**Section 750.100 Definitions**

"Act" means the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

"Assessment of Knowledge" means a written or an online evaluation of a student's achievement in a food handler training course.

"Category I Facility" means a food establishment that presents a high relative risk of causing foodborne illness, based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The standards for regulation of a Category I facility shall be those prescribed by the Local Health Protection Grant Code. Category I facilities include those where the following operations occur:

Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods;

Processes requiring hot and cold holding of time/temperature control for safety foods;

Conducting specialized processes as described in 3-502 of the FDA 2022 Food Code; or

Serving a highly susceptible population as defined in 1-201.10 of the FDA Food Code.

"Category II Facility" means a food establishment that presents a medium relative risk of causing foodborne illness, based upon few food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category II facility shall be those prescribed by the Local Health Protection Grant Code. Category II facilities include those where the following operations occur:

Most products are prepared or cooked and served immediately.

May involve hot and cold holding of time/temperature control for safety foods after preparation or cooking; or

As approved by the regulatory authority, preparation of time/temperature control for safety foods requiring cooking, cooling, and reheating for hot holding limited to 2 or fewer same items or processes with approved procedures.

"Category III Facility" means a food establishment that presents a low relative risk of causing foodborne illness, based upon few or no food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category III facility shall be those prescribed by the Local Health Protection Grant Code. Category III facilities include those where the following operations occur:

Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly;

Only time/temperature control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility;

Only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at the facility.

"Certified Food Protection Manager" means a person who has shown proficiency in the required information through passing a test that is part of an accredited program defined in Section 2-102.20 of the FDA 2022 Food Code.

"Children's Meal" *means a combination of food items sold for a single price intended for consumption by children.* (Section 21.5 of the Act)

"Cottage Food Operation" means an operation that produces or packages food in compliance with Section 4 of the Food Handling Regulation Enforcement Act.

"Department" or "DPH" means the Illinois Department of Public Health.

"Entity" means a business, non-profit organization, institution or certified local health department.

"FDA" means the United States Food and Drug Administration.

"FDA 2022 Food Code" means the 2022 Recommendations of the United States Public Health Service FDA.

"Food Employee" or "Food Handler" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include temporary food establishments or unpaid volunteers in a food establishment, whether permanent or temporary.

"Food Establishment" means an operation that:

stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food pantry; and

relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Food establishment includes:

an element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and

an operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food.

Food establishment does not include:

an establishment that offers only prepackaged foods that are not time/temperature control for safety foods;

a produce stand that only offers whole, uncut fresh fruits and vegetables;

a food processing plant, including those located on the premises of a food establishment;

a kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation, as defined in the Bed and Breakfast Act, that prepares and offers food to guests;

a private home that receives catered or home delivered food;

a closed family function where food is prepared or served for individual family consumption; or

a cottage food operation.

"Food Processing Plant" means a commercial operation that manufacturers, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

"Hazard" means a biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

"Hazard Analysis Critical Control Point" or "HACCP" means a systematic approach to the identification, evaluation, and control of food safety hazards.

"Regulatory Authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food establishment.

"Repeat Violation" means a violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of the facility, or same practice.

*"Restaurant" means any business*, or type of food establishment, *that is primarily engaged in the sale of ready-to-eat food for immediate consumption.* For the purpose of this definition, *"primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.* (Section 3.06 of the Food Handling Regulation Enforcement Act)

"Time/Temperature Control for Safety Food" (also referred to as "Potentially Hazardous Food") means time/temperature control for safety food as defined in 1-201.10 of the FDA 2022 Food Code.

"Voluntary Inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 48 Ill. Reg. 5339, effective March 22, 2024)