



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5844

Introduced 2/16/2012, by Rep. David R. Leitch

SYNOPSIS AS INTRODUCED:

410 ILCS 650/10.2 new
410 ILCS 650/10.1 rep.

Amends the Sanitary Food Preparation Act to repeal a provision prohibiting restaurants from listing a particular food product for sale on menus when the product is not actually sold to consumers. Provides instead that it shall be an unlawful practice for any person or business to misrepresent on any menu or other posted information, including advertisements, the identity of any food or food products to any of the patrons or customers of eating establishments. Exempts retail food or grocery stores that do not provide facilities for on-the-premises consumption of food or food products. Sets forth determinative factors whereby the identity of a food or food products shall be deemed misrepresented. Provides that a local health department that publishes occurrences of violations of law, regulation, or ordinance shall also publish occurrences of violations of the provision concerning menu misrepresentation.

LRB097 20496 RPM 66047 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sanitary Food Preparation Act is amended by
5 adding Section 10.2 as follows:

6 (410 ILCS 650/10.2 new)

7 Sec. 10.2. Menu misrepresentation. It shall be an unlawful
8 practice for any person or business to misrepresent on any menu
9 or other posted information, including advertisements, the
10 identity of any food or food products to any of the patrons or
11 customers of eating establishments, including, but not limited
12 to, restaurants, hotels, cafes, lunch counters, or other places
13 where food is regularly prepared and sold for consumption on or
14 off the premises. This Section shall not apply to any retail
15 food or grocery store that does not provide facilities for
16 on-the-premises consumption of food or food products. The
17 identity of any food or food products shall be deemed
18 misrepresented if:

19 (1) its description is false or misleading in any
20 particular;

21 (2) its description omits information that, by its
22 omission, renders the description false or misleading in
23 any particular;

1 (3) it is an imitation or substitute food product;
2 (4) it is served, sold, or distributed under the name
3 of another food or food product; or
4 (5) it purports to be or is represented as a food or
5 food product for which a definition of identity and
6 standard of quality has been established by custom and
7 usage unless it conforms to that definition and standard.
8 A local health department that publishes occurrences of
9 violations of law, regulation, or ordinance shall also publish
10 occurrences of violations of this Section.

11 (410 ILCS 650/10.1 rep.)

12 Section 10. The Sanitary Food Preparation Act is amended by
13 repealing Section 10.1.