

AN ACT concerning health.

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

Section 5. The Illinois Egg and Egg Products Act is amended by changing Sections 9, 16.5, and 16.7 and by adding Sections 16.6 and 16.9 as follows:

(410 ILCS 615/9) (from Ch. 56 1/2, par. 55-9)

Sec. 9. Licenses; fees. The Department shall issue a license to any person upon receipt and approval of a proper application and the required nonrefundable fee. The license fee and classification of the license shall be established by rule.

A license must be obtained for each separate business location and this license shall be posted in a conspicuous place at the location for which it was purchased. Licenses are non-transferable.

The application for an initial license may be filed at any time prior to beginning business as an egg handler. The licensing year for an egg license shall be July 1 through June 30. The egg license shall expire at the end of the licensing year.

A penalty of \$50 shall be assessed for any renewal license not renewed by July 1 of the year in which the license renewal is due. This penalty shall be assessed in addition to the

license fee.

(Source: P.A. 96-1310, eff. 7-27-10.)

(410 ILCS 615/16.5)

Sec. 16.5. Violations; administrative monetary penalties. The Director is authorized to hold administrative hearings to determine violations of this Act or the Department's rules and regulations adopted under this Act. After finding that a violation has occurred, the Director may impose administrative monetary penalties as follows:

(1) Against a licensee who sells or offers for sale non-inspected frozen, liquid, or dried egg products:

(A) \$500 for a first violation.

(B) \$1,000 for a second violation within 2 years after the first violation.

(C) \$2,000 for a third or subsequent violation within 2 years after the immediately preceding violation.

(2) Against a licensee who makes a false, deceptive, or misleading statement, representation, or assertion concerning the quality, size, weight, or condition of, or any other matter relating to advertising and selling, eggs and egg products:

(A) \$200 for a first violation.

(B) \$500 for a second violation within 2 years after the first violation.

(C) \$1,000 for a third or subsequent violation within 2 years after the immediately preceding violation.

(3) Against a licensee who furnishes an invoice, statement, or bill showing a standard of size, standard of quality, representation of freshness, or any other description of eggs or egg products that is false, deceptive, or misleading in any particular:

(A) \$200 for a first violation.

(B) \$500 for a second violation within 2 years after the first violation.

(C) \$1,000 for a third or subsequent violation within 2 years after the immediately preceding violation.

(4) Against any person who resists, hinders, obstructs, or in any way interferes with any officer, inspector, or employee of the Department in the discharge of his or her duties under the provisions of this Act, \$300.

(5) Against any person who buys, sells, trades, or barter eggs in this State without having obtained a license, \$300.

(6) For all other violations:

(A) \$200 for a first violation.

(B) \$400 for a second violation within 2 years after the first violation.

(C) \$600 for a third or subsequent violation within 2 years after the immediately preceding violation.

(7) Against any person who sells or wholesales eggs, who has been notified pursuant to the notification provision in this Section, to any person or business not licensed by the Department who buys, sells, trades, or traffics in eggs in this State:

(A) \$200 for a first violation.

(B) \$500 for a second violation within 2 years after the first.

(C) \$1,000 for a third or subsequent violation within 2 years after the immediately preceding violation.

The Department shall notify any person who sells or wholesales eggs to any person or business not licensed by the Department who buys, sells, trades, or traffics eggs in this State that he or she may not sell, trade, or traffic eggs with the non-licensed person or business. A copy of the notice shall be either served personally or served by registered or certified mail on the person who sells or wholesales eggs. Proof of service of the notice shall be made by affidavit of the person making personal service or by the registered or certified mail receipt.

A penalty not paid within 60 days after it is due may be submitted to the Attorney General's office or an approved private collection agency for collection.

(Source: P.A. 96-1310, eff. 7-27-10.)

(410 ILCS 615/16.6 new)

Sec. 16.6. Violations; penalties. Any person knowingly violating this Act or any rule or order of the Department issued pursuant to this Act shall be guilty of a Class C misdemeanor. Each day of violation constitutes a separate offense. In the event the person violating this Act or any rule or order issued pursuant to the Act is a corporation or partnership, any officer, director, manager, or managerial agent of the corporation or partnership who violates this Act or causes the corporation or partnership to violate this Act is guilty of a Class C misdemeanor.

(410 ILCS 615/16.7)

Sec. 16.7. Suspension and revocation of license.

(a) The Director may suspend a license if the Department has reason to believe that any one or more of the following has occurred:

(1) A licensee has made a material misstatement in an application for an original or renewal license under this Act.

(2) A licensee has violated this Act or any rules adopted under this Act, and the violation or pattern of violations indicates a danger to public health.

(3) A licensee has aided or abetted another in the

violation of this Act or any rule adopted under this Act, and the violation or pattern of violations indicates a danger to public health.

(4) A licensee has allowed his or her license to be used by an unlicensed person.

(5) A licensee has been convicted of a felony violation of this Act or any crime an essential element of which is misstatement, fraud, or dishonesty.

(6) A licensee has made a false, deceptive, or misleading statement, representation, or assertion concerning the quality, size, weight, or condition of, or any other matter relating to advertising and selling of, eggs and egg products.

(7) A licensee has failed to possess the necessary qualifications or to meet the requirements of this Act for the issuance or holding of a license.

(8) Failure to pay any fine or fee assessed by the Department within 60 days after the date the fine or fee was levied or otherwise due.

(b) Within 10 days after suspending a person's license, the Department must commence an administrative hearing to determine whether to reinstate or revoke the license. After the Department schedules the administrative hearing, but no later than 5 days before the scheduled hearing date, the Department shall serve on the licensee written notice of the date, place, and time of the hearing. The Department may serve this notice

by personal service on the licensee or by registered or certified mail, return receipt requested, to the licensee's place of business. After the hearing, the Director shall issue an order either reinstating or revoking the license.

(Source: P.A. 96-1310, eff. 7-27-10.)

(410 ILCS 615/16.9 new)

Sec. 16.9. Termination of application; forfeiture of license fee. Failure of any applicant to meet all of the requirements for compliance within 60 days after receipt of a license application shall result in termination of the application and forfeiture of the license fee.

Section 99. Effective date. This Act takes effect upon becoming law.