



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4653

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.15

from Ch. 56 1/2, par. 503.15

Amends the Illinois Food, Drug and Cosmetic Act. Provides that provisions prohibiting the offer for sale of any bulk food in a manner other than to prevent direct handling of such items by the consumer shall not prohibit self-service by consumers provided that take-home containers, including bags, cups, and lids, provided for consumer use are stored and dispensed in a sanitary manner. Allows a retailer to permit a consumer to fill or refill a personal container with bulk food if the dispensers used prevent the direct handling of the bulk food. Provides that the risk that the consumer's personal container is unsafe, impure, contaminated, or in a nonsterile condition when it is filled or refilled by the consumer or used in a manner that contaminates the bulk food shall be borne solely by the consumer, and, except for warranties, no liability shall attach to the manufacturer, seller, or dispenser of the container. Effective immediately.

LRB100 16769 MJP 31909 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 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by changing Section 3.15 as follows:

6 (410 ILCS 620/3.15) (from Ch. 56 1/2, par. 503.15)

7 Sec. 3.15. To offer for sale any bulk food in a manner
8 other than to prevent direct handling of such items by the
9 consumer. This Section shall not prohibit self-service by
10 consumers provided that the dispensers utilized prevent the
11 direct handling of such foods and that take-home containers,
12 including bags, cups, and lids, provided for consumer use are
13 stored and dispensed in a sanitary manner.

14 A retailer may allow a consumer to fill or refill a
15 personal container with bulk food if the dispensers used
16 prevent the direct handling of the bulk food; the risk that the
17 consumer's personal container is unsafe, impure, contaminated,
18 or in a nonsterile condition when it is filled or refilled by
19 the consumer or used in a manner that contaminates the bulk
20 food shall be borne solely by the consumer, and, except for
21 warranties, no liability shall attach to the manufacturer,
22 seller, or dispenser of the container.

23 (Source: P.A. 84-891.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.