

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 5 and by adding Section 13.5 as
6 follows:

7 (410 ILCS 620/5) (from Ch. 56 1/2, par. 505)

8 Sec. 5. Penalties.

9 (a) A person who violates any of the provisions of this
10 Act, other than Sections 3.22, ~~and 6,~~ and 13.5, is guilty of a
11 Class C misdemeanor; but if the violation is committed after a
12 conviction of such person under this Section has become final,
13 the person shall be guilty of a Class A misdemeanor. A person
14 who violates the provisions of Section 6 of this Act is guilty
15 of a Class A misdemeanor; but if the violation is committed
16 after a conviction of such person under this Section has
17 become final, the person shall be guilty of a Class 4 felony.

18 (b) No person is subject to the penalties of subsection
19 (a) of this Section for (1) violating Section 3.1 or 3.3 if he
20 establishes a guaranty or undertaking signed by and containing
21 the name and address of the person residing in the State of
22 Illinois from whom he received the article in good faith, to
23 the effect that the article is not adulterated within the

1 meaning of this Act, designating this Act; or (2) for having
2 violated clause (2) of Section 3.16 if such person acted in
3 good faith and had no reason to believe that the use of the
4 punch, die, plate, stone or other thing involved would result
5 in a drug being a counterfeit drug, or for having violated
6 clause (3) of Section 3.16 if the person doing the act or
7 causing it to be done acted in good faith and had no reason to
8 believe that the drug was a counterfeit drug.

9 (c) No publisher, radio-broadcast licensee, agency or
10 medium for the dissemination of an advertisement, except the
11 manufacturer, packer, distributor or seller of the article to
12 which a false advertisement relates is liable under this
13 Section for the dissemination of such false advertisement
14 unless he has refused on the request of the Director to furnish
15 the Director the name and post office address of the
16 manufacturer, packer, distributor, seller or advertising
17 agency residing in the State of Illinois who causes him to
18 disseminate such advertisement.

19 (d) No person shall be subject to the penalties of
20 subsection (a) of this Section for a violation of Section 3
21 involving misbranded food if the violation exists solely
22 because the food is misbranded under subsection (c) of Section
23 11 because of its advertising, and no person shall be subject
24 to the penalties of subsection (a) of this Section for such a
25 violation unless the violation is committed with the intent to
26 defraud or mislead.

1 (Source: P.A. 97-872, eff. 7-31-12.)

2 (410 ILCS 620/13.5 new)

3 Sec. 13.5. Prohibited food additives.

4 (a) Beginning January 1, 2027, a person or entity shall
5 not manufacture a food product for human consumption that
6 contains any of the following substances:

7 (1) Brominated vegetable oil (Chemical Abstract
8 Services number 8016-94-2).

9 (2) Potassium bromate (Chemical Abstract Services
10 number 7758-01-2).

11 (3) Propylparaben (Chemical Abstract Services number
12 94-13-3).

13 (4) Red dye 3 (Chemical Abstract Services number
14 16423-68-0).

15 (b) Beginning January 1, 2028, a person or entity shall
16 not sell, deliver, distribute, hold, or offer for sale a food
17 product for human consumption that contains any of the
18 substances listed in paragraphs (1) through (4) of subsection
19 (a).

20 (c) A person or entity that violates subsection (a) or (b)
21 shall be liable for a civil penalty not to exceed \$5,000 for a
22 first violation and not to exceed \$10,000 for each subsequent
23 violation. A violation of this Section may be enforced by the
24 Attorney General or the State's Attorney of the county in
25 which the violation occurred.

1 (d) This Section does not impair or impede any other
2 rights, causes of action, claims, or defenses available under
3 any other law. The remedies provided in this Section are
4 cumulative with any other remedies available under any other
5 law.