



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5507

Introduced 2/13/2026, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

Creates the Food Reform to Ensure Student Health Act. Requires each school district in the State to begin to eliminate ultraprocessed foods of concern and restricted school foods by July 1, 2029. Provides that, beginning July 1, 2032, a vendor may not offer to a school either an ultraprocessed food of concern or a restricted school food. Requires food vendors to report to the Department of Public Health certain information about ultraprocessed foods of concern and restricted school foods that they have sold to schools. Requires the Department, in consultation with the State Board of Education, to submit to the General Assembly and Governor annual summary reports of the data submitted to it by food vendors. Directs the Department to post these reports on its website. Requires the Department of Public Health to adopt rules establishing definitions of the terms "ultraprocessed foods of concern" and "restricted school foods" for purposes of these requirements. Requires the Department to review those rules and, if needed, update them every 5 years. Requires the Department to consult with the State Board of Education and to provide compliance training for school food service and procurement staff. Describes the topics to be covered by the Department in the training. Provides for the repeal of the Act on January 1, 2034. Amends the State Mandates Act to require implementation without reimbursement.

LRB104 17456 BDA 30882 b

1 AN ACT concerning food.

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 Food
5 Reform to Ensure Student Health Act.

6 Section 2. Purpose. The purpose of this Act is to
7 facilitate and support the creation of health promoting eating
8 environments in this State.

9 Section 2.5. Definitions. As used in this Act:

10 "Category of food" means the following groups of food:

- 11 (1) fruits;
- 12 (2) vegetables;
- 13 (3) grains;
- 14 (4) cereals;
- 15 (5) beans, peas, and lentils;
- 16 (6) nuts, seeds, and soy products;
- 17 (7) beverages;
- 18 (8) dairy;
- 19 (9) seafood;
- 20 (10) poultry;
- 21 (11) meat;
- 22 (12) eggs;

- 1 (13) condiments;
2 (14) fats and oils; and
3 (15) herbs and spices.

4 The Department, by rule, may expand, clarify, or subdivide
5 the groups of food enumerated in this definition.

6 "Department" means the Department of Public Health.

7 "Food" means all food and beverages intended for sale or
8 to be served to school pupils on campus during the school day.

9 "Food product" means a finished product of food or
10 beverage with a unique universal product code, other than food
11 products reimbursed under programs authorized by the federal
12 Richard B. Russell National School Lunch Act (Public Law
13 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C.
14 1771 et seq.), and foods provided by the United States
15 Department of Agriculture Foods in Schools program.

16 "Health promoting eating environments" means, in places
17 where foods and beverages are served or sold, there are
18 healthy, good quality, culturally appropriate, and affordable
19 options.

20 "Local educational agency" means a school district,
21 regional office of education, or charter school.

22 "Public entity" means the State, a State agency, a unit of
23 local government, or a school district.

24 "School" means an elementary or secondary school or any
25 public entity that purchases a food product to provide to
26 pupils on campus during the school day in an elementary or

1 secondary school.

2 "School day" means that period of time during which the
3 pupil is required to be in attendance for instructional
4 purposes.

5 Section 3. Ultraprocessed food

6 (a)(1) As used in this Act, except as provided in
7 subsection (b), "ultraprocessed food" or "UPF" means any food
8 or beverage that contains a substance described in paragraph
9 (2) and either high amounts of saturated fat, sodium, or added
10 sugar, as described in subparagraph (A) of paragraph (3), or a
11 nonnutritive sweetener or other substance described in
12 subparagraph (B) of paragraph (3).

13 (2) (A) Except as specified in subparagraph (B), substances
14 available in the United States Food and Drug Administration
15 Substances Added to Food database that are designated as
16 having any of the following FDA-defined technical effects:

17 (i) Surface-active agents, as defined in 21 CFR
18 170.3(o)(29).

19 (ii) Stabilizers and thickeners, as defined in 21 CFR
20 170.3(o)(28).

21 (iii) Propellants, aerating agents, and gases, as
22 defined in 21 CFR 170.3(o)(25).

23 (iv) Colors and coloring adjuncts, as defined in 21
24 CFR 170.3(o)(4).

25 (v) Emulsifiers and emulsifier salts, as defined in 21

1 CFR 170.3(o)(8).

2 (vi) Flavoring agents and adjuvants, as defined in 21
3 CFR 170.3(o)(12), excluding spices and other natural
4 seasonings and flavorings as listed in 21 CFR 182.10.

5 (vii) Flavor enhancers, as defined in 21 CFR
6 170.3(o)(11), excluding spices and other natural
7 seasonings and flavorings as listed in 21 CFR 182.10.

8 (viii) Nonnutritive sweeteners, as defined in 21 CFR
9 170.3(o)(19).

10 (B) Any of the following additives, or combination of
11 these additives, shall not by themselves cause a food or
12 beverage to be categorized as a UPF:

13 (i) Salt or sodium chloride.

14 (ii) Spices or other natural seasonings or flavorings,
15 as listed in 21 CFR 182.10.

16 (iii) Natural color additives, as listed in 21 CFR
17 Part 73.

18 (3)(A) High amounts of saturated fat, sodium, or added
19 sugar, as defined respectively as follows:

20 (i) The food or beverage contains 10% or greater of
21 total energy from saturated fat.

22 (ii) The food or beverage contains a ratio of
23 milligrams of sodium to calories that is equal to or
24 greater than 1:1.

25 (iii) The food or beverage contains 10% or greater of
26 total energy from added sugars.

1 (B) Nonnutritive sweeteners, as defined in 21 CFR
2 170.3(o)(19), or any of the following substances:

3 (i) D-sorbitol (CAS 50-70-4).

4 (ii) Erythritol (CAS 149-32-6).

5 (iii) Hydrogenated starch hydrolysates, including, but
6 not limited to, CAS 68425-17-2.

7 (iv) Sucralose (CAS 56038-13-2).

8 (v) Isomalt, including, but not limited to, CAS
9 64519-82-0, CAS 534-73-6, and CAS 20942-99-8.

10 (vi) Lactitol (CAS 585-86-4).

11 (vii) Luo Han Fruit Concentrate (CAS 977188-77-4).

12 (viii) Maltitol (CAS 585-88-6).

13 (ix) Steviol glycosides, including, but not limited
14 to, CAS 58543-16-1, CAS 57817-89-7, CAS 1220616-44-3, CAS
15 58543-16-1, and CAS 1220616-34-1.

16 (x) Thaumatin, including, but not limited to, CAS
17 977178-03-2 and CAS 53850-34-3.

18 (xi) Xylitol (CAS 87-99-0).

19 (b) "Ultraprocessed food" or "UPF" does not include any of
20 the following:

21 (1) Commodity food specifically made available by the
22 United States Department of Agriculture.

23 (2) A raw agricultural commodity.

24 (3) An unprocessed locally grown or locally raised
25 agricultural product as defined in paragraph (2) of
26 subsection (g) of 7 CFR 210.21.

1 (4) Minimally processed prepared food as defined by
2 the Department by rule, which may include foods in a
3 variety of forms, including, but not limited to, whole,
4 cut, sliced, diced, canned, pureed, dried, and
5 pasteurized.

6 (5) Class 1 milk as determined by Federal Milk
7 Marketing Orders.

8 (6) Alcoholic beverages.

9 (7) Medical foods as defined in 21 CFR 101.9(j)(8),
10 only if exempted by the Department by rule.

11 (8) Infant formula as defined in 21 CFR 107, only if
12 exempted by the Department by rule.

13 Section 4. Rules.

14 (a) As used in this Act:

15 (1) "Restricted school foods" means a food or beverage
16 product that is not listed in subsection (b) of Section 3,
17 that contains one or more of the substances specified in
18 paragraph (2) of subsection (a) of Section 3, and that is
19 restricted from service or sale in schools, as defined by
20 the rules adopted by the Department consistent with this
21 Section.

22 (2) "Ultraprocessed food of concern" or "UPF of
23 concern" means a food or food product that is an
24 ultraprocessed food, as defined in Section 3, that is of
25 concern, as determined by rules adopted by the Department

1 consistent with this Section.

2 (b)(1) On or before June 1, 2028, the Department shall
3 adopt rules to define ultraprocessed foods of concern and
4 restricted school foods that consider all of the following
5 factors:

6 (A) Whether the substance or group of substances are
7 banned or restricted in other State, federal, or
8 international jurisdictions due to concerns about adverse
9 health consequences.

10 (B) Whether the products include or require a warning
11 label in other State, federal, or international
12 jurisdictions due to concerns about adverse health
13 consequences.

14 (C) Whether, based on reputable peer-reviewed
15 scientific evidence, a substance or group of substances
16 are linked to health harms or adverse health consequences,
17 including, but not limited to, any of the following:

18 (i) cancer;

19 (ii) cardiovascular disease;

20 (iii) metabolic disease;

21 (iv) developmental or behavioral issues;

22 (v) reproductive harm;

23 (vi) obesity;

24 (vii) type 2 diabetes; and

25 (viii) other health harms associated with UPF
26 consumption.

1 (D) Whether, based on reputable peer-reviewed
2 scientific evidence, a substance or group of substances
3 may be hyperpalatable, or may contribute to food
4 addiction.

5 (E) Whether the food has been modified to be high in
6 saturated fat, added sugar, or salt.

7 (F) Whether the food meets the requirements of the
8 United States Food and Drug Administration's final rule
9 issued on December 27, 2024, titled "Food Labeling:
10 Nutrient Content Claims; Definition of Term 'Healthy'"
11 that defines nutrient contents that are deemed to be a
12 part of a nutritious diet.

13 (G) Whether the substance is a common natural
14 additive.

15 (2) For purposes of paragraph (1), the Department shall be
16 guided by a rigorous examination of available reputable
17 peer-reviewed scientific evidence and shall consider all of
18 the following:

19 (A) The total number of jurisdictions where the
20 substance or product is banned, restricted, or requires a
21 warning label.

22 (B) The basis for any determination by another
23 jurisdiction to ban, restrict, or require a warning label
24 for any substance or product.

25 (C) The quality, caliber, and scope of any scientific
26 evidence to any above determination, including a rigorous

1 examination of whether the evidence is the product of
2 scientific research conducted according to internationally
3 recognized best practices for scientific research.

4 (D) Any reputable peer-reviewed scientific evidence
5 that would call into question any determination that a
6 substance is linked to health harms or adverse health
7 consequences.

8 (c)(1) The Department shall review rules and, as needed,
9 update the definitions of ultraprocessed food of concern and
10 restricted school foods every 5 years to accommodate any
11 relevant advances in scientific knowledge, the development of
12 better agricultural or manufacturing practices, or other
13 changes that require revision of either or both of the
14 definitions. If an update to either or both of those
15 definitions would add a food product to the list of restricted
16 school foods or ultraprocessed foods of concern, the
17 Department shall delay the operation of the revised definition
18 by 3 years to give impacted entities time to comply with the
19 new definition's impact on the legal requirements of this Act.

20 (2) The Department shall adopt and revise rules under this
21 Section in consultation with appropriate State agencies and
22 universities; school food authorities, school nutrition
23 program directors, and school nutrition program managers, as
24 defined in 7 CFR 210.2; after providing an opportunity for all
25 interested parties to comment.

26 (3) The Department may seek information from academia,

1 other states, the federal government, and other nations to
2 inform implementation of this Section.

3 Section 5. Phasing out restricted school foods and
4 ultraprocessed foods of concern.

5 (a) No later than July 1, 2029, a school shall begin to
6 phase out restricted school foods and ultraprocessed foods of
7 concern.

8 (b) Beginning July 1, 2032, a vendor shall not offer
9 restricted school foods or ultraprocessed foods of concern to
10 a school.

11 (c) The failure of a school, local educational agency, or
12 vendor to comply with this Section does not create a private
13 right of action.

14 Section 6. Vendors; report requirements

15 (a) On or before February 1, 2028, and on or before
16 February 1 of each year thereafter through February 1, 2032,
17 any vendor of food or food products to a school shall report
18 the following information to the Department for each food
19 product sold to a school in the past calendar year, to the
20 extent it is known to the vendor:

21 (1) The total quantity of that food product sold to
22 schools.

23 (2) The name of the food product.

24 (3) Whether the food product is an ultraprocessed

1 food.

2 (4) Whether the food product is a restricted school
3 food or an ultraprocessed food of concern.

4 (5) The category or categories of food to which the
5 food product belongs.

6 (6) The average total calories in each food product
7 sold to schools that year.

8 (7) The ingredient list of the food product.

9 (8) The nutritional facts of the food product.

10 (b) The requirements of subsection (a) do not apply to:

11 (1) A cottage food operation as defined in Section 4
12 of the Food Handling Regulation Enforcement Act.

13 (2) A home kitchen operation as defined in Section 3.6
14 of the Food Handling Regulation Enforcement Act.

15 (3) A small business as defined in Section 1-75 of the
16 Illinois Administrative Procedure Act.

17 (c) The failure of a vendor to comply with this Section
18 does not create a private right of action.

19 (d) This Section shall become inoperative on July 1, 2033.

20 This Section is repealed on January 1, 2034.

21 Section 7. Annual report.

22 (a) On or before July 1, 2028, and on or before July 1 of
23 each year thereafter through July 1, 2032, the Department, in
24 consultation with the State Board of Education and using
25 information reported under Section 6, shall submit to the

1 General Assembly a written report containing all of the
2 following information:

3 (1) A summary and analysis of information reported
4 under Section 5 for the prior year.

5 (2) A summary and analysis of the progress of the
6 restricted school foods and ultraprocessed foods of
7 concern phaseout required by this Act.

8 (3) Estimates of the amount of foods that are not
9 ultraprocessed food items and are sold or served to pupils
10 on campus during the school day in elementary or secondary
11 schools.

12 (4) Estimates of the portion of the average elementary
13 or secondary school food intake, in calories, that is
14 composed of ultraprocessed foods.

15 (5) A strategy for reducing the consumption of
16 ultraprocessed foods, restricted school foods, and
17 ultraprocessed foods of concern in schools.

18 (6) Analysis of the feasibility of reducing the sale
19 or service of ultraprocessed foods, restricted school
20 foods, and ultraprocessed foods of concern in schools.

21 (7) Any actions the Department or the State Board of
22 Education plans to take regarding restricted school foods
23 and ultraprocessed foods of concern.

24 (8) Recommendations for State and local legislative
25 actions that could reduce the consumption of restricted
26 school foods and ultraprocessed foods of concern in

1 schools.

2 (b) The Department shall annually submit the report
3 prepared under subsection (a) to the Governor.

4 (c) The Department shall make the report prepared under
5 subsection (a) publicly available on its internet website.

6 (d) This Section shall become inoperative on August 1,
7 2033. This Section is repealed on January 1, 2034.

8 Section 8. More stringent restrictions permitted. This Act
9 does not prohibit a public entity from voluntarily enacting
10 more stringent restrictions on ultraprocessed foods,
11 restricted school foods, or ultraprocessed foods of concern.

12 Section 9. Compliance training and technical assistance

13 (a) For purposes of this Act, the Department shall consult
14 with the State Board of Education regarding compliance
15 training and technical assistance for school food service and
16 procurement staff.

17 (b) The Department shall establish a structure to deliver
18 training and technical assistance to local educational
19 agencies.

20 (c) The Department may contract with providers with
21 expertise in nutrition, school-community collaboration of
22 service delivery and financing, and coordination and
23 integration of support services to deliver training and
24 technical assistance to implement this Act.

1 (d) The topics for training shall be identified by the
2 Department through a periodic survey of local educational
3 agencies. The curriculum for the training provided under this
4 Section may be developed in consultation with representatives
5 from associations, consumer associations, and others, as
6 deemed appropriate by the Department.