



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5174

Introduced 2/1/2010, by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Trans Fat Restriction Act. Sets forth definitions for "food facility" and "trans fat". Provides that every food facility shall maintain the manufacturer's documentation for any food or food additive that is or includes any fat, oil, or shortening for as long as the food or food additive is stored, distributed, or served by the food facility or used in the preparation of food within the food facility. Provides that beginning on July 1, 2010, no oil, shortening, or margarine containing trans fat for use in spreads or frying, except for the deep frying of yeast dough or cake batter, may be stored, distributed, or served by a food facility or used in the preparation of food within a food facility. Provides that beginning on July 1, 2011, no food containing trans fat, including oil and shortening that contains trans fat for use in the deep frying of yeast dough or cake batter, may be stored, distributed, or served by a food facility or used in the preparation of food within a food facility. Provides that the Department of Public Health shall adopt rules to administer and enforce the Act.

LRB096 19176 RPM 34567 b

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 Trans  
5 Fat Restriction Act.

6 Section 5. Definitions.

7 For the purposes of this Act:

8 "Department" means the Department of Public Health.

9 "Food facility" means an entity that stores, prepares,  
10 packages, serves, vends, or otherwise provides food for human  
11 consumption at the retail level, including, but not limited to,  
12 an operation where food is consumed on or off the premises,  
13 regardless of whether there is a charge for the food, and any  
14 place used in conjunction with the operations described in this  
15 Section, including, but not limited to, storage facilities for  
16 food-related utensils, equipment, and materials. "Food  
17 facility" includes permanent and nonpermanent food facilities  
18 such as public and private school cafeterias, restricted food  
19 service facilities, licensed health care facilities,  
20 commissaries, mobile food facilities, mobile support units,  
21 temporary food facilities, and vending machines.

22 "Trans fat" means fat that is considered trans fat by the  
23 U.S. Food and Drug Administration. "Trans fat" does not include

1 naturally occurring trans fat. Food shall be deemed to contain  
2 trans fat under this Act if the food contains vegetable  
3 shortening, margarine, or any kind of partially hydrogenated  
4 vegetable oil, unless the manufacturer's documentation or the  
5 label required on the food pursuant to applicable federal and  
6 State law lists the trans fat content as less than 0.5 grams  
7 per serving.

8 Section 10. Trans fat restriction.

9 (a) Every food facility shall maintain on the premises the  
10 manufacturer's documentation or label for any food or food  
11 additive that is or includes any fat, oil, or shortening for as  
12 long as the food or food additive is stored, distributed, or  
13 served by the food facility or used in the preparation of food  
14 within the food facility. The label described in this Section  
15 refers to the label that is required by applicable federal and  
16 State law to be on the food or food additive at the time of  
17 purchase by the food facility. The manufacturer's  
18 documentation may be maintained in lieu of the label. The  
19 manufacturer's documentation shall be maintained whenever the  
20 label is not required by federal and State law on the food or  
21 food additive that is or includes any fat, oil, or shortening.  
22 The manufacturer's documentation described in this Section  
23 shall be authorized by the Department and disclose one or both  
24 of the following:

25 (1) The trans fat content of the food or food additive.

1           (2) Whether a food or food additive is or includes  
2           margarine, vegetable shortening, or any kind of partially  
3           hydrogenated vegetable oil.

4           (b) Beginning on July 1, 2010, no oil, shortening, or  
5           margarine containing trans fat for use in spreads or frying,  
6           except for the deep frying of yeast dough or cake batter, may  
7           be stored, distributed, or served by a food facility or used in  
8           the preparation of food within a food facility.

9           (c) Beginning on July 1, 2011, no food containing trans  
10          fat, including oil and shortening that contains trans fat for  
11          use in the deep frying of yeast dough or cake batter, may be  
12          stored, distributed, or served by a food facility or used in  
13          the preparation of food within a food facility.

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