



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5534

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.15

from Ch. 56 1/2, par. 503.15

Amends the Illinois Food, Drug and Cosmetic Act. In provisions regarding the handling of bulk food: replaces references to personal containers with references to consumer-owned containers; provides that clean consumer-owned containers provided or returned to a restaurant or retailer for filling may be filled and returned to the same consumer if the consumer-owned container is filled by either an employee of the restaurant or retailer or the owner of the consumer-owned container; requires consumer-owned containers filled to be designed and constructed for reuse in accordance with a specified provision of the 2017 Food Code; requires restaurants and retailers to meet specified requirements. Provides that consumer-owned containers that are not food-specific may be filled at a beverage vending machine or system; requires the Department of Public Health to produce materials for restaurants and retailers indicating that consumer-owned containers are not prohibited for use under Illinois law and specifying best practices for food safety requirements for such containers. Effective immediately.

LRB101 20785 CPF 70477 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 cleaned, stored, and dispensed in a sanitary manner.

14 A restaurant or retailer may allow a consumer to fill or
15 refill a consumer-owned ~~personal~~ container with bulk food if
16 the dispensers used prevent the direct handling of the bulk
17 food. Consumer-owned ~~Personal~~ containers used for this purpose
18 shall be clean and sanitary.

19 Except as provided under Part 750 of Title 77 of the
20 Illinois Administrative Code, county health departments and
21 municipalities shall not prohibit the ability of a retailer to
22 allow a consumer to fill or refill a consumer-owned ~~personal~~
23 container with bulk food if the dispensers used prevent the

1 direct handling of the bulk food and the consumer-owned
2 ~~personal~~ containers used are clean and sanitary.

3 Clean consumer-owned containers provided or returned to
4 the restaurant or retailer for filling may be filled and
5 returned to the same consumer if the consumer-owned container
6 is filled by either an employee of the restaurant or retailer
7 or the owner of the consumer-owned container. A consumer-owned
8 container filled under this Section shall be designed and
9 constructed for reuse in accordance with Section
10 3-304.17(B) (1) of the 2017 Food Code published by the U.S. Food
11 and Drug Administration.

12 The restaurant or retailer shall:

13 (1) either isolate the consumer-owned container from
14 the serving surface or sanitize the serving surface after
15 each filling, except for bulk food if the dispensers used
16 prevent the direct handling of the bulk food;

17 (2) prepare, maintain, and adhere to written
18 procedures to prevent cross-contamination and make the
19 written procedures available to the Department of Public
20 Health upon request or at the time of an inspection; and

21 (3) ensure compliance with any handwashing
22 requirements.

23 Consumer-owned containers that are not food-specific may
24 be filled at a beverage vending machine or system.

25 The Department of Public Health shall produce materials for
26 restaurants and retailers, to be made available electronically

1 or in print format, indicating that consumer-owned containers
2 are not prohibited for use under Illinois law and specifying
3 best practices for food safety requirements for such
4 containers.

5 (Source: P.A. 101-510, eff. 1-1-20.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.