

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.