

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 barters 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,
4 who has been notified pursuant to the notification
5 provision in this Section, to any person or business not
6 licensed by the Department who buys, sells, trades, or
7 traffics in eggs in this State:

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

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

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

14 The Department shall notify any person who sells or
15 wholesales eggs to any person or business not licensed by the
16 Department who buys, sells, trades, or traffics eggs in this
17 State that he or she may not sell, trade, or traffic eggs with
18 the non-licensed person or business. A copy of the notice shall
19 be either served personally or served by registered or
20 certified mail on the person who sells or wholesales eggs.
21 Proof of service of the notice shall be made by affidavit of
22 the person making personal service or by the registered or
23 certified mail receipt.

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

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

2 (410 ILCS 615/16.6 new)

3 Sec. 16.6. Violations; penalties. Any person knowingly
4 violating this Act or any rule or order of the Department
5 issued pursuant to this Act shall be guilty of a Class C
6 misdemeanor. Each day of violation constitutes a separate
7 offense. In the event the person violating this Act or any rule
8 or order issued pursuant to the Act is a corporation or
9 partnership, any officer, director, manager, or managerial
10 agent of the corporation or partnership who violates this Act
11 or causes the corporation or partnership to violate this Act is
12 guilty of a Class C misdemeanor.

13 (410 ILCS 615/16.7)

14 Sec. 16.7. Suspension and revocation of license.

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

18 (1) A licensee has made a material misstatement in an
19 application for an original or renewal license under this
20 Act.

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

24 (3) A licensee has aided or abetted another in the

1 violation of this Act or any rule adopted under this Act,
2 and the violation or pattern of violations indicates a
3 danger to public health.

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

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

9 (6) A licensee has made a false, deceptive, or
10 misleading statement, representation, or assertion
11 concerning the quality, size, weight, or condition of, or
12 any other matter relating to advertising and selling of,
13 eggs and egg products.

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

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

20 (b) Within 10 days after suspending a person's license, the
21 Department must commence an administrative hearing to
22 determine whether to reinstate or revoke the license. After the
23 Department schedules the administrative hearing, but no later
24 than 5 days before the scheduled hearing date, the Department
25 shall serve on the licensee written notice of the date, place,
26 and time of the hearing. The Department may serve this notice

1 by personal service on the licensee or by registered or
2 certified mail, return receipt requested, to the licensee's
3 place of business. After the hearing, the Director shall issue
4 an order either reinstating or revoking the license.

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

6 (410 ILCS 615/16.9 new)

7 Sec. 16.9. Termination of application; forfeiture of
8 license fee. Failure of any applicant to meet all of the
9 requirements for compliance within 60 days after receipt of a
10 license application shall result in termination of the
11 application and forfeiture of the license fee.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.