



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3849

Introduced 2/17/2023, by Rep. Cyril Nichols

SYNOPSIS AS INTRODUCED:

410 ILCS 620/11.5 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that the Department of Agriculture, in consultation with the Department of Public Health, shall, on or before July 1, 2024, publish information to encourage food manufacturers, processors, and retailers responsible for the labeling of food products to voluntarily use the specified uniform terms on food product labels to communicate quality dates and safety dates. Provides that the Department of Agriculture shall promote the consistent use of the terms specified pursuant to these provisions in the course of its existing interactions with food manufacturers, processors, and retailers. Provides that in the process of implementing these provisions, the Department shall encourage food distributors and retailers to develop alternatives to consumer-facing "sell by" dates. Provides that the Department may accept nonstate funds from public and private sources to educate consumers about the meaning of the quality dates and safety dates specified in these provisions. Provides that funds accepted by the Department shall be deposited into the Food and Drug Safety Fund.

LRB103 27119 CPF 53487 b

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 adding Section 11.5 as follows:

6 (410 ILCS 620/11.5 new)

7 Sec. 11.5. Standardization of food labeling.

8 (a) As used in this Section:

9 "Quality date" means a date on a label affixed to the
10 packaging or a contain of food that communicates to consumers
11 the date after which the food quality may begin to
12 deteriorate, but the food may still be acceptable for
13 consumption.

14 "Safety date" means a date on a label affixed to the
15 packaging or container of food that communicates to consumers
16 that the food should be consumed or frozen, if appropriate, by
17 the date listed on the package that applies to perishable
18 products with potential safety implications over time.

19 "Sell by date" means a date on a label affixed to the
20 packaging or container of food that is intended to communicate
21 primarily to a distributor or retailer for purposes of stock
22 rotation and is not a quality date or a safety date.

23 (b) The Department of Agriculture, in consultation with

1 the Department of Public Health, shall, on or before July 1,
2 2024, publish information to encourage food manufacturers,
3 processors, and retailers responsible for the labeling of food
4 products to voluntarily use the following uniform terms on
5 food product labels to communicate quality dates and safety
6 dates:

7 (1) "BEST if Used by" or "BEST if Used or Frozen by" to
8 indicate the quality date of a product; and

9 (2) "USE by" or "USE by or Freeze by" to indicate the
10 safety date of a product.

11 (c) The Department of Agriculture shall promote the
12 consistent use of the terms specified pursuant to subsection
13 (b) in the course of its existing interactions with food
14 manufacturers, processors, and retailers.

15 (d) In the process of implementing subsection (b), the
16 Department shall encourage food distributors and retailers to
17 develop alternatives to consumer-facing "sell by" dates.

18 (e) The Department may accept nonstate funds from public
19 and private sources to educate consumers about the meaning of
20 the quality dates and safety dates specified in this Section.
21 Funds accepted by the Department pursuant to this subsection
22 shall be deposited in the Food and Drug Safety Fund. All funds
23 in the Food and Drug Safety Fund used pursuant to this Section
24 are hereby continuously appropriated and shall not be
25 encumbered to the Department without regard to fiscal years to
26 carry out the purpose provided in this subsection.