

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. "Covered food service establishment" does not include a
15 restaurant that does not have a public viewing menu board and
16 distributes printed menus to individual customers.

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

21 "Menu board" means any list or pictorial display of a food
22 item and its price posted in and visible within a covered food
23 service establishment or outside of a covered food service

1 establishment for the purpose of ordering from a drive-through
2 window.

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

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

9 Section 10. Scope and applicability. This Act shall apply
10 to menu items that are served in portions the size and content
11 of which are standardized at a covered food service
12 establishment. This Act shall not apply to menu items that are
13 listed on a menu or menu board for less than 30 days in a
14 calendar year. This Act shall not apply to beverage alcohol,
15 the labeling of which is not regulated by the federal Food and
16 Drug Administration.

17 Section 15. Posting of calorie information.

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

1 as that used to post either the name or price of the menu item.

2 (b) Calorie content values (in kcal) required by this
3 Section shall be based upon a verifiable analysis of the menu
4 item, which may include the use of nutrient databases,
5 laboratory testing, or other reliable methods of analysis, and
6 shall be rounded to the nearest 10 calories for calorie content
7 values above 50 calories and to the nearest 5 calories for
8 calorie content values 50 calories and below.

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

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

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

23 (1) For menu items offered in different flavors and
24 varieties, including, but not limited to, beverages, ice
25 cream, pizza, and doughnuts, the range of calorie content
26 values showing the minimum to maximum numbers of calories

1 for all flavors and varieties of that item shall be listed
2 on menu boards and menus for each size offered for sale.
3 However, the range need not be displayed if calorie content
4 information is included on the food item tag identifying
5 each flavor or variety of the food item displayed for sale,
6 in accordance with subsection (c) of this Section.

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

14 Section 20. Administration; enforcement. The Department of
15 Public Health shall adopt rules to administer and enforce this
16 Act.