



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3490

Introduced 2/22/2021, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

410 ILCS 620/21.5 new

Amends the Food, Drug and Cosmetic Act. Provides that, notwithstanding any other provision of law, a restaurant shall, by default, include a specified type of water, milk, milk alternative, or juice with a children's meal sold by the restaurant. Provides that a restaurant may include another beverage with a children's meal upon request. Provides that, during any inspection of a restaurant by a health officer or health inspector of a local health department, the health officer or health inspector shall inspect the restaurant to determine whether it complies with these provisions. Provides that restaurants that violate the provisions are subject to a warning and specified civil penalties. Allows the Department of Public Health to adopt any rules it deems necessary for the implementation, administration, and enforcement.

LRB102 11653 CPF 21530 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 adding Section 21.5 as follows:

6 (410 ILCS 620/21.5 new)

7 Sec. 21.5. Default beverage for children's meals.

8 (a) In this Section:

9 "Children's meal" means a combination of food items sold
10 for a single price intended for consumption by children.

11 "Default beverage" means a beverage automatically included
12 as part of a children's meal absent a specific request by the
13 purchaser of the children's meal for an alternative beverage.

14 "Restaurant" has the same meaning provided in Section 21.4
15 of this Act.

16 (b) Notwithstanding any other provision of law, a
17 restaurant shall, by default, include one of the following
18 default beverages with a children's meal sold by the
19 restaurant:

20 (1) water;

21 (2) sparkling water;

22 (3) flavored water with no added natural or artificial
23 sweeteners;

1 (4) nonfat or 1% milk with no added natural or
2 artificial sweeteners;

3 (5) nondairy milk alternatives:

4 (A) with no added natural or artificial
5 sweeteners;

6 (B) containing no more than 130 calories per
7 container or serving as offered for sale; and

8 (C) meeting the standards for the National School
9 Lunch Program as set forth in 7 CFR 210.10; or

10 (6) 100% fruit or vegetable juice or juice combined
11 with water or carbonated water, with no added sweeteners,
12 in a serving size of no more than 8 ounces.

13 (c) A restaurant may include a beverage with a children's
14 meal that is not listed under subsection (b) upon request.

15 (d) A beverage listed or displayed on a restaurant menu or
16 advertisement for a children's meal shall be one of the
17 default beverages listed in subsection (b).

18 (e) During any inspection of a restaurant by a health
19 officer or health inspector of a local health department, the
20 health officer or health inspector shall inspect the
21 restaurant to determine whether it complies with this Section.

22 (f) A restaurant that violates this Section is subject to:

23 (1) a warning for a first offense;

24 (2) a civil penalty of \$25 for a second offense; and

25 (3) a civil penalty of \$100 for a third or subsequent
26 offense.

1 A local public health director, or his or her designee,
2 may charge and collect the civil penalties under this
3 subsection.

4 (g) The Department of Public Health may adopt any rules it
5 deems necessary for the implementation, administration, and
6 enforcement of this Section.