

1 AN ACT concerning regulation.

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 adding Section 21.4 as follows:

6 (410 ILCS 620/21.4 new)

7 Sec. 21.4. Catfish labeling.

8 (a) As used in this Section:

9 "Catfish" means any species within the family Ictaluridae.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 99. Effective date. This Act takes effect July 1,
23 2018.