



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2783

by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

410 ILCS 615/9 from Ch. 56 1/2, par. 55-9
410 ILCS 615/16.5
410 ILCS 615/16.6 new
410 ILCS 615/16.7
410 ILCS 615/16.9 new

Amends the Illinois Egg and Egg Products Act. Provides that the Department of Agriculture shall issue a license to any person upon receipt and approval of a proper application and the required nonrefundable fee (instead of the required fee). Provides that after finding that a violation has occurred, the Director of Agriculture may impose specified administrative monetary penalties against any person who sells or wholesales eggs to any person or business not licensed by the Department of Agriculture who buys, sells, trades, or traffics in eggs in this State. Provides that any person knowingly violating the Act or any rule or order of the Department issued pursuant to the Act shall be guilty of a Class C misdemeanor and that each day of violation constitutes a separate offense. Provides that in the event the person violating the Act or any rule or order issued pursuant to the Act is a corporation or partnership, any officer, director, manager, or managerial agent of the corporation or partnership who violates the Act or causes the corporation or partnership to violate the Act is guilty of a Class C misdemeanor. Sets forth provisions concerning the failure to pay any fine or fee and the termination of an application. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Egg and Egg Products Act is amended
5 by changing Sections 9, 16.5, and 16.7 and by adding Sections
6 16.6 and 16.9 as follows:

7 (410 ILCS 615/9) (from Ch. 56 1/2, par. 55-9)

8 Sec. 9. Licenses; fees. The Department shall issue a
9 license to any person upon receipt and approval of a proper
10 application and the required nonrefundable fee. The license fee
11 and classification of the license shall be established by rule.

12 A license must be obtained for each separate business
13 location and this license shall be posted in a conspicuous
14 place at the location for which it was purchased. Licenses are
15 non-transferable.

16 The application for an initial license may be filed at any
17 time prior to beginning business as an egg handler. The
18 licensing year for an egg license shall be July 1 through June
19 30. The egg license shall expire at the end of the licensing
20 year.

21 A penalty of \$50 shall be assessed for any renewal license
22 not renewed by July 1 of the year in which the license renewal
23 is due. This penalty shall be assessed in addition to the

1 license fee.

2 (Source: P.A. 96-1310, eff. 7-27-10.)

3 (410 ILCS 615/16.5)

4 Sec. 16.5. Violations; administrative monetary penalties.

5 The Director is authorized to hold administrative hearings to
6 determine violations of this Act or the Department's rules and
7 regulations adopted under this Act. After finding that a
8 violation has occurred, the Director may impose administrative
9 monetary penalties as follows:

10 (1) Against a licensee who sells or offers for sale
11 non-inspected frozen, liquid, or dried egg products:

12 (A) \$500 for a first violation.

13 (B) \$1,000 for a second violation within 2 years
14 after the first violation.

15 (C) \$2,000 for a third or subsequent violation
16 within 2 years after the immediately preceding
17 violation.

18 (2) Against a licensee who makes a false, deceptive, or
19 misleading statement, representation, or assertion
20 concerning the quality, size, weight, or condition of, or
21 any other matter relating to advertising and selling, eggs
22 and egg products:

23 (A) \$200 for a first violation.

24 (B) \$500 for a second violation within 2 years
25 after the first violation.

1 (C) \$1,000 for a third or subsequent violation
2 within 2 years after the immediately preceding
3 violation.

4 (3) Against a licensee who furnishes an invoice,
5 statement, or bill showing a standard of size, standard of
6 quality, representation of freshness, or any other
7 description of eggs or egg products that is false,
8 deceptive, or misleading in any particular:

9 (A) \$200 for a first violation.

10 (B) \$500 for a second violation within 2 years
11 after the first violation.

12 (C) \$1,000 for a third or subsequent violation
13 within 2 years after the immediately preceding
14 violation.

15 (4) Against any person who resists, hinders,
16 obstructs, or in any way interferes with any officer,
17 inspector, or employee of the Department in the discharge
18 of his or her duties under the provisions of this Act,
19 \$300.

20 (5) Against any person who buys, sells, trades, or
21 barter eggs in this State without having obtained a
22 license, \$300.

23 (6) For all other violations:

24 (A) \$200 for a first violation.

25 (B) \$400 for a second violation within 2 years
26 after the first violation.

1 (C) \$600 for a third or subsequent violation within
2 2 years after the immediately preceding violation.

3 (7) Against any person who sells or wholesales eggs to
4 any person or business not licensed by the Department of
5 Agriculture who buys, sells, trades, or traffics in eggs in
6 this State:

7 (A) \$200 for a first violation.

8 (B) \$500 for a second violation within 2 years
9 after the first.

10 (C) \$1,000 for a third or subsequent violation
11 within 2 years after the immediately preceding
12 violation.

13 A penalty not paid within 60 days after it is due may be
14 submitted to the Attorney General's office or an approved
15 private collection agency for collection.

16 (Source: P.A. 96-1310, eff. 7-27-10.)

17 (410 ILCS 615/16.6 new)

18 Sec. 16.6. Violations; penalties. Any person knowingly
19 violating this Act or any rule or order of the Department
20 issued pursuant to this Act shall be guilty of a Class C
21 misdemeanor. Each day of violation constitutes a separate
22 offense. In the event the person violating this Act or any rule
23 or order issued pursuant to the Act is a corporation or
24 partnership, any officer, director, manager, or managerial
25 agent of the corporation or partnership who violates this Act

1 or causes the corporation or partnership to violate this Act is
2 guilty of a Class C misdemeanor.

3 (410 ILCS 615/16.7)

4 Sec. 16.7. Suspension and revocation of license.

5 (a) The Director may suspend a license if the Department
6 has reason to believe that any one or more of the following has
7 occurred:

8 (1) A licensee has made a material misstatement in an
9 application for an original or renewal license under this
10 Act.

11 (2) A licensee has violated this Act or any rules
12 adopted under this Act, and the violation or pattern of
13 violations indicates a danger to public health.

14 (3) A licensee has aided or abetted another in the
15 violation of this Act or any rule adopted under this Act,
16 and the violation or pattern of violations indicates a
17 danger to public health.

18 (4) A licensee has allowed his or her license to be
19 used by an unlicensed person.

20 (5) A licensee has been convicted of a felony violation
21 of this Act or any crime an essential element of which is
22 misstatement, fraud, or dishonesty.

23 (6) A licensee has made a false, deceptive, or
24 misleading statement, representation, or assertion
25 concerning the quality, size, weight, or condition of, or

1 any other matter relating to advertising and selling of,
2 eggs and egg products.

3 (7) A licensee has failed to possess the necessary
4 qualifications or to meet the requirements of this Act for
5 the issuance or holding of a license.

6 (8) Failure to pay any fine or fee assessed by the
7 Department within 60 days after the date the fine or fee
8 was levied or otherwise due.

9 (b) Within 10 days after suspending a person's license, the
10 Department must commence an administrative hearing to
11 determine whether to reinstate or revoke the license. After the
12 Department schedules the administrative hearing, but no later
13 than 5 days before the scheduled hearing date, the Department
14 shall serve on the licensee written notice of the date, place,
15 and time of the hearing. The Department may serve this notice
16 by personal service on the licensee or by registered or
17 certified mail, return receipt requested, to the licensee's
18 place of business. After the hearing, the Director shall issue
19 an order either reinstating or revoking the license.

20 (Source: P.A. 96-1310, eff. 7-27-10.)

21 (410 ILCS 615/16.9 new)

22 Sec. 16.9. Termination of application; forfeiture of
23 license fee. Failure of any applicant to meet all of the
24 requirements for compliance within 60 days after receipt of a
25 license application shall result in termination of the

1 application and forfeiture of the license fee.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.