



Health Care Availability and Access Committee

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LRB095 05263 KBJ 31130 a

1 AMENDMENT TO HOUSE BILL 389

2 AMENDMENT NO. _____. Amend House Bill 389 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Menu
5 Education and Labeling Act.

6 Section 5. Findings. The General Assembly finds all of the
7 following:

8 (1) Research continues to reveal that the strong link
9 between diet and health and diet-related diseases starts
10 early in life.

11 (2) Increased caloric intake is a key factor
12 contributing to the alarming increase in obesity in the
13 United States. According to the Centers for Disease Control
14 and Prevention, two-thirds of American adults are
15 overweight or obese and the rates of obesity have tripled
16 in children and teens since 1980. Obesity increases the

1 risk of diabetes, heart disease, stroke, and other health
2 problems. Each year obesity costs families, businesses,
3 and governments \$117 billion.

4 (3) Excess saturated fat intake is a major risk factor
5 for heart disease, which is the leading cause of death for
6 men and women in the United States. Heart disease is also a
7 leading cause of disability among working adults and its
8 impact on the U.S. economy is significant, estimated in
9 2005 to cost \$393.5 billion in health care expenditures and
10 lost productivity.

11 (4) Increased sodium intake is associated with an
12 increased risk of high blood pressure, a condition that can
13 lead to cardiovascular disease, especially stroke. The
14 proportion of Americans with high blood pressure is 45% at
15 age 50, 60% at age 60, and over 70% at age 70.

16 (5) Over the past 2 decades, there has been a
17 significant increase in the number of meals prepared and
18 eaten outside of the home, with an estimated one-third of
19 calories and almost half (46%) of food dollars being spent
20 on food purchased from and eaten at restaurants and other
21 food-service establishments.

22 (6) Studies link eating out with obesity and higher
23 caloric intake. Food that people eat from restaurants and
24 other food-service establishments are generally higher in
25 calories and saturated fat and lower in nutrients, such as
26 calcium and fiber, than home-prepared foods.

1 (7) While nutrition labeling is currently required on
2 most packaged foods, such information is required only for
3 restaurant foods for which nutrient content or health
4 claims are made.

5 (8) Three-quarters of American adults report using
6 food labels on packaged foods, which are required by the
7 federal Nutrition Labeling and Education Act of 1990. Using
8 food labels is associated with eating more healthful diets
9 and approximately half (48%) of people report that the
10 nutritional information on food labels has caused them to
11 change their minds about buying a food product. Research
12 shows that people make more healthful choices when
13 restaurants provide point-of-purchase nutritional
14 information.

15 (9) It is difficult for consumers to limit their intake
16 of calories at restaurants given the limited availability
17 of nutritional information, as well as the popular practice
18 by many restaurants of providing foods in
19 larger-than-standard servings and "supersized" portions.
20 Studies show that people eat greater quantities of food
21 when they are served more.

22 Section 10. Nutritional information required.

23 (a) A restaurant or or similar retail food establishment
24 must provide nutritional information for all standard menu
25 items listed on the menu, including, but not limited to, the

1 total number of the following items per serving as usually
2 prepared and offered for sale:

- 3 (1) calories;
- 4 (2) grams of saturated fat, plus trans fat;
- 5 (3) grams of carbohydrates; and
- 6 (4) milligrams of sodium.

7 Standard menu items do not include temporary menu items, such
8 as specials that appear on the menu for less than 30 days per
9 year and condiments and other items placed on the table or
10 counter for general use without charge. Nothing in this Act
11 precludes restaurants and similar retail food establishments
12 from providing additional nutritional information voluntarily.

13 (b) Restaurants and similar retail food establishments
14 that use a standard menu shall provide such information next to
15 each item on the menu in a size and typeface similar to other
16 information about each menu item. If the restaurant or similar
17 retail food establishment uses only a menu board, it may limit
18 the nutritional information listed on the menu board to the
19 total number of calories per serving per item in a size and
20 typeface similar to other information about the item, provided
21 that the additional nutritional information be made available
22 to customers in writing upon request. If a restaurant or
23 similar retail food establishment provides a salad bar, buffet
24 line, cafeteria service, or similar self-serve arrangement, it
25 may limit the nutritional information provided for items
26 offered in such arrangement to the total number of calories per

1 standard serving per item next to where the item is offered in
2 a size and typeface that is prominent and legible from where
3 customers are choosing those items, provided that the
4 additional nutritional information about the item must be made
5 available to customers in writing upon request. A restaurant or
6 other similar retail food establishment is exempt from the
7 requirements of this Act if it has fewer than 10 locations
8 nationally, doing business under the same trade name,
9 regardless of the type of ownership of the individual
10 locations, and offering predominantly the same types of meals,
11 foods, or menu.

12 (c) For menu items that come in different flavors,
13 varieties, or combinations but that are listed as a single menu
14 item, such as soft drinks, ice cream, pizza, doughnuts, and
15 children's combination meals, the median value for calories and
16 other nutrients for all flavors, varieties, or combinations
17 must be listed on menus and menu boards if the calorie and
18 other nutrient values for all flavors, varieties, or
19 combinations are within 20% of the median. If the calorie and
20 other nutrient values are not within 20% of the median, then
21 the range for all flavors, varieties, or combinations of that
22 menu item must be listed from the lowest to the highest value.
23 If a menu item that comes in different varieties is on display
24 with a name placard or similar signage, the calories per
25 serving as offered for sale must be listed on the placard along
26 with the name. If a menu item is not on display, nutritional

1 information for each individual flavor or variety or each
2 individual menu item that can be chosen as part of a
3 combination meal must be provided by means of an in-store
4 brochure, booklet, kiosk, or other device that is easily
5 accessible to customers. Signage must alert customers to the
6 availability of such information.

7 (d) The bottom of each page of a menu must include, in a
8 clear and conspicuous manner, the following statement:

9 "Recommended limits for a 2,000 calorie daily diet are 20
10 grams of saturated fat and 2,300 milligrams of sodium.
11 Saturated fat numbers include trans fat."

12 If no items on the menu contain more than 0.5 grams of trans
13 fat from partially hydrogenated oil per serving, the statement
14 "saturated fat numbers include trans fat" may be omitted.

15 When used by chain restaurants or similar chain retail food
16 establishments, menu boards must include, in a clear and
17 conspicuous manner, the following statement:

18 "Daily values are based on a 2,000 calorie diet."

19 (e) For purposes of this Act, restaurants and similar
20 retail food establishments must obtain the nutrient analysis
21 required by this Act using analytic methods and express
22 nutrient content in a manner consistent with the Illinois Food,
23 Drug and Cosmetic Act and its rules. A label is not in
24 compliance with this Act if the label declaration is more than
25 20% lower than nutrient analysis shows as the average content
26 of a representative sample of the menu item.

1 Section 15. Rules. The Department of Public Health shall
2 issue proposed rules to implement this Act within 12 months
3 after the effective date of this Act. Such rules must require
4 the information required under this Act to be conveyed to the
5 public in a manner that enables the public to readily observe
6 and comprehend such information and to understand its relative
7 significance in the context of a total daily diet. These
8 implementing rules shall take effect 6 months after they are
9 finalized. If the Department of Public Health does not
10 promulgate final rules within 24 months after the effective
11 date of this Act, the proposed rules must be considered as the
12 final rules.

13 Section 20. Enforcement. The Director of Public Health or
14 his or her duly authorized agents or employees who inspect
15 restaurants and other food establishments must determine that
16 the nutritional information required under this Act is listed
17 on the menu or menu board and that any additional required
18 information is available for customers upon request. Such
19 inspectors shall not be required to verify the accuracy of the
20 nutritional listings. The Department of Public Health may
21 request that franchisor or corporate owners of chain
22 restaurants and food establishments provide documentation of
23 the accuracy of the nutritional information."