



Sen. Mattie Hunter

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10200HB3490sam002

LRB102 11653 SPS 30071 a

1 AMENDMENT TO HOUSE BILL 3490

2 AMENDMENT NO. _____. Amend House Bill 3490, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (410 ILCS 620/21.5)

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

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

11 (a) In this Section:

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

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

1 "Restaurant" has the same meaning provided in Section 21.4
2 of this Act.

3 (b) Notwithstanding any other provision of law, a
4 restaurant shall, by default, include one of the following
5 default beverages with a children's meal sold by the
6 restaurant:

7 (1) water with no added natural or artificial
8 sweeteners;

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

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

13 (4) nonfat or 1% dairy milk containing no more than
14 130 calories per container or serving as offered for sale
15 ~~with no added natural or artificial sweeteners;~~

16 (5) nondairy milk alternatives:

17 (A) with no added natural or artificial
18 sweeteners;

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

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

23 (6) 100% fruit or vegetable juice or juice combined
24 with water or carbonated water, with no added sweeteners,
25 in a serving size of no more than 8 ounces.

26 (c) A restaurant may include a beverage with a children's

1 meal that is not listed under subsection (b) upon request.

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

5 (e) During any inspection of a restaurant by a health
6 officer or health inspector of a local health department, the
7 health officer or health inspector shall inspect the
8 restaurant to determine whether it complies with this Section.

9 (f) A restaurant that violates this Section is subject to:

10 (1) a warning for a first offense;

11 (2) a civil penalty of \$25 for a second offense; and

12 (3) a civil penalty of \$100 for a third or subsequent
13 offense.

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

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

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

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".