



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2959

Introduced 1/28/2010, by Sen. David Luechtefeld

SYNOPSIS AS INTRODUCED:

410 ILCS 620/2.18 from Ch. 56 1/2, par. 502.18
410 ILCS 620/27 new
410 ILCS 650/7 new
720 ILCS 5/29D-10

Amends the Illinois Food, Drug and Cosmetic Act and the Criminal Code of 1961 to include in the definition of "raw agricultural commodity", honey that is in the comb or that is removed from the comb and in an unadulterated condition. Further amends the Illinois Food, Drug and Cosmetic Act to provide that notwithstanding any other provision of the Act, the Department of Public Health may not regulate honey that is in the comb or that is removed from the comb and in an unadulterated condition. Provides that both forms of honey are exempt from the provisions of the Act. Amends the Sanitary Food Preparation Act. Sets forth a definition of "honey house". Provides that notwithstanding any other provision of the Act, the Department of Public Health may not regulate honey that is in the comb or that is removed from the comb and in an unadulterated condition. Provides that both forms of honey are exempt from the provisions of the Act. Provides that if a producer is engaged in the sale of honey at a local market and packs or sells less than 500 gallons of honey produced in this State per year, then the Department may not regulate or inspect the producer's honey house.

LRB096 19675 RPM 35075 b

1 AN ACT concerning public 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 changing Section 2.18 and by adding Section 27 as
6 follows:

7 (410 ILCS 620/2.18) (from Ch. 56 1/2, par. 502.18)

8 Sec. 2.18. "Raw agricultural commodity" means any food in
9 its raw or natural state, including all fruits that are washed,
10 colored or otherwise treated in their unpeeled natural form
11 before marketing and honey that is in the comb or that is
12 removed from the comb and in an unadulterated condition.

13 (Source: Laws 1967, p. 959.)

14 (410 ILCS 620/27 new)

15 Sec. 27. Honey. Notwithstanding any other provision of this
16 Act, the Department may not regulate honey that is in the comb
17 or that is removed from the comb and in an unadulterated
18 condition; both forms of honey are exempt from the provisions
19 of this Act.

20 Section 10. The Sanitary Food Preparation Act is amended by
21 adding Section 7 as follows:

1 (410 ILCS 650/7 new)

2 Sec. 7. Honey.

3 (a) For the purpose of this Section, "honey house" means
4 any stationary or portable building or any room or place within
5 a building that is used for the purpose of extracting,
6 processing, or other handling of honey.

7 (b) Notwithstanding any other provision of this Act, the
8 Department may not regulate honey that is in the comb or that
9 is removed from the comb and in an unadulterated condition;
10 both forms of honey are exempt from the provisions of this Act.

11 (c) If a producer is engaged in the sale of honey that is
12 left in the comb or removed from the comb in an unadulterated
13 condition at a local market and packs or sells less than 500
14 gallons of honey produced in this State per year, then the
15 Department may not regulate or inspect the producer's honey
16 house.

17 Section 15. The Criminal Code of 1961 is amended by
18 changing Section 29D-10 as follows:

19 (720 ILCS 5/29D-10)

20 Sec. 29D-10. Definitions. As used in this Article, where
21 not otherwise distinctly expressed or manifestly incompatible
22 with the intent of this Article:

23 (a) "Computer network" means a set of related, remotely

1 connected devices and any communications facilities including
2 more than one computer with the capability to transmit data
3 among them through communication facilities.

4 (b) "Computer" means a device that accepts, processes,
5 stores, retrieves, or outputs data, and includes, but is not
6 limited to, auxiliary storage and telecommunications devices.

7 (c) "Computer program" means a series of coded instruction
8 or statements in a form acceptable to a computer which causes
9 the computer to process data and supply the results of data
10 processing.

11 (d) "Data" means representations of information,
12 knowledge, facts, concepts or instructions, including program
13 documentation, that are prepared in a formalized manner and are
14 stored or processed in or transmitted by a computer. Data may
15 be in any form, including but not limited to magnetic or
16 optical storage media, punch cards, or data stored internally
17 in the memory of a computer.

18 (e) "Biological products used in or in connection with
19 agricultural production" includes, but is not limited to,
20 seeds, plants, and DNA of plants or animals altered for use in
21 crop or livestock breeding or production or which are sold,
22 intended, designed, or produced for use in crop production or
23 livestock breeding or production.

24 (f) "Agricultural products" means crops and livestock.

25 (g) "Agricultural production" means the breeding and
26 growing of livestock and crops.

1 (g-5) "Animal feed" means an article that is intended for
2 use for food for animals other than humans and that is intended
3 for use as a substantial source of nutrients in the diet of the
4 animal, and is not limited to a mixture intended to be the sole
5 ration of the animal.

6 (g-10) "Contagious or infectious disease" means a specific
7 disease designated by the Illinois Department of Agriculture as
8 contagious or infectious under rules pertaining to the Illinois
9 Diseased Animals Act.

10 (g-15) "Processed food" means any food other than a raw
11 agricultural commodity and includes any raw agricultural
12 commodity that has been subject to processing, such as canning,
13 cooking, freezing, dehydration, or milling.

14 (g-20) "Raw agricultural commodity" means any food in its
15 raw or natural state, including all fruits that are washed,
16 colored, or otherwise treated in their unpeeled natural form
17 prior to marketing and honey that is in the comb or that is
18 removed from the comb and in an unadulterated condition.

19 (g-25) "Endangering the food supply" means to knowingly:

20 (1) bring into this State any domestic animal that is
21 affected with any contagious or infectious disease or any
22 animal that has been exposed to any contagious or
23 infectious disease;

24 (2) expose any animal in this State to any contagious
25 or infectious disease;

26 (3) deliver any poultry that is infected with any

1 contagious or infectious disease to any poultry producer
2 pursuant to a production contract;

3 (4) except as permitted under the Insect Pest and Plant
4 Disease Act, bring or release into this State any insect
5 pest or expose any plant to an insect pest; or

6 (5) expose any raw agricultural commodity, animal
7 feed, or processed food to any contaminant or contagious or
8 infectious disease.

9 "Endangering the food supply" does not include bona fide
10 experiments and actions related to those experiments carried on
11 by commonly recognized research facilities or actions by
12 agricultural producers and animal health professionals who may
13 inadvertently contribute to the spread of detrimental
14 biological agents while employing generally acceptable
15 management practices.

16 (g-30) "Endangering the water supply" means to knowingly
17 contaminate a public or private water well or water reservoir
18 or any water supply of a public utility or tamper with the
19 production of bottled or packaged water or tamper with bottled
20 or packaged water at a retail or wholesale mercantile
21 establishment. "Endangering the water supply" does not include
22 contamination of a public or private well or water reservoir or
23 any water supply of a public utility that may occur
24 inadvertently as part of the operation of a public utility or
25 electrical generating station.

26 (h) "Livestock" means animals bred or raised for human

1 consumption.

2 (i) "Crops" means plants raised for: (1) human consumption,
3 (2) fruits that are intended for human consumption, (3)
4 consumption by livestock, and (4) fruits that are intended for
5 consumption by livestock.

6 (j) "Communications systems" means any works, property, or
7 material of any radio, telegraph, telephone, microwave, or
8 cable line, station, or system.

9 (k) "Substantial damage" means monetary damage greater
10 than \$100,000.

11 (l) "Terrorist act" or "act of terrorism" means: (1) any
12 act that is intended to cause or create a risk and does cause
13 or create a risk of death or great bodily harm to one or more
14 persons; (2) any act that disables or destroys the usefulness
15 or operation of any communications system; (3) any act or any
16 series of 2 or more acts committed in furtherance of a single
17 intention, scheme, or design that disables or destroys the
18 usefulness or operation of a computer network, computers,
19 computer programs, or data used by any industry, by any class
20 of business, or by 5 or more businesses or by the federal
21 government, State government, any unit of local government, a
22 public utility, a manufacturer of pharmaceuticals, a national
23 defense contractor, or a manufacturer of chemical or biological
24 products used in or in connection with agricultural production;
25 (4) any act that disables or causes substantial damage to or
26 destruction of any structure or facility used in or used in

1 connection with ground, air, or water transportation; the
2 production or distribution of electricity, gas, oil, or other
3 fuel (except for acts that occur inadvertently and as the
4 result of operation of the facility that produces or
5 distributes electricity, gas, oil, or other fuel); the
6 treatment of sewage or the treatment or distribution of water;
7 or controlling the flow of any body of water; (5) any act that
8 causes substantial damage to or destruction of livestock or to
9 crops or a series of 2 or more acts committed in furtherance of
10 a single intention, scheme, or design which, in the aggregate,
11 causes substantial damage to or destruction of livestock or
12 crops; (6) any act that causes substantial damage to or
13 destruction of any hospital or any building or facility used by
14 the federal government, State government, any unit of local
15 government or by a national defense contractor or by a public
16 utility, a manufacturer of pharmaceuticals, a manufacturer of
17 chemical or biological products used in or in connection with
18 agricultural production or the storage or processing of
19 agricultural products or the preparation of agricultural
20 products for food or food products intended for resale or for
21 feed for livestock; (7) any act that causes substantial damage
22 to any building containing 5 or more businesses of any type or
23 to any building in which 10 or more people reside; (8)
24 endangering the food supply; or (9) endangering the water
25 supply.

26 (m) "Terrorist" and "terrorist organization" means any

1 person who engages or is about to engage in a terrorist act
2 with the intent to intimidate or coerce a significant portion
3 of a civilian population.

4 (n) "Material support or resources" means currency or other
5 financial securities, financial services, lodging, training,
6 safe houses, false documentation or identification,
7 communications equipment, facilities, weapons, lethal
8 substances, explosives, personnel, transportation, any other
9 kind of physical assets or intangible property, and expert
10 services or expert assistance.

11 (o) "Person" has the meaning given in Section 2-15 of this
12 Code and, in addition to that meaning, includes, without
13 limitation, any charitable organization, whether incorporated
14 or unincorporated, any professional fund raiser, professional
15 solicitor, limited liability company, association, joint stock
16 company, association, trust, trustee, or any group of people
17 formally or informally affiliated or associated for a common
18 purpose, and any officer, director, partner, member, or agent
19 of any person.

20 (p) "Render criminal assistance" means to do any of the
21 following with the intent to prevent, hinder, or delay the
22 discovery or apprehension of, or the lodging of a criminal
23 charge against, a person who he or she knows or believes has
24 committed an offense under this Article or is being sought by
25 law enforcement officials for the commission of an offense
26 under this Article, or with the intent to assist a person in

1 profiting or benefiting from the commission of an offense under
2 this Article:

3 (1) harbor or conceal the person;

4 (2) warn the person of impending discovery or
5 apprehension;

6 (3) provide the person with money, transportation, a
7 weapon, a disguise, false identification documents, or any
8 other means of avoiding discovery or apprehension;

9 (4) prevent or obstruct, by means of force,
10 intimidation, or deception, anyone from performing an act
11 that might aid in the discovery or apprehension of the
12 person or in the lodging of a criminal charge against the
13 person;

14 (5) suppress, by any act of concealment, alteration, or
15 destruction, any physical evidence that might aid in the
16 discovery or apprehension of the person or in the lodging
17 of a criminal charge against the person;

18 (6) aid the person to protect or expeditiously profit
19 from an advantage derived from the crime; or

20 (7) provide expert services or expert assistance to the
21 person. Providing expert services or expert assistance
22 shall not be construed to apply to: (1) a licensed attorney
23 who discusses with a client the legal consequences of a
24 proposed course of conduct or advises a client of legal or
25 constitutional rights and (2) a licensed medical doctor who
26 provides emergency medical treatment to a person whom he or

1 she believes has committed an offense under this Article
2 if, as soon as reasonably practicable either before or
3 after providing such treatment, he or she notifies a law
4 enforcement agency.

5 (Source: P.A. 94-68, eff. 6-22-05.)