

# SB2637



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2637

Introduced 11/7/2023, by Sen. Willie Preston

#### SYNOPSIS AS INTRODUCED:

410 ILCS 620/5

from Ch. 56 1/2, par. 505

410 ILCS 620/13.5 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that, beginning January 1, 2027, a person or entity shall not manufacture, sell, deliver, distribute, hold, or offer for sale a food product for human consumption that contains brominated vegetable oil, potassium bromate, propylparaben, or red dye 3. Provides that a person or entity that violates the prohibition shall be liable for a civil penalty not to exceed \$5,000 for a first violation and not to exceed \$10,000 for each subsequent violation. Makes a conforming change.

LRB103 35216 RPS 65198 b

A BILL FOR

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 5 and by adding Section 13.5 as  
6 follows:

7 (410 ILCS 620/5) (from Ch. 56 1/2, par. 505)

8 Sec. 5. Penalties.

9 (a) A person who violates any of the provisions of this  
10 Act, other than Sections 3.22, ~~and 6,~~ and 13.5, is guilty of a  
11 Class C misdemeanor; but if the violation is committed after a  
12 conviction of such person under this Section has become final,  
13 the person shall be guilty of a Class A misdemeanor. A person  
14 who violates the provisions of Section 6 of this Act is guilty  
15 of a Class A misdemeanor; but if the violation is committed  
16 after a conviction of such person under this Section has  
17 become final, the person shall be guilty of a Class 4 felony.

18 (b) No person is subject to the penalties of subsection  
19 (a) of this Section for (1) violating Section 3.1 or 3.3 if he  
20 establishes a guaranty or undertaking signed by and containing  
21 the name and address of the person residing in the State of  
22 Illinois from whom he received the article in good faith, to  
23 the effect that the article is not adulterated within the

1 meaning of this Act, designating this Act; or (2) for having  
2 violated clause (2) of Section 3.16 if such person acted in  
3 good faith and had no reason to believe that the use of the  
4 punch, die, plate, stone or other thing involved would result  
5 in a drug being a counterfeit drug, or for having violated  
6 clause (3) of Section 3.16 if the person doing the act or  
7 causing it to be done acted in good faith and had no reason to  
8 believe that the drug was a counterfeit drug.

9 (c) No publisher, radio-broadcast licensee, agency or  
10 medium for the dissemination of an advertisement, except the  
11 manufacturer, packer, distributor or seller of the article to  
12 which a false advertisement relates is liable under this  
13 Section for the dissemination of such false advertisement  
14 unless he has refused on the request of the Director to furnish  
15 the Director the name and post office address of the  
16 manufacturer, packer, distributor, seller or advertising  
17 agency residing in the State of Illinois who causes him to  
18 disseminate such advertisement.

19 (d) No person shall be subject to the penalties of  
20 subsection (a) of this Section for a violation of Section 3  
21 involving misbranded food if the violation exists solely  
22 because the food is misbranded under subsection (c) of Section  
23 11 because of its advertising, and no person shall be subject  
24 to the penalties of subsection (a) of this Section for such a  
25 violation unless the violation is committed with the intent to  
26 defraud or mislead.

1 (Source: P.A. 97-872, eff. 7-31-12.)

2 (410 ILCS 620/13.5 new)

3 Sec. 13.5. Prohibited food additives.

4 (a) Beginning January 1, 2027, a person or entity shall  
5 not manufacture, sell, deliver, distribute, hold, or offer for  
6 sale a food product for human consumption that contains any of  
7 the following substances:

8 (1) Brominated vegetable oil (Chemical Abstract  
9 Services number 8016-94-2).

10 (2) Potassium bromate (Chemical Abstract Services  
11 number 7758-01-2).

12 (3) Propylparaben (Chemical Abstract Services number  
13 94-13-3).

14 (4) Red dye 3 (Chemical Abstract Services number  
15 16423-68-0).

16 (b) A person or entity that violates subsection (a) shall  
17 be liable for a civil penalty not to exceed \$5,000 for a first  
18 violation and not to exceed \$10,000 for each subsequent  
19 violation. A violation of this Section may be enforced by the  
20 Attorney General or the State's Attorney of the county in  
21 which the violation occurred.

22 (c) This Section does not impair or impede any other  
23 rights, causes of action, claims, or defenses available under  
24 any other law. The remedies provided in this Section are  
25 cumulative with any other remedies available under any other

1 law.