



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2011

Introduced 2/10/2011, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

410 ILCS 615/16.6 new

Amends the Illinois Egg and Egg Products Act to add additional egg penalties. Provides that in addition to administrative monetary penalties, the Director of Agriculture may impose certain administrative egg penalties against a licensee who either (1) makes a false, deceptive, or misleading statement, representation, or assertion relating to the advertising and selling of eggs and egg products or (2) 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. Sets forth provisions concerning the donation of the equivalent of the percentage of eggs taken off sale; the relinquishment of certain percentages of eggs as a donation; 501(c) charitable organizations that accept eggs under the additional penalty provision of the Act; monetary equivalence for purposes of the donation; and brokers.

LRB097 09918 RPM 50081 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 Egg and Egg Products Act is amended
5 by adding Section 16.6 as follows:

6 (410 ILCS 615/16.6 new)

7 Sec. 16.6. Additional egg penalties.

8 (a) In addition to the penalties prescribed in Section
9 16.5, the Director may impose the following administrative egg
10 penalties against a licensee who either (1) makes a false,
11 deceptive, or misleading statement, representation, or
12 assertion concerning the quality, size, weight, or condition
13 of, or any other matter relating to the advertising and selling
14 of eggs and egg products or (2) furnishes an invoice, statement
15 or bill showing a standard of size, standard of quality,
16 representation of freshness, or any other description of eggs
17 or egg products that is false, deceptive, or misleading in any
18 particular way.

19 The licensee shall donate the equivalent of the specific
20 percentage of eggs taken off sale in the manner described in
21 subsection (c) of this Section in accordance with the following
22 provisions:

23 (1) 10% of the total dozen eggs taken off sale for a

1 first violation.

2 (2) 15% of the total dozen eggs taken off sale for a
3 second violation within 2 years of the first violation.

4 (3) 20% of the total dozen eggs taken off sale for a
5 third or subsequent violation within 2 years after the
6 immediately preceding violation.

7 (b) In addition to the penalties prescribed in Section 16.5
8 and subsection (a) of this Section, the Director may impose the
9 following administrative egg penalties for all other
10 violations:

11 The person shall donate the equivalent of the specific
12 percentage of eggs taken off sale in the manner described in
13 subsection (c) of this Section in accordance with the following
14 provisions:

15 (1) 10% of the total dozen eggs taken off sale for a
16 first violation.

17 (2) 15% of the total dozen eggs taken off sale for a
18 second violation within 2 years of the first violation.

19 (3) 20% of the total dozen eggs taken off sale for a
20 third or subsequent violation within 2 years after the
21 immediately preceding violation.

22 (c) If the Director determines that the additional
23 penalties identified in this Section 16.6 are appropriate for a
24 violation of the Illinois Egg and Egg Products Act, then the
25 equivalent of the resulting percentage of eggs shall be
26 relinquished as a donation. Alternatively, if the Director or

1 his or her designee determines the specific situation is not
2 appropriate for such donation, then the monetary equivalent as
3 described in subsection (e) of this Section shall be donated to
4 an available 501(c) charitable organization who is properly
5 registered with the Secretary of State as determined by the
6 Department of Agriculture.

7 In the event the Director or his or her designee determines
8 that such distribution is appropriate, the equivalent number of
9 eggs identified for donation under this Section shall be
10 handled in one of the following ways:

11 (1) picked up at a specific location by an individual
12 representing the identified 501(c) charitable
13 organization; or

14 (2) delivered by the licensee or person to the
15 identified 501(c) charitable organization.

16 (d) Any 501(c) charitable organization that accepts eggs
17 under the additional penalty Section of this Act is required to
18 and is responsible for having a qualified individual, as an
19 agent of the 501(c) charitable organization, available to
20 immediately inspect the quality of the eggs and upon agreeing
21 to accept the eggs assume, on behalf of the 501(c) charitable
22 organization, all responsibility for the handling and
23 distribution of the eggs donated to the 501(c) charitable
24 organization once those eggs are turned over to the 501(c)
25 charitable organization.

26 (e) When the Director or his or her designee determines

1 that a specific situation is not appropriate for a donation of
2 the equivalent number of eggs taken off the shelf, then the
3 monetary equivalent for purposes of the donation shall be in
4 accordance with the following provisions:

5 (1) The wholesale price that is equivalent of the value
6 of 10% of the eggs taken off sale for a first violation.

7 (2) The wholesale price that is equivalent of the value
8 of 15% of the eggs taken off sale for a second violation
9 within 2 years of the first violation.

10 (3) The wholesale price that is equivalent of the value
11 of 20% of the eggs taken off sale for a third or subsequent
12 violation within 2 years after the immediately preceding
13 violation.

14 (f) Any eggs donated as equivalent eggs under this Section
15 16.6 shall not be adulterated as defined under Section 3.1 of
16 this Act.

17 (g) Any 501(c) charitable organizations or individual
18 representing the identified 501(c) charitable organization
19 accepting eggs under this Section 16.6 shall not be considered
20 a broker as defined in Section 3.2.