

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

(410 ILCS 620/21.4 new)

Sec. 21.4. Catfish labeling.

(a) As used in this Section:

"Catfish" means any species within the family Ictaluridae.

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

"Primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Restaurant" means any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption.

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

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

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

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

(d) If a restaurant is found to be in violation of this Section following an inspection under subsection (c) of this Section for the first time, then the Department of Public Health or local health department shall: (1) notify the restaurant in writing that the restaurant must correct the mislabeling within 14 days after receiving the notice and (2) impose a \$250 fine upon the restaurant.

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

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

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

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

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

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