

HB4686



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4686

by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.08

Amends the Food Handling Regulation Enforcement Act. Provides that, beginning January 1, 2028, the owner of each restaurant in the State shall include in all of the restaurant's menus and online menus clear and conspicuous notices identifying each menu item that contains a major food allergen, as defined in the Federal Food, Drug, and Cosmetic Act. Establishes penalties for violations of this requirement.

LRB104 18240 BDA 31679 b

A BILL FOR

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 Food Handling Regulation Enforcement Act is
5 amended by changing Section 3.08 as follows:

6 (410 ILCS 625/3.08)

7 Sec. 3.08. Food allergy awareness.

8 (a) A restaurant shall display a notice indicating to
9 consumers that any information regarding food allergies must
10 be communicated to an employee of the restaurant.

11 (b) An employee of a restaurant who receives allergy
12 information from a consumer shall communicate the consumer's
13 information to the restaurant's person in charge or the
14 certified food protection manager on duty. A person working
15 with a consumer's food must take necessary safety precautions
16 when preparing the food to avoid cross contamination of the
17 food with allergens.

18 (c) A restaurant meets the requirements of this Section if
19 the restaurant displays a notice regarding food allergies or
20 provides a statement regarding food allergies on its menu that
21 was approved in another state before the effective date of
22 this amendatory Act of the 101st General Assembly.

23 (d) A multi-state business or a franchisee, as that term

1 is defined in the Franchise Disclosure Act of 1987, meets the
2 requirements of this Section if the multi-state business or
3 franchisee has an internal policy that requires a notice
4 regarding allergies to be displayed or a statement regarding
5 food allergies to be provided on the menu.

6 (e) On or before January 1, 2020, the Department of Public
7 Health shall create and make available on its website for
8 download the notice required to be displayed under subsection
9 (a) of this Section.

10 (f) From the effective date of this amendatory Act of the
11 101st General Assembly through July 1, 2020, enforcement of
12 this Section shall be limited to education and notification of
13 the requirements of this Section to encourage compliance.

14 (g) Beginning January 1, 2028, the owner of each
15 restaurant in the State shall include in all of the
16 restaurant's menus and online menus clear and conspicuous
17 notices identifying each menu item that contains a major food
18 allergen, as defined in subsection (qq) of Section 201 of the
19 Federal Food, Drug, and Cosmetic Act.

20 The owner of a restaurant who violates this subsection is
21 subject to a fine of \$500 for a violation of this subsection
22 and an additional \$500 fine for each menu item that contains a
23 major food allergen but does not contain the notice required
24 under this subsection.

25 When conducting an inspection of a restaurant, inspectors
26 for the Department of Public Health and local health

1 departments shall visually verify that the menus and online
2 menus used by the restaurant meet the requirements of this
3 subsection. The Department of Public Health or a local health
4 department may order the immediate cessation of operations at
5 any restaurant if one or more violations of the allergen
6 notice requirements of this subsection are observed during 5
7 separate food safety inspections.

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9 (Source: P.A. 101-495, eff. 8-23-19.)