

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 Illinois Food, Drug and Cosmetic Act is
5 amended by changing Section 21.5 as follows:

6 (410 ILCS 620/21.5)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 21.5. Default beverage for children's meals.

10 (a) In this Section:

11 "Children's meal" means a combination of food items sold
12 for a single price intended for consumption by children.

13 "Default beverage" means a beverage automatically included
14 as part of a children's meal absent a specific request by the
15 purchaser of the children's meal for an alternative beverage.

16 "Restaurant" has the same meaning provided in Section 21.4
17 of this Act.

18 (b) Notwithstanding any other provision of law, a
19 restaurant shall, by default, include one of the following
20 default beverages with a children's meal sold by the
21 restaurant:

22 (1) water with no added natural or artificial
23 sweeteners;

1 (2) sparkling water with no added natural or
2 artificial sweeteners;

3 (3) flavored water with no added natural or artificial
4 sweeteners;

5 (4) nonfat or 1% dairy milk containing no more than
6 130 calories per container or serving as offered for sale
7 ~~with no added natural or artificial sweeteners;~~

8 (5) nondairy milk alternatives:

9 (A) with no added natural or artificial
10 sweeteners;

11 (B) containing no more than 130 calories per
12 container or serving as offered for sale; and

13 (C) meeting the standards for the National School
14 Lunch Program as set forth in 7 CFR 210.10; or

15 (6) 100% fruit or vegetable juice or juice combined
16 with water or carbonated water, with no added sweeteners,
17 in a serving size of no more than 8 ounces.

18 (c) A restaurant may include a beverage with a children's
19 meal that is not listed under subsection (b) upon request.

20 (d) A beverage listed or displayed on a restaurant menu or
21 in-store advertisement for a children's meal shall be one of
22 the default beverages listed in subsection (b).

23 (e) During any inspection of a restaurant by a health
24 officer or health inspector of a local health department, the
25 health officer or health inspector shall inspect the
26 restaurant to determine whether it complies with this Section.

1 (f) A restaurant that violates this Section is subject to:
2 (1) a warning for a first offense;
3 (2) a civil penalty of \$25 for a second offense; and
4 (3) a civil penalty of \$100 for a third or subsequent
5 offense.

6 An executive officer of a certified ~~A~~ local public health
7 department director, or his or her designee, may charge and
8 collect the civil penalties under this subsection.

9 (g) The Department of Public Health may adopt any rules it
10 deems necessary for the implementation, administration, and
11 enforcement of this Section.

12 (Source: P.A. 102-529, eff. 1-1-22.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.