



Sen. John M. Sullivan

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09800HB4762sam001

LRB098 16072 MGM 59022 a

1 AMENDMENT TO HOUSE BILL 4762

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4762 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Commercial Feed Act of 1961 is  
5 amended by changing Section 14.2 as follows:

6 (505 ILCS 30/14.2) (from Ch. 56 1/2, par. 66.14.2)

7 Sec. 14.2. Administrative penalties. ~~Suspension or~~  
8 ~~revocation of registration or firm license; Administrative~~  
9 ~~hearings and penalties. The Department may suspend or revoke~~  
10 ~~any registration issued under Section 4 of this Act for~~  
11 ~~violation of the Act or any rules adopted pursuant thereto.~~

12 (a) The Department may, upon its own motion or ~~and shall~~  
13 ~~upon the~~ verified complaint in writing of any person setting  
14 forth facts which, if proved, would constitute grounds for a  
15 penalty ~~refusal, suspension, or revocation of a product~~  
16 ~~registration,~~ under this Act, investigate the actions of any

1 applicant or any person or persons applying for, holding, or  
2 claiming to hold a product registration or firm license. In  
3 addition to any other penalty under this Act, when the Director  
4 finds that any person has violated any of the provisions of  
5 this Act, the Director or his or her agent may institute  
6 administrative hearing proceedings and, upon determination of  
7 a violation, shall levy, and the Department shall collect,  
8 administrative penalties as follows:

9       (1) \$500 for neglect or refusal to comply with  
10 provisions of this Act, its rules, or any lawful order of  
11 the Director after receipt of notice in writing;

12       (2) \$500 for every distribution of a commercial feed  
13 that has been placed under a stop-sale order;

14       (3) \$500 for the manufacture or distribution of any  
15 commercial feed that is adulterated;

16       (4) \$500 for distribution of a commercial feed that is  
17 misbranded;

18       (5) \$500 for concealing facts or conditions, impeding,  
19 obstructing, hindering, or otherwise preventing or  
20 attempting to prevent the Director, or his or her duly  
21 authorized agent, in the performance of his or her duty in  
22 connection with the provisions of this Act;

23       (6) \$500 for any unauthorized disposal of a commercial  
24 feed that is under a stop-sale order; and

25       (7) \$500 for failure to comply with any provisions of  
26 this Act or its rules, except as provided under this

1       Section.

2       All penalties collected shall be deposited in the Feed  
3 Control Fund.

4       (b) The Department may, upon its own motion, investigate  
5 the actions of any applicant or any person or persons holding  
6 or claiming to hold a product registration or firm license.  
7 After an opportunity for an administrative hearing, the  
8 Department may suspend or revoke any product registration or  
9 firm license applied for or issued under Section 4 of this Act  
10 if:

11           (1) the registrant used fraudulent or deceptive  
12 practices to secure a license or product registration;

13           (2) the registrant fails to pay fees or penalties or  
14 file reports as required by this Act; or

15           (3) the registrant fails to comply with any provisions  
16 of this Act or its rules.

17       At least 10 days before the date set for the hearing, the  
18 Director shall notify in writing the applicant for or holder of  
19 a product registration or firm license, or other person subject  
20 to this Act, hereinafter called the respondent, that a hearing  
21 will be held on the date designated to determine whether the  
22 respondent has violated this Act, and shall afford the  
23 respondent an opportunity to be heard in person or by counsel.  
24 The administrative hearing shall be conducted under the  
25 Department's rules applicable to formal administrative  
26 proceedings ~~the Director shall notify in writing the applicant~~

1 ~~for or holder of a product registration or firm license,~~  
2 ~~referred to as the respondent in this Section, that a hearing~~  
3 ~~will be held on the date designated to determine whether the~~  
4 ~~respondent is entitled to hold a product registration or firm~~  
5 ~~license and shall afford the respondent opportunity to be heard~~  
6 ~~in person or by counsel.~~

7 If it is determined after an administrative hearing, either  
8 in the presence or absence of the person notified, that any of  
9 the provisions of this Act or rules issued under it have been  
10 violated, the Director may certify the facts to the proper  
11 prosecuting attorney for the institution of criminal charges  
12 against a violator.

13 The Department, over the signature of the Director, is  
14 authorized to issue subpoenas and bring before the Department  
15 any person or persons in this State to take testimony, either  
16 orally, by deposition, disposition or by exhibit, in the same  
17 manner prescribed by law in judicial proceedings and civil  
18 cases in the circuit courts of this State. The Director is  
19 authorized to issue subpoenas duces tecum for any or all  
20 records relating to the commercial feed distributor's or  
21 registrant's business ~~in question.~~

22 (Source: P.A. 87-664.)".