



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB0152

Introduced 1/25/2023, by Sen. Neil Anderson

#### SYNOPSIS AS INTRODUCED:

410 ILCS 620/21.2  
410 ILCS 635/8

from Ch. 56 1/2, par. 521.2  
from Ch. 56 1/2, par. 2208

Amends the Grade A Pasteurized Milk and Milk Products Act. Authorizes a dairy farm to sell, distribute, or offer to sell or distribute unpasteurized milk or milk product for human use or consumption without being issued a permit under the Act if the animal that produces the milk or milk product is housed at the dairy farm. Amends the Illinois Food, Drug and Cosmetic Act. Creates an exemption from the Act's milk manufacturing and processing facility permitting requirements for those activities that are exempt from permitting under the permitting exemption added to the Grade A Pasteurized Milk and Milk Products Act by the amendatory Act.

LRB103 25928 CPF 52279 b

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 Food, Drug and Cosmetic Act is  
5 amended by changing Section 21.2 as follows:

6 (410 ILCS 620/21.2) (from Ch. 56 1/2, par. 521.2)

7 Sec. 21.2. Except as provided in subsection (b) of Section  
8 8 of the Grade A Pasteurized Milk and Milk Products Act, ~~After~~  
9 ~~July 1, 1986,~~ it shall be unlawful for any person to establish,  
10 maintain, conduct, or operate a manufactured dairy farm or  
11 manufactured dairy plant, or to process milk for manufacturing  
12 purposes or manufactured dairy products, or to haul or sample  
13 milk for manufacturing purposes within this State, without  
14 first obtaining a permit therefor from the Department.

15 It shall be unlawful for any person to bring into Illinois  
16 or distribute in Illinois any ice cream, ice cream mix or  
17 frozen desserts produced at a plant located outside Illinois,  
18 unless the plant has first obtained a permit from the  
19 Department.

20 The Department may prescribe and conduct examinations, a  
21 portion of which may be written, to test the knowledge of bulk  
22 milk hauler-samplers and certified pasteurizer sealers as a  
23 condition for awarding permits.

1 Permits issued by the Department for manufactured dairy  
2 plants and certified pasteurizer sealers shall expire on  
3 December 31 of each year. Permits issued to bulk milk  
4 hauler-samplers shall expire on March 31 of each year.

5 It is unlawful for any person to own or operate a bulk milk  
6 pickup tank without first obtaining a permit from the  
7 Department. Permits issued by the Department for bulk milk  
8 pickup tanks shall have no expiration date and shall remain  
9 valid unless revoked by the Department for noncompliance with  
10 the rules promulgated under this Act or the bulk milk pickup  
11 tank is transferred or removed from service.

12 Permits issued for manufactured dairy farms shall have no  
13 expiration date and shall remain valid indefinitely unless  
14 revoked by the Department for noncompliance with the rules  
15 promulgated under this Act or discontinuation of the dairy  
16 farm operation for which a permit was issued.

17 Applications for original permits or renewals shall be  
18 made on forms furnished by the Department. Each application  
19 shall contain: (1) the name and address of the applicant or  
20 names and addresses of the partners if the applicant is a  
21 partnership, or the names and addresses of the officers if the  
22 applicant is a corporation, or the names and addresses of all  
23 persons having a financial interest therein if the applicant  
24 is a group of individuals, association or trust; and (2) the  
25 location of the manufactured dairy farm, manufactured dairy  
26 plant, certified pasteurizer sealer, bulk milk pickup tank, or

1 bulk milk hauler-sampler. A permit shall be valid only in the  
2 hands of the person to whom it is issued and shall not be the  
3 subject of sale, assignment or other transfer, voluntary or  
4 involuntary, nor shall the permit be valid for any premises,  
5 bulk milk pickup tank, certified pasteurizer sealer, or bulk  
6 milk hauler-sampler other than the one for which it was  
7 originally issued.

8 The Department shall charge a fee of \$100 for each permit  
9 issued to a manufactured dairy plant, \$100 for each permit  
10 issued to an out-of-state ice cream, ice cream mix and frozen  
11 dessert plant, \$25 for each permit issued to a bulk milk  
12 hauler-sampler, \$25 for each permit issued for a bulk milk  
13 pickup tank, and \$100 for each certified pasteurizer sealer.

14 In addition to such fees, the Department shall assess a  
15 late fee if an application for renewal of a permit is received  
16 after the expiration date of the existing permit. The late fee  
17 shall be \$50 for a permit issued to a milk plant; \$25 for a  
18 permit issued to a receiving station, transfer station, or  
19 cleaning and sanitizing facility; and \$15 for a permit issued  
20 to a bulk milk hauler-sampler. All permit fees collected shall  
21 be deposited into the Food and Drug Safety Fund.

22 In addition to such fees, the Department may assess a  
23 penalty whenever milk is adulterated with a violative drug  
24 residue. The penalty shall be equivalent to the suspension of  
25 milk shipment for 48 hours for the first offense and 96 hours  
26 for the second and third offense. The Department shall adopt

1 these penalties by rule. Penalties collected by the Department  
2 shall be deposited into the Food and Drug Safety Fund.

3 (Source: P.A. 88-600, eff. 9-1-94; 89-526, eff. 7-19-96.)

4 Section 10. The Grade A Pasteurized Milk and Milk Products  
5 Act is amended by changing Section 8 as follows:

6 (410 ILCS 635/8) (from Ch. 56 1/2, par. 2208)

7 Sec. 8. Sale or distribution of unpasteurized milk.

8 (a) Except as provided in subsection (b), ~~After the~~  
9 ~~effective date of this Act,~~ no person shall sell, ~~or~~  
10 distribute, or offer to sell or distribute any milk or milk  
11 product for human use or consumption unless such milk or milk  
12 product has been pasteurized and has been produced and  
13 processed in accordance with rules and regulations promulgated  
14 by the Department.

15 (b) Notwithstanding any provision of law to the contrary,  
16 including, but not limited to, subsection (a) of this Section  
17 and Section 21.2 of the Illinois Food, Drug and Cosmetic Act, a  
18 dairy farm may sell, distribute, or offer to sell or  
19 distribute unpasteurized milk or unpasteurized milk product  
20 for human use or consumption without being issued a permit to  
21 do so by the Department if the animal that produces the milk or  
22 milk product is housed at the dairy farm.

23 (c) In this Section, the ~~The~~ term "sell or distribute for  
24 use or consumption" means to sell or distribute to a person for

1 human use or consumption and not for processing or resale in  
2 any form.

3 (d) The pasteurization requirement of subsection (a) ~~this~~  
4 ~~Section~~ shall not be applicable to milk produced in accordance  
5 with Department rules and regulations if sold or distributed  
6 on the premises of the dairy farm.

7 (Source: P.A. 83-102.)