical; provided, however, that
2 no such declaration shall be required while such
3 commodity, having been removed from the shipping
4 container, is being held or displayed for sale at retail
5 out of such container in accordance with the custom of the
6 trade.

7 (m) If it is a product intended as an ingredient of
8 another food and when used according to the directions of
9 the purveyor will result in the final food product being
10 adulterated or misbranded.

11 (n) If it is a color additive unless its packaging and
12 labeling are in conformity with such packaging and
13 labeling requirements applicable to such color additive
14 prescribed under Section 706 of the Federal Act.

15 (o) If a meat or meat food product or poultry or
16 poultry food product has been frozen prior to sale unless
17 when offered for sale, the package, container or wrapping
18 bears, in type of uniform size and prominence, the words
19 "previously frozen" so as to be readable and understood by
20 the general public except that this subsection does not
21 apply to products mentioned herein which are precooked and
22 packaged in hermetically sealed containers.

23 (p) If its labeling includes the word "honey" or the
24 term "imitation honey" and the product is not pure honey
25 manufactured by honeybees.

26 (q) If it contains saccharin, unless its label and

1 labeling and retail display comply with the requirements
2 of Sections 403(o) and 403(p) of the Federal Act.

3 (r) If it contains saccharin and is offered for sale,
4 but not for immediate consumption, at a retail
5 establishment, unless such retail establishment displays
6 prominently, where such food is held for sale, notice
7 (provided by the manufacturer of such food pursuant to the
8 Federal Act) for consumers respecting the information
9 required by subsection (q) to be on food labels and
10 labeling.

11 (s) If it contains sesame, is offered for sale in
12 package form but not for immediate consumption, and the
13 label does not include sesame.

14 (t) If it contains a food product with a Scoville
15 rating of 100,000 SHUs or higher without its labeling
16 stating that the food product has a Scoville rating of at
17 least 100,000 SHUs.

18 (Source: P.A. 101-129, eff. 7-26-19.)