



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2544

Introduced 2/4/2025, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.1030 new

Creates the Single-Use Foodware Reduction Act. Imposes a single-use foodware fee of \$0.10 on each item of single-use foodware used by a customer at a retail establishment in the State. Requires liability for payment of the fee to be borne by the customer. Specifies how the fee is to be collected and allocated. Contains provisions regulating the use of the single-use foodware fee by counties and municipal joint action agencies. Provides that, except in specified circumstances, single-use foodware is only to be provided upon request. Amends the State Finance Act. Creates the Single-Use Foodware Fee Fund as a special fund in the State treasury.

LRB104 11119 BDA 21201 b

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 Foodware Reduction Act.

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

7 "Charitable food dispensing establishment" means any
8 not-for-profit fixed location where food or drink is routinely
9 provided for the public for consumption on or off the premises
10 without charge.

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

14 "Food dispensing establishment" means any fixed location
15 where food or drink is routinely prepared and served or
16 provided for the public for consumption on or off the premises
17 with or without charge. "Food dispensing establishment"
18 includes, without limitation, a restaurant, a coffee shop, a
19 cafeteria, a short-order café, a luncheonette, a grill, a
20 tearoom, a sandwich shops, a soda fountain, a tavern, a bar, a
21 cocktail lounge, a nightclub, an industrial feeding
22 establishments, a take-out establishment, a private
23 institution or organization routinely serving food, a catering

1 kitchen, a commissary, or any other eating or drinking
2 establishment or operation.

3 "Single-use foodware" means any eating utensil or other
4 item to be used as part of food or beverage service that is
5 designed and intended by the manufacturer for only one usage
6 before being discarded, including forks, spoons, sporks,
7 knives, chopsticks, and other eating utensils; stirrers; drink
8 stoppers; splash sticks; cocktail sticks; toothpicks; napkins;
9 wet-wipes; cup sleeves; beverage trays; disposable plates; and
10 condiment packets. "Single-use foodware" does not include
11 straws, beverage lids, or items used to contain or package
12 food or beverages for delivery or take-out orders.

13 Section 10. Single-Use Foodware Fee Fund.

14 (a) The Single-Use Foodware Fee Fund is created as a
15 special fund in the State treasury. Moneys in the Fund shall be
16 used as provided in this Act.

17 (b) Notwithstanding any other provision of law, the
18 Single-Use Foodware Fee Fund is not subject to sweeps,
19 administrative charges or chargebacks, or any other fiscal or
20 budgetary maneuver that would in any way transfer any funds
21 from the Single-Use Foodware Fee Fund into any other fund of
22 the State.

23 Section 15. Payment of single-use foodware fee required. A
24 single-use foodware fee of \$0.10 is imposed on each item of

1 single-use foodware used by a customer at a retail
2 establishment in the State. The ultimate incidence and
3 liability for payment of the fee is to be borne by the
4 customer. The fee shall be separately stated on the receipt
5 provided to the customer at the time of sale and shall be
6 identified as the Single-Use Foodware Fee. It is a violation
7 of this Section for the store to fail to separately itemize the
8 fee on a customer's purchase of such a bag, or to otherwise
9 absorb the fee on such sale. The retail establishment shall
10 retain \$0.03 of the fee. The retail establishment shall remit
11 the remaining \$0.07 of the fee to the Department of Revenue on
12 form ST-1. The Department shall deposit \$0.04 into the
13 Single-Use Foodware Fee Fund, \$0.01 to the Prairie Research
14 Institute of the University of Illinois, \$0.01 into the Solid
15 Waste Management Fund, and \$0.01 into the Partners for
16 Conservation Fund. The Department of Revenue shall monthly
17 remit the \$0.03 of the fee from the Single-Use Foodware Fee
18 Fund to the county where the retail establishment is located,
19 except that if a municipal joint action agency is located
20 within the county where the retail establishment is located,
21 the Department of Revenue shall monthly remit to the municipal
22 joint action agency a portion of the fee to the municipal joint
23 action agency based on the location of retail establishments
24 within the municipal joint action agency.

25 Section 20. Use of the single-use foodware fee by counties

1 and municipal joint action agencies. The county or municipal
2 joint action agency shall use the revenue received from the
3 single-use foodware fee to fund:

4 (1) household hazardous waste collection one-day
5 events;

6 (2) collection centers, as defined in Section 3 of the
7 Household Hazardous Waste Collection Program Act;

8 (3) education programs to reduce contamination and
9 increase participation in recycling and composting
10 programs;

11 (4) programs to increase the collection and recycling
12 or composting of auxiliary containers;

13 (5) grants to encourage market development or
14 infrastructure development for reuse, recycling, and
15 composting; and

16 (6) the implementation of solid waste management plans
17 developed pursuant to the Solid Waste Planning and
18 Recycling Act.

19 At least 25% of the revenue received from the single-use
20 foodware fee shall be used as specified in paragraphs (1) and
21 (2).

22 Section 25. Incorporation by reference. All of the
23 provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 6,
24 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers'
25 Occupation Tax Act that are not inconsistent with this Act,

1 and all provisions of the Uniform Penalty and Interest Act
2 shall apply, as far as practicable, to the subject matter of
3 this Act to the same extent as if such provisions were included
4 in this Act.

5 Section 30. Single-use foodware only provided by request.

6 (a) In connection with any delivery or take-out order of
7 food or beverage, a food dispensing establishment may only
8 provide single-use foodware upon request from the customer or
9 at a self-service station. Food dispensing establishments
10 shall provide options for customers to affirmatively request
11 single-use foodware when ordering food and beverages for
12 delivery or take-out across all ordering or point of sale
13 platforms, including Internet-enabled applications, digital
14 platforms, phone orders, and in-person ordering.

15 (b) This Section shall not apply to:

16 (1) single-use foodware necessary to address safety
17 concerns, such as lids, drink stoppers, beverage trays,
18 and cup sleeves for beverages served at an average
19 temperature in excess of 170 degrees Fahrenheit;

20 (2) an automatic food vending machine;

21 (3) any single-use foodware that is prepackaged with
22 or attached to any food or beverage products by the
23 manufacturer prior to receipt by the food dispensing
24 establishment;

25 (4) any charitable food dispensing establishment; or

1 (5) single-use foodware provided in connection with
2 any food or beverage order fulfilled at a drive-through
3 facility.

4 Section 900. The State Finance Act is amended by adding
5 Section 5.1030 as follows:

6 (30 ILCS 105/5.1030 new)

7 Sec. 5.1030. The Single-Use Foodware Fee Fund.