



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0647

Introduced 2/8/2021, by Rep. Denyse Stoneback

#### 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; on or before January 1, 2022, 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.

LRB102 05131 CPF 15152 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.  
11 Food 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 On or before January 1, 2022, the Department of Public  
26 Health shall produce materials for restaurants and retailers,

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

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

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