



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB6297

by Rep. André M. Thapedi

#### SYNOPSIS AS INTRODUCED:

410 ILCS 620/12.2 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that any label of fresh, frozen, or processed fish or shellfish, wild or farm raised, offered for sale at wholesale or retail shall clearly identify (1) the species of fish or shellfish by its common name, (2) whether the fish or shellfish was farm raised or wild caught, and (3) whether the fish or shellfish was caught domestically or imported. Provides that a retail food facility that sells or offers for sale any fresh, frozen, or processed fish or shellfish, wild or farm raised, may not knowingly misidentify or misbrand (1) the country of origin of the fish or shellfish or (2) whether the fish or shellfish was farm raised or wild caught. Sets forth provisions concerning misbranding and the presumption of knowledge.

LRB098 22500 RPM 61422 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 adding Section 12.2 as follows:

6 (410 ILCS 620/12.2 new)

7 Sec. 12.2. Labeling; seafood.

8 (a) In this Section:

9 "Common name" means the common name for any seafood  
10 species identified in the Seafood List issued by the  
11 federal Food and Drug Administration.

12 "Processed" means having underwent cooking, baking,  
13 heating, drying, mixing, grinding, churning, separating,  
14 extracting, cutting, fermenting, eviscerating, preserving,  
15 dehydrating, freezing, or any manufacturing, and includes  
16 packaging, canning, jarring, or otherwise enclosing food  
17 in a container.

18 (b) Any label of fresh, frozen, or processed fish or  
19 shellfish, wild or farm raised, offered for sale at wholesale  
20 or retail shall clearly identify all of the following  
21 information:

22 (1) The species of fish or shellfish by its common  
23 name.

1           (2) Whether the fish or shellfish was farm raised or  
2           wild caught.

3           (3) Whether the fish or shellfish was caught  
4           domestically or imported.

5           (c) It shall constitute misbranding for any person to  
6           knowingly sell or offer for sale any fish or shellfish that is  
7           labeled in violation of subsection (b) of this Section. For the  
8           purposes of this subsection (c), knowledge shall be presumed if  
9           the person fails to provide sufficient product documentation  
10           that demonstrates the fish or shellfish was labeled in  
11           violation of subsection (b) of this Section when the person  
12           received the fish or shellfish. The presumption established  
13           under this subsection (c) is a presumption affecting the burden  
14           of proof.

15           (d) A retail food facility that sells or offers for sale  
16           any fresh, frozen, or processed fish or shellfish, wild or farm  
17           raised, shall identify and label the species of fish or  
18           shellfish by its common name for the consumer at the point of  
19           sale, so that the consumer can make an informed purchase  
20           decision. It is unlawful for a retail food facility to  
21           knowingly misidentify or misbrand the species of fish or  
22           shellfish in violation of this subsection (d).

23           (e) A retail food facility that sells or offers for sale  
24           any fresh, frozen, or processed fish or shellfish, wild or farm  
25           raised, may not knowingly misidentify or misbrand either of the  
26           following:

1           (1) The country of origin of the fish or shellfish.

2           (2) Whether the fish or shellfish was farm raised or  
3           wild caught.

4           This subsection (e) does not require a retail food facility  
5           that sells or offers for sale any fresh, frozen, or processed  
6           fish or shellfish to identify either the country of origin or  
7           whether the fish or shellfish was farm raised or wild caught.

8           For the purposes of this subsection (e), knowledge shall be  
9           presumed if the retail food facility fails to provide  
10           sufficient product documentation that demonstrates the fish or  
11           shellfish was identified and labeled in violation of this  
12           Section when the retail food facility received the fish or  
13           shellfish. The presumption established by this subsection (e)  
14           is a presumption affecting the burden of proof.