

1 AN ACT concerning safety.

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  
5 Single-Use Plastic Foodware Reduction Act.

6 Section 5. Definitions. As used in this Act:

7 "Drive-through window" means any service window, automated  
8 device or other facility that provides goods or services to  
9 individuals in a motor vehicle.

10 "Full-service restaurant" means a food dispensing  
11 establishment with the primary business purpose of serving  
12 food, where food may be consumed on the premises and where:

13 (1) a consumer is escorted or assigned to an assigned  
14 eating area; the employee may choose the assigned eating  
15 area or may seat the consumer according to the consumer's  
16 need for accommodation or other request;

17 (2) a consumer's food and beverage orders are taken  
18 after the consumer has been seated at the assigned seating  
19 area;

20 (3) food and beverage orders are delivered directly to  
21 the consumer;

22 (4) any requested items associated with a consumer's  
23 food or beverage order are brought to the consumer; and

1           (5) the check is delivered directly to the consumer at  
2           the assigned eating area.

3           "Quick-service restaurant" means a food dispensing  
4           establishment that has minimal table service, makes food  
5           available upon order, and allows pick-up from a vehicle.

6           "Restaurant" means a full-service restaurant or  
7           quick-service restaurant.

8           "Single-use foodware" means any eating utensil or other  
9           item to be used as part of food or beverage service that is  
10          designed and intended by the manufacturer for only one usage  
11          before being discarded, including forks, spoons, sporks,  
12          knives, chopsticks, other eating utensils, stirrers, drink  
13          stoppers, splash sticks, cocktail sticks, toothpicks, napkins,  
14          wet-wipes, cup sleeves, beverage trays, disposable plates, and  
15          condiment packets.

16          "Single-use foodware" does not include straws, beverage  
17          lids, or items used to contain or package food or beverages for  
18          delivery.

19          "Takeout" means prepared food purchased from a restaurant  
20          to be consumed at another location. "Third-party food delivery  
21          platform" means a business engaged in the service of online  
22          food ordering and delivery from a restaurant to a consumer.

23          "Third-party food delivery platform" does not include any  
24          individual that is directly or indirectly employed by the  
25          restaurant and makes deliveries on behalf of a restaurant.

26          "Third-party online ordering platform" means a website or

1 application that connects customers with restaurants for  
2 ordering food online. "Third-party online ordering platform"  
3 does not include an application or website owned and operated  
4 by a restaurant.

5 Section 10. Single-use foodware request.

6 (a) A third-party food delivery platform shall provide a  
7 consumer with the option to request single-use foodware when a  
8 consumer purchases food or beverages from a restaurant through  
9 the third-party food delivery platform.

10 (b) A third-party online ordering platform shall provide  
11 consumers with the option to request single-use foodware when  
12 a consumer purchases food or beverages from a restaurant for  
13 takeout through the third-party online ordering platform.

14 (c) If a restaurant uses a third-party food delivery  
15 platform to provide food or beverages to a consumer by  
16 delivery, or a third-party online ordering platform to provide  
17 food or beverages to a consumer for takeout, the restaurant  
18 shall provide single-use foodware to the consumer only upon  
19 the request of the consumer through the third-party food  
20 delivery platform or the third-party online ordering platform.

21 (d) This Section shall not apply to: (i) single-use  
22 foodware necessary to address safety concerns, such as lids,  
23 drink stoppers, beverage trays, and cup sleeves for beverages  
24 served at an average temperature in excess of 170 degrees  
25 Fahrenheit; (ii) an automatic food vending machine; (iii) any

1 single-use foodware that is prepackaged with or attached to  
2 any food or beverage products by the manufacturer prior to  
3 receipt by the restaurant; (iv) any charitable food dispensing  
4 establishment; (v) restaurants located within Chicago O'Hare  
5 International Airport or Chicago Midway International Airport;  
6 or (vi) single-use foodware provided in connection with any  
7 food or beverage order fulfilled at a drive-through window.

8 Section 15. Enforcement.

9 (a) A person who violates any provision of this Act shall  
10 receive a notice of violation for the first offense, and any  
11 subsequent violation shall be punishable by a civil penalty of  
12 no more than \$25 per day. No restaurant, third-party food  
13 delivery platform, or third-party online food ordering  
14 platform shall be fined in excess of \$250 per year for  
15 violations under this Section.

16 (b) Any violation of this Act may be enforced by the  
17 Attorney General or the State's Attorney of the county in  
18 which the violation occurs. The penalties provided for in  
19 subsection (a) may be recovered in a civil action brought in  
20 the name of the people of the State of Illinois by the State's  
21 Attorney of the county in which the violation occurred or by  
22 the Attorney General. Any penalties collected under this  
23 Section in an action in which the Attorney General has  
24 prevailed shall be deposited into the Environmental Protection  
25 Trust Fund, to be used in accordance with the provisions of the

1 Environmental Protection Trust Fund Act. The Attorney General  
2 or the State's Attorney of a county in which a violation occurs  
3 may institute a civil action for an injunction, prohibitory or  
4 mandatory, to restrain violations of this Act or to require  
5 such actions as may be necessary to address violations of this  
6 Act.

7 (c) The penalties and injunctions provided in this Act are  
8 in addition to any penalties, injunctions, or other relief  
9 provided under any other law. Nothing in this Act bars a cause  
10 of action by the State for any other penalty, injunction, or  
11 other relief provided by any other law.

12 Section 20. Regulation of single-use foodware; home rule.  
13 A municipality or county, including a home rule unit, may not  
14 regulate the use of single-use foodware by a restaurant,  
15 third-party food delivery platform, third-party online food  
16 ordering platform, or consumer. This Section is a denial and  
17 limitation of home rule powers and functions under subsection  
18 (g) of Section 6 of Article VII of the Illinois Constitution.

19 Section 99. Effective date. This Act takes effect July 1,  
20 2026.