



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5419

Introduced 2/5/2010, by Rep. Deborah Mell

SYNOPSIS AS INTRODUCED:

New Act

Creates the Menu Labeling Act. Requires food service establishments that are one of a group of 15 or more food service establishments doing business nationally, offering for sale substantially the same menu items in servings that are standardized, and that operate under common ownership or control, or as franchised outlets to list the total number of calories for each menu item on all menu boards and menus. Provides that the Act does not apply to menu items that are listed on a menu or menu board for less than 30 days in a calendar year. Provides that calorie content values shall be based upon a verifiable analysis of the menu item. Provides that food items with a food item tag shall display the calorie content on the food item tag. Provides that calorie content values at drive-through windows shall be displayed on either (i) the drive through menu board or (ii) an adjacent stanchion. Sets forth requirements for listing the calorie content of menu items that have a range of calorie content values for different flavors, varieties, or combinations. Provides that the Department of Public Health shall adopt rules to administer and enforce the Act.

LRB096 19818 RPM 35265 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 1. Short title. This Act may be cited as the Menu
5 Labeling Act.

6 Section 5. Definitions. In this Act:

7 "Covered food service establishment" means a food service
8 establishment within this State that is one of a group of 15 or
9 more food service establishments doing business nationally,
10 offering for sale substantially the same menu items in servings
11 that are standardized for portion size and content, and that
12 operate under common ownership or control, or as franchised
13 outlets of a parent business, or do business under the same
14 name.

15 "Menu" means a printed list or pictorial display of a food
16 item and its price that is available for sale from a covered
17 food service establishment and includes menus distributed or
18 provided outside of the establishment.

19 "Menu board" means any list or pictorial display of a food
20 item and its price posted in and visible within a covered food
21 service establishment or outside of a covered food service
22 establishment for the purpose of ordering from a drive-through
23 window.

1 "Menu item" means any individual food item, or combination
2 of food items, listed or displayed on a menu board or menu that
3 is sold by a covered food service establishment.

4 "Food item tag" means a label or tag that identifies any
5 food item displayed for sale at a covered food service
6 establishment.

7 Section 10. Scope and applicability. This Act shall apply
8 to menu items that are served in portions the size and content
9 of which are standardized at a covered food service
10 establishment. This Act shall not apply to menu items that are
11 listed on a menu or menu board for less than 30 days in a
12 calendar year.

13 Section 15. Posting of calorie information.

14 (a) All menu boards and menus in any covered food service
15 establishment shall display the total number of calories
16 derived from any source for each menu item they list. The
17 information shall be listed clearly and conspicuously, and
18 adjacent to or in close proximity of the item that it describes
19 so as to be clearly associated with the menu item, using a font
20 and format that is at least as prominent in size and appearance
21 as that used to post either the name or price of the menu item.

22 (b) Calorie content values (in kcal) required by this
23 Section shall be based upon a verifiable analysis of the menu
24 item, which may include the use of nutrient databases,

1 laboratory testing, or other reliable methods of analysis, and
2 shall be rounded to the nearest 10 calories for calorie content
3 values above 50 calories and to the nearest 5 calories for
4 calorie content values 50 calories and below.

5 (c) When a food item is displayed for sale with a food item
6 tag, the food item tag shall include the calorie content value
7 for that food item in a font size and format at least as
8 prominent as the font size of the name of the food item.

9 (d) Calorie content values at drive-through windows shall
10 be displayed on either (i) the drive through menu board or (ii)
11 an adjacent stanchion visible at or prior to the point of
12 ordering, so long as the calorie content values are as clearly
13 and conspicuously posted on the stanchion adjacent to their
14 respective menu item names as the price or menu item is on the
15 drive through menu board.

16 (e) The following shall apply where there is a range of
17 calorie content values for different flavors, varieties, or
18 combinations of a menu item:

19 (1) For menu items offered in different flavors and
20 varieties, including, but not limited to, beverages, ice
21 cream, pizza, and doughnuts, the range of calorie content
22 values showing the minimum to maximum numbers of calories
23 for all flavors and varieties of that item shall be listed
24 on menu boards and menus for each size offered for sale.
25 However, the range need not be displayed if calorie content
26 information is included on the food item tag identifying

1 each flavor or variety of the food item displayed for sale,
2 in accordance with subsection (c) of this Section.

3 (2) For combinations of different food items listed or
4 pictured as a single menu item, the range of calorie
5 content values showing the minimum to maximum numbers of
6 calories for all combinations of that menu item shall be
7 listed on menu boards and menus. If there is only one
8 possible calorie total for the combination, then that total
9 shall be listed on menu boards and menus.

10 Section 20. Administration; enforcement. The Department of
11 Public Health shall adopt rules to administer and enforce this
12 Act.