



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 397

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 397 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Healthy Eating, Active Living (HEAL) Act.

6 Section 5. Findings and purpose. The General Assembly finds  
7 that:

8 Over the past 30 years, the obesity rate in the United  
9 States has substantially increased. The prevalence of adult  
10 obesity has more than doubled during that time. According to  
11 statistics compiled by the Centers for Disease Control, nearly  
12 28% of Illinois' adult residents in 2012 were considered obese  
13 (body mass index (BMI) of 30 and above) and the rate was even  
14 higher among African American (40.5%) and Hispanic (31.2%)  
15 residents.

16 For children, the increase in obesity has been even more

1 dramatic, with the obesity rate among children ages 6-11 more  
2 than quadrupling over the last four decades. The State of  
3 Illinois is not immune to the problem. 21% of Illinois children  
4 (age 0-17 years) are obese, the fourth worst rate in the  
5 nation.

6 Obese children are at least twice as likely as non-obese  
7 children to become obese adults. Research indicates that the  
8 likelihood of an obese child becoming an obese adult increases  
9 with age; adolescents who are obese have a greater likelihood  
10 of being obese in adulthood, as compared to younger children.

11 The obesity epidemic has led to a dramatic increase in  
12 obesity-related health conditions, such as type 2 diabetes,  
13 asthma, and heart disease. These health conditions costs the  
14 nation billions of dollars in health care costs and lost  
15 productivity. Obesity and weight-related health conditions  
16 account for \$147 billion in health care costs nationally, or 9  
17 percent of all medical spending, per year. Obesity-related  
18 annual medical expenditures in the State of Illinois are  
19 estimated at \$3.4 billion in 2003 dollars. Almost 60% of these  
20 costs are paid by public funds through Medicare and Medicaid.

21 Numerous studies have established a link between obesity  
22 and consumption of sugar-sweetened beverages such as soft  
23 drinks, energy drinks, sweet teas and sports drinks. One  
24 meta-analysis of eight studies examining the role of  
25 sugar-sweetened beverage consumption on health found that  
26 consumption was significantly associated with type 2 diabetes

1 based on over 15,000 reported cases of this condition. Some  
2 studies have shown increased risk for heart disease independent  
3 of weight status, suggesting that sugar-sweetened beverages  
4 are unhealthy even for people who otherwise maintain a normal  
5 weight.

6 Sugar-sweetened beverages are the number one source of  
7 added sugar in the American diet (46% of added sugars). A study  
8 of a five-year period between 1999 and 2004 showed that  
9 children and adolescents consumed 10-15% of their daily caloric  
10 intake from sugar-sweetened beverages, which offer little or no  
11 nutritional value and massive quantities of added sugars. For  
12 example, a single 12-ounce can of soda contains the equivalent  
13 of approximately 10 teaspoons of sugar; the American Heart  
14 Association recommends that women consume no more than 6  
15 teaspoons of added sugar per day, men consume no more than 9  
16 teaspoons of added sugar per day, and children consume no more  
17 than 4 teaspoons of added sugar a day.

18 A study found that a penny-per-ounce excise tax on  
19 sugar-sweetened beverages in Illinois would result in a 23.5%  
20 reduction in sugar-sweetened beverage consumption, 185,127  
21 fewer obese Illinoisans, a 9.3% reduction in youth obesity, a  
22 5.2% reduction in adult obesity, 3,442 fewer incidences of  
23 diabetes, and a \$150.8 million reduction in obesity-related  
24 healthcare costs.

25 It is the intent of the Legislature, by adopting this Act,  
26 creating the Illinois Wellness Fund, and providing targeted

1 prevention and additional health care funding to Medicaid, to  
2 diminish the human and economic costs of obesity in the State  
3 of Illinois. This Act is intended to discourage excessive  
4 consumption of sugar-sweetened beverages by increasing the  
5 price of these products and to create a dedicated revenue  
6 source for programs designed to prevent and treat obesity and  
7 for the State Medicaid program to reduce the burden of related  
8 health conditions.

9 Section 10. Definitions. For purposes of this Act:

10 "Advisory Board" means the Board established under Section  
11 75.

12 "Bottle" means any closed or sealed container regardless of  
13 size or shape, including, without limitation, those made of  
14 glass, metal, paper, plastic, or any other material or  
15 combination of materials.

16 "Bottled sugar-sweetened beverage" means any  
17 sugar-sweetened beverage contained in a bottle that is ready  
18 for consumption without further processing such as, without  
19 limitation, dilution or carbonation.

20 "Caloric sweetener" means any caloric substance suitable  
21 for human consumption that humans perceive as sweet and  
22 includes, without limitation, sucrose, fructose, glucose,  
23 fruit juice concentrate, or other sugars. "Caloric sweetener"  
24 excludes non-caloric sweeteners. For purposes of this  
25 definition, "caloric" means a substance which adds calories to

1 the diet of a person who consumes that substance.

2 "Consumer" means a person who purchases a sugar-sweetened  
3 beverage for consumption and not for sale to another.

4 "Council" means the Council of State Agencies established  
5 under Section 70.

6 "Department" means the Department of Revenue.

7 "Distributor" means any person, including manufacturers  
8 and wholesale dealers, who receives, stores, manufactures,  
9 bottles, or distributes bottled sugar-sweetened beverages,  
10 syrup, or powders, for sale to retailers doing business in the  
11 State, whether or not that person also sells such products to  
12 consumers.

13 "Fund" means the Illinois Wellness Fund established  
14 pursuant to Section 60.

15 "Non-caloric sweetener" means any non-caloric substance  
16 suitable for human consumption that humans perceive as sweet  
17 and includes, without limitation, aspartame, saccharin,  
18 stevia, and sucralose. "Non-caloric sweetener" excludes  
19 caloric sweeteners. For purposes of this definition,  
20 "non-caloric" means a substance that contains fewer than 5  
21 calories per serving.

22 "Person" means any natural person, partnership,  
23 cooperative association, limited liability company,  
24 corporation, personal representative, receiver, trustee,  
25 assignee, or any other legal entity.

26 "Place of business" means any place where sugar-sweetened

1 beverages, syrups, or powders are manufactured or received for  
2 sale in the state.

3 "Powders" means any solid mixture of ingredients used in  
4 making, mixing, or compounding sugar-sweetened beverages by  
5 mixing the powder with any one or more other ingredients,  
6 including without limitation water, ice, syrup, simple syrup,  
7 fruits, vegetables, fruit juice, vegetable juice, carbonation  
8 or other gas.

9 "Retailer" means any person who sells or otherwise  
10 dispenses in the State a sugar-sweetened beverage to a consumer  
11 whether or not that person is also a distributor as defined in  
12 this Section.

13 "Sale" means the transfer of title or possession for  
14 valuable consideration regardless of the manner by which the  
15 transfer is completed.

16 "State" means the State of Illinois.

17 "Sugar-sweetened beverage" means any nonalcoholic  
18 beverage, carbonated or noncarbonated, which is intended for  
19 human consumption and contains any added caloric sweetener. As  
20 used in this definition, "nonalcoholic beverage" means any  
21 beverage that contains less than one-half of one percent  
22 alcohol per volume. The term "sugar-sweetened beverage" does  
23 not include:

24 (1) beverages sweetened solely with non-caloric  
25 sweeteners;

26 (2) beverages consisting of 100% natural fruit or

1 vegetable juice with no added caloric sweetener; for  
2 purposes of this paragraph, "natural fruit juice" and  
3 "natural vegetable juice" mean the original liquid  
4 resulting from the pressing of fruits or vegetables, or the  
5 liquid resulting from the dilution of dehydrated natural  
6 fruit juice or natural vegetable juice;

7 (3) beverages in which milk, or soy, rice, or similar  
8 milk substitute, is the primary ingredient or the first  
9 listed ingredient on the label of the beverage; for  
10 purposes of this Act, "milk" means natural liquid milk  
11 regardless of animal or plant source or butterfat content,  
12 natural milk concentrate, whether or not reconstituted,  
13 regardless of animal or plant source or butterfat content,  
14 or dehydrated natural milk, whether or not reconstituted  
15 and regardless of animal or plant source or butterfat  
16 content;

17 (4) coffee or tea without added caloric sweetener;

18 (5) infant formula;

19 (6) medically necessary foods, as defined in the  
20 federal Orphan Drug Act; and

21 (7) water without any caloric sweeteners.

22 "Syrup" means a liquid mixture of ingredients used in  
23 making, mixing, or compounding sugar-sweetened beverages using  
24 one or more other ingredients including, without limitation,  
25 water, ice, a powder, simple syrup, fruits, vegetables, fruit  
26 juice, vegetable juice, carbonation, or other gas.

1 Section 15. Permit required.

2 (a) Every distributor doing business in the State shall  
3 file with the Department an application for a permit to engage  
4 in such business, for each place of business owned and operated  
5 by the distributor before the sooner of January 1, 2015 or a  
6 distributor's first acts which constitute the doing of business  
7 in the State. An application for a permit shall be filed on  
8 forms to be furnished by the Department for that purpose. An  
9 application must be subscribed and sworn to by a person with  
10 legal authority to bind the business. The application shall  
11 identify the owners of the applicant, the applicant's mailing  
12 address, the place of business to which the permit shall apply,  
13 and the nature of the business in which engaged, and any other  
14 information the Department may require for the enforcement of  
15 this Act.

16 (b) Upon receipt of an application and any permit fee  
17 hereafter provided for, the Department may issue to the  
18 applicant, for the place of business designated, a  
19 non-assignable permit, authorizing the sale of sugar-sweetened  
20 beverages, syrups, and powders in the State. No distributor  
21 shall sell any sugar-sweetened beverage, syrup, or powders  
22 without first obtaining a permit to do so under this Act.  
23 Permits issued pursuant to this Section shall expire on January  
24 31 of each year and may be renewed annually.

25 (c) A permit may not be transferred from one person to



1 another, and a permit shall at all times be prominently  
2 displayed in a distributor's place of business. The Department  
3 may refuse to issue a permit to any Person previously convicted  
4 of violations of this Act under such procedures as the  
5 Department may establish by regulation.

6 Section 20. Tax imposed.

7 (a) There is hereby imposed an excise tax on every  
8 distributor for the privilege of selling the products governed  
9 by this Act in the State, calculated as follows:

10 (1) \$0.01 per ounce of bottled sugar-sweetened  
11 beverages sold or offered for sale to a retailer for sale  
12 in the State to a consumer.

13 (2) The tax on syrup and powders sold or offered for  
14 sale to a retailer for sale in the State to a consumer,  
15 either as syrup or powders or as a sugar-sweetened beverage  
16 derived from that syrup or powder, is equal to \$0.01 per  
17 ounce for each ounce of sugar-sweetened beverage produced  
18 from that syrup or powder; for purposes of calculating the  
19 tax, the volume of sugar-sweetened beverage produced from  
20 syrup or powders shall be the larger of (i) the largest  
21 volume resulting from use of the syrup or powders according  
22 to any manufacturer's instructions or (ii) the volume  
23 actually produced by the retailer, as reasonably  
24 determined by the Department.

25 (3) The tax amounts set forth in this Section shall be

1           adjusted annually by the Department in proportion with the  
2           Consumer Price Index: All Urban Consumers for All Items for  
3           the Midwest Statistical Area, as reported by the United  
4           States Bureau of Labor Statistics or any successor to that  
5           index.

6           (b) A retailer that sells bottled sugar-sweetened  
7           beverages, syrups, or powders in the State to a consumer, on  
8           which the tax imposed by this Section has not been paid by a  
9           distributor, is liable for the tax imposed in subsection (a) at  
10          the time of sale to a consumer.

11          (c) The taxes imposed by this Section are in addition to  
12          any other taxes that may apply to persons or products subject  
13          to this Act.

14          Section 25. Pass-through of the tax. A distributor shall  
15          add the amount of taxes levied by this Act to the price of  
16          sugar-sweetened beverages sold to a retailer, and the retailer  
17          shall pass the amount of the tax through to the consumer as a  
18          component of the final retail purchase price. The amount of the  
19          taxes may be stated separately on all invoices, signs, sales or  
20          delivery slips, bills, and statements that advertise or  
21          indicate the price of those beverages.

22          Section 30. Report of sales and tax remittances.

23          (a) Any distributor or retailer liable for the tax imposed  
24          by this Act shall, on or before the last day of March, June,

1 September, and December of each year, return to the Department  
2 under oath of a person with legal authority to bind the  
3 distributor or retailer, a statement containing its name and  
4 place of business, the quantity of sugar-sweetened beverages,  
5 syrup, and powders subject to the excise tax imposed by this  
6 Act sold or offered for sale in the 3 months immediately  
7 preceding the month in which the report is due, and any other  
8 information required by the Department, along with the tax due.

9 (b) The Department shall deposit the proceeds of the tax  
10 into the Illinois Wellness Fund as described in Section 60.

11 Section 35. Records of distributors. Every distributor and  
12 every retailer subject to this Act shall maintain for not less  
13 than 2 years accurate records, showing all transactions that  
14 gave rise, or may have given rise, to tax liability under this  
15 Act. Such records are subject to inspection by the Department  
16 at all reasonable times during normal business hours.

17 Section 40. Exemptions. The following shall be exempt from  
18 the tax imposed by Section 20:

19 (1) Bottled sugar-sweetened beverages, syrups, and  
20 powders sold by a distributor or a retailer expressly for  
21 resale or consumption outside of the State.

22 (2) Bottled sugar-sweetened beverages, syrups, and  
23 powders sold by a distributor to another distributor that  
24 holds a permit issued under Section 15, if the sales

1 invoice clearly indicates that the sale is exempt. If the  
2 sale is to a person who is both a distributor and a  
3 retailer, the sale shall also be tax exempt and the tax  
4 shall be paid when the purchasing distributor-retailer  
5 resells the product to a retailer or a consumer. This  
6 exemption does not apply to any other sale to a retailer.

7 Section 45. Penalties.

8 (a) Any distributor, retailer, or other person subject to  
9 the provisions of this Act who fails to pay the entire amount  
10 of tax imposed by this Act by the date that payment is due,  
11 fails to submit a report or maintain records required by this  
12 Act, does business in the State of Illinois without first  
13 obtaining a permit as required by this Act, or violates any  
14 other provision of this Act, or rules and regulations adopted  
15 by the Department for the enforcement of this Act, shall be  
16 guilty of a misdemeanor and shall also be liable for the  
17 penalties set forth and incorporated by reference into this  
18 section.

19 (b) Incorporation by reference. All of the provisions of  
20 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a,  
21 6b, 6c, 8, 9, 10, 11, 11a, and 12 of the Retailers' Occupation  
22 Tax Act, and all applicable provisions of the Uniform Penalty  
23 and Interest Act that are not inconsistent with this Act, apply  
24 to Distributors of Sugar-Sweetened Beverages to the same extent  
25 as if those provisions were included in this Act. References in

1 the incorporated sections of the Retailers' Occupation Tax Act  
2 to retailers, to sellers, or to persons engaged in the business  
3 of selling tangible personal property mean Distributors and/or  
4 Retailers when used in this Act. References in the incorporated  
5 Sections to sales of tangible personal property mean sales of  
6 sugar-sweetened beverages, syrups, and powders when used in  
7 this Act.

8 (c) In addition to any other penalty authorized by law, a  
9 permit issued pursuant to Section 15 shall be suspended or  
10 revoked if any court of competent jurisdiction determines, or  
11 the Department finds based on a preponderance of the evidence,  
12 after the permittee is afforded notice and an opportunity to be  
13 heard, that the permittee, or any of the permittee's agents or  
14 employees, has violated any of the requirements, conditions, or  
15 prohibitions of this chapter.

16 (1) For a first violation of this Act within any  
17 60-month period, the permit shall be suspended for 30 days.

18 (2) For a second violation of this Act within any  
19 60-month period, the permit shall be suspended for 90 days.

20 (3) For a third violation of this Act within any  
21 60-month period, the permit shall be suspended for one  
22 year.

23 (4) For a fourth or subsequent violation of this Act  
24 within any 60-month period, the license shall be revoked.

25 (d) A decision of the Department under this Section is a  
26 final administrative decision and is subject to review under

1 the Administrative Review Law.

2 Section 50. Unpaid taxes a debt. All taxes and penalties  
3 imposed under the provisions of this Act remaining due and  
4 unpaid shall constitute a debt to the State, which may be  
5 collected from the person owing same by suit or otherwise.

6 Section 55. Records of Department. At the end of each  
7 month, the State Auditor General shall check the books and  
8 records of the Department and its accounts with any bank or  
9 banks, and shall verify the amounts collected pursuant to this  
10 Act and paid into the Illinois Wellness Fund within the State  
11 treasury. Any duty herein required of the State Auditor General  
12 may be performed by any duly trained clerk in his office,  
13 designated by the State Auditor General for that purpose.

14 Section 60. Revenue distribution and establishment of  
15 Illinois Wellness Fund. The Illinois Wellness Fund is hereby  
16 created as a special fund in the State treasury. All of the  
17 moneys collected pursuant to the taxes imposed by Section 20  
18 shall be deposited into the Illinois Wellness Fund. After  
19 administrative costs have been deducted, 50% of the moneys  
20 shall be allocated as provided in Section 65, and 50% of the  
21 moneys shall be allocated as provided in Section 75. All costs  
22 to implement this Act shall be paid from the Illinois Wellness  
23 Fund prior to the distribution of the funds as described in

1 this Section.

2 Section 65. Governance and expenditure of Illinois  
3 Wellness Fund.

4 (a) Except as otherwise provided in subsection (b), 50% of  
5 the moneys in the Illinois Wellness Fund shall be used as  
6 follows:

7 (1) Up to 4% of the moneys each year shall be dedicated  
8 to administration of the Fund by the Office of the  
9 Governor, the Illinois Department of Public Health, the  
10 State Board of Education, and the Council of Agencies.

11 (2) At least 3% but not more than 5% of the moneys  
12 collected into the Fund shall be dedicated to evaluation of  
13 the impact of the Act on the health and wellness of  
14 Illinoisans. Evaluation of the Act shall be conducted by an  
15 independent evaluator selected by the Department of Public  
16 Health in consultation with the Council and Advisory Board.  
17 The evaluation shall encompass the impact of the Wellness  
18 Fund and the effect of the tax on the consumption of  
19 sugar-sweetened beverages and obesity rates, among other  
20 indicators. The evaluator shall report annually to the  
21 Council of State Agencies and the Advisory Board on the  
22 progress and results of the evaluation.

23 (3) At least 3% but not more than 5% of the moneys  
24 collected into the Fund shall be dedicated to providing  
25 technical assistance to and statewide coordination of

1 strategies and activities of recipients of funding from the  
2 Fund.

3 (4) The remainder of the moneys in the Fund shall be  
4 used to support the prevention of obesity, diabetes and  
5 cardiovascular disease, and cancer, and for oral health  
6 improvements, including, but not limited to, the following  
7 programs:

8 (A) school health and wellness, including  
9 increased consumption of healthy foods, increased  
10 physical activity and physical education, improved  
11 quality of physical education, increased health  
12 education, improved health, mental health, oral  
13 health, and social services in schools, and school  
14 facility improvements that support health;

15 (B) public health leadership and infrastructure  
16 for obesity and chronic disease prevention; this  
17 funding shall support leadership, coordination,  
18 technical assistance, quality improvement, and  
19 training for programs or coalitions led by health  
20 departments, associations, or institutes that use  
21 educational, environmental, policy, and other  
22 evidence-based public health approaches that achieve  
23 the following goals: eliminating racial, ethnic, and  
24 socioeconomic disparities in obesity and chronic  
25 diseases; improving access to and consumption of  
26 healthy, safe, and affordable foods; reducing access



1 to and consumption of calorie-dense, nutrient-poor  
2 foods; encouraging physical activity; decreasing  
3 sedentary behavior; raising awareness about the  
4 importance of nutrition and physical activity to  
5 chronic disease prevention, including diabetes,  
6 cardiovascular disease, and cancer prevention  
7 education; supporting local food systems production  
8 and distribution; supporting clinical preventive  
9 services;

10 (C) oral health improvement, including increased  
11 access to oral health education, dental sealants for  
12 children, and use of community prevention and health  
13 education strategies that reduce risk factors for oral  
14 and pharyngeal cancers;

15 (D) community nutrition and access to healthy  
16 foods, including nutrition education, healthy cooking  
17 programs, healthy vending, healthy food procurement,  
18 education regarding shopping for healthy foods, and  
19 increasing access to healthy foods;

20 (E) physical activity in communities, including  
21 active transportation, community walkability and  
22 bike-ability initiatives, multi-use trails, joint-use  
23 agreements, safe routes to schools, educational  
24 programs that promote physical activity, and  
25 environmental changes that increase physical activity;

26 (F) worksite wellness, including promotion of

1 nutrition, physical activity and preventive services  
2 in worksites, workplace policies and environmental  
3 changes that support employee wellness;

4 (G) local food systems, including promotion of  
5 access to and consumption of local foods,  
6 farm-to-school and farm-to-institution programs,  
7 healthy food procurement, community gardens, urban  
8 agriculture projects, community-supported agriculture  
9 programs, farmers markets, food hubs, beginning farmer  
10 training programs, and farm stands; and

11 (H) regional public health hubs as described in the  
12 Illinois Alliance for Health State Healthcare  
13 Innovations Plan.

14 (b) In the first 3 years after the Fund is established, 50%  
15 of the moneys in the Illinois Wellness Fund shall be allocated  
16 as follows:

17 (1) 10% for administration, evaluation and technical  
18 support of the Fund, as provided in item (1) of subsection

19 (a);

20 (2) 20% for school health and wellness;

21 (3) 20% for public health leadership and  
22 infrastructure for obesity and chronic disease prevention;

23 (4) 10% for oral health;

24 (5) 10% for community nutrition and access to healthy  
25 foods;

26 (6) 10% for physical activity in communities;

1 (7) 10% for local food systems;

2 (8) 5% for worksite wellness; and

3 (9) 5% for regional health hubs.

4 (c) All moneys in the Illinois Wellness Fund allocated in  
5 accordance with this Section shall be expended only for the  
6 purposes expressed in this Act and shall be used only to  
7 supplement existing levels of service and not to supplant  
8 current federal, State, or local funding for existing levels of  
9 services as provided in fiscal year 2014.

10 (d) Entities that are eligible to receive moneys from the  
11 Fund under this Section include:

12 (1) units of local government, including school  
13 districts, and State governments or governmental  
14 departments;

15 (2) non-profit organizations;

16 (3) schools;

17 (4) federally Qualified Health Centers, community  
18 health centers, and organizations which operate a  
19 school-based health center certified by the Illinois  
20 Department of Public Health;

21 (5) hospitals;

22 (6) Illinois farms producing primarily fruits,  
23 vegetables and tree nuts for direct human consumption by  
24 Illinois residents; and

25 (7) policy, research, or training institutes or  
26 centers.

1 Section 70. Illinois Wellness Fund; governance.

2 (a) The Illinois Wellness Fund shall be governed by a  
3 Council of State Agencies with input from a multi-sector  
4 Advisory Board. The Council of State Agencies shall be  
5 comprised of one representative from each of the following  
6 Departments: the Department of Public Health, the Department of  
7 Human Services, State Board of Education, the Department of  
8 Healthcare and Family Services, the Department on Aging, the  
9 Department of Transportation, and the Department of  
10 Agriculture.

11 (b) The Council's functions shall include:

12 (1) distribution of the Illinois Wellness Fund moneys  
13 pursuant to Section 65 to eligible entities each year,  
14 including:

15 (A) allocation of funds for staff and resources to  
16 State agencies responsible for administering the  
17 Wellness Fund, including a Health in All Policies  
18 Coordinator to support the Council of State Agencies  
19 and Advisory Board;

20 (B) selection of and allocation to eligible  
21 entities, including organizations, associations, and  
22 universities, that provide technical assistance to  
23 request for proposal grantees and evaluation of the  
24 impact of the Act;

25 (C) distribution of one-half of the funds

1 allocated for public health leadership and  
2 infrastructure under Section 65 directly to Local  
3 Health Departments via an allocation formula developed  
4 by the Department of Public Health for the purpose of  
5 providing local coordination of Illinois Wellness Fund  
6 grantees within their jurisdiction, if any, and for  
7 local leadership of educational, environmental,  
8 policy, and other evidence-based public health  
9 approaches;

10 (D) distribution of the remaining funds to  
11 eligible entities as recommended by the Advisory Board  
12 based on a request for proposal process or processes;  
13 and

14 (E) to advise on the selection of evaluators and  
15 provide input on the evaluation design, goals, and  
16 methods, at least annually receive and review a  
17 progress report on the results of the evaluation;

18 (2) distribution of Illinois Wellness Fund moneys to  
19 the Illinois Medicaid program pursuant to Section 75; and

20 (3) submission of a report to the General Assembly  
21 every 3 years on the allocation of the funds and summary  
22 results of the impact evaluation of the Illinois Wellness  
23 Fund under Section 65 of this Act and the tax.

24 (c) The multi-sector Advisory Board shall include the  
25 following members:

26 (1) one obesity prevention advocate appointed by a

1 statewide coalition working on reducing obesity through  
2 policy, systems, and environmental changes;

3 (2) one school superintendent appointed by an  
4 association representing school administrators;

5 (3) one physical education or health teacher appointed  
6 by an association representing physical education and  
7 health teachers;

8 (4) one oral health advocate appointed by a statewide  
9 coalition working to promote oral health;

10 (5) one person appointed by a statewide organization  
11 focusing on chronic disease prevention;

12 (6) one person appointed by an organization or  
13 coalition focusing on active transportation;

14 (7) one person appointed by an organization or  
15 coalition representing employer wellness initiatives;

16 (8) one person appointed by an organization or  
17 coalition promoting healthy foods initiatives;

18 (9) one person appointed by a community-based obesity  
19 prevention program;

20 (10) one person appointed by an association  
21 representing hospitals across the State;

22 (11) 2 people appointed by associations representing  
23 health departments; one person shall be appointed from the  
24 southern region of the State, and one person shall be  
25 appointed from the northern region of the State;

26 (12) one person appointed by an association

1 representing public health practitioners;

2 (13) one pediatrician appointed by an organization  
3 representing pediatricians in the State;

4 (14) one dietitian appointed by an association  
5 representing dietitians in the State;

6 (15) 2 people appointed by a community-based healthy  
7 eating and active living coalition;

8 (16) 2 people representing communities of color or  
9 communities that are disproportionately impacted by  
10 obesity, appointed by the Governor; and

11 (17) 4 State legislators, one appointed by each of the  
12 following: the Speaker and Minority Leader of the Illinois  
13 House of Representatives and the President and Minority  
14 Leader of the Illinois Senate.

15 (d) The Advisory Board's functions shall include:

16 (1) to review and make recommendations to the Council  
17 of Agencies and Office of the Governor on the Fund  
18 allocation formula every 3 years based on an assessment of  
19 the State's current conditions and needs related to chronic  
20 disease prevention; the allocation formula may include  
21 funds for expanding existing wellness programs, policies,  
22 and initiatives, and funds for starting new programs,  
23 policies, or initiative;

24 (2) development and implementation of a request for  
25 proposal process for allocating the Illinois Wellness Fund  
26 moneys via grants across the State each year; the Advisory

1 Board shall make funding recommendations to the Council of  
2 Agencies for distribution of the funds; and

3 (3) to annually receive and review the evaluation  
4 progress report.

5 Section 75. Expenditures for the Illinois Medicaid  
6 Program. Fifty percent of all moneys collected from the tax  
7 shall be allocated from the Illinois Wellness Fund to the  
8 Illinois Medicaid program by means of a Medicaid Fund. The  
9 Department of Healthcare and Family Services shall seek  
10 permission to amend the Medicaid State Plan to maximize the  
11 federal match, as needed. The Medicaid Fund shall be designated  
12 to include payment for the following services:

13 (1) restoring adult dental services and expanding  
14 dental services for children and adults, including  
15 expansion of prevention services;

16 (2) providing payments for medical nutrition therapy,  
17 care coordination, weight management programs, and other  
18 evidence-based multi-disciplinary obesity treatment  
19 programs for overweight and obese patients, including  
20 coverage for services from dietitians, social workers,  
21 psychologists, and pharmacists;

22 (3) providing payment for non-licensed community  
23 providers providing evidence-based physical activity and  
24 nutrition programs for obese children and adults and  
25 diabetes and other health-behavior focused chronic disease



1 self-management and chronic disease prevention programs  
2 for children and adults, including, but not limited to,  
3 participation in the evidence-based Diabetes Prevention  
4 Program, Chronic Disease Self-Management Program, MEND  
5 program, and Diabetes Self-Management Program;

6 (4) funding coverage for all US Preventive Services  
7 Task Force A & B Recommendations;

8 (5) supporting and expanding language access services  
9 for Medicaid recipients; and

10 (6) funding activities of the State Healthcare  
11 Innovations Plan and Path to Transformation for Medicaid.

12 Any remaining funds may be used for existing services and  
13 purposes of the Illinois Medicaid program.

14 Section 80. Rulemaking. The Department of Public Health,  
15 the State Board of Education, the Department of Healthcare and  
16 Family Services, and the Department of Revenue may adopt rules  
17 to implement the provisions of this Act.

18 Section 97. Severability. The provisions of this Act are  
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 99. Effective date. This Act takes effect January  
21 1, 2015."