



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5303

Introduced 1/31/2022, by Rep. Cyril Nichols

SYNOPSIS AS INTRODUCED:

New Act

Creates the Edible Food Recovery Act. Provides that a commercial edible food generator shall arrange to recover the maximum amount of edible food that would otherwise be disposed. Provides that a commercial edible food generator shall comply with the requirements through a contract or written agreement with a food recovery organization or services. Provides for recordkeeping requirements for commercial edible food generators and food recovery services and organizations. Provides that the Department of Agriculture may adopt rules to implement the Act. Effective immediately.

LRB102 23516 SPS 32697 b

1 AN ACT concerning business.

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 Edible
5 Food Recovery Act.

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

7 "Commercial edible food generator" means a supermarket,
8 grocery store with a total facility size equal to or greater
9 than 10,000 square feet, a food service provider, a food
10 distributor, or a wholesale food vendor.

11 "Department" means the Department of Agriculture.

12 "Edible food" means food intended for human consumption.

13 "Food distributor" means a company that distributes food
14 to entities including, but not limited to, supermarkets and
15 grocery stores.

16 "Food recovery organization" means an entity that engages
17 in the collection or receipt of edible food from commercial
18 edible food generators and distributes that edible food to the
19 public for food recovery either directly or through other
20 entities including, but not limited to, a food bank a
21 nonprofit charitable organization, and a nonprofit charitable
22 temporary food facility.

23 "Food recovery service" means a person or entity that

1 collects and transports edible food from a commercial edible
2 food generator to a food recovery organization or other
3 entities for food recovery.

4 "Food service provider" means an entity primarily engaged
5 in providing food services to institutional, governmental,
6 commercial, or industrial locations of others based on
7 contractual arrangements with these types of organizations.

8 "Wholesale food vendor" means a business or establishment
9 engaged in the merchant wholesale distribution of food, where
10 food, including fruits and vegetables, is received, shipped,
11 stored, prepared for distribution to a retailer, warehouse,
12 distributor, or other destination.

13 Section 10. Commercial edible food generators.

14 (a) Commercial edible food generators shall arrange to
15 recover the maximum amount of edible food that would otherwise
16 be disposed of. A commercial edible food generator shall
17 comply with the requirements of this Section through a
18 contract or written agreement with any or all of the
19 following:

20 (1) food recovery organizations or services that will
21 collect their edible food for food recovery; or

22 (2) food recovery organizations that will accept the
23 edible food that the commercial edible food generator
24 self-hauls to the food recovery organization for food
25 recovery.

1 (b) A commercial edible food generator shall comply with
2 the requirements of this Section unless the commercial edible
3 food generator demonstrates the existence of extraordinary
4 circumstances beyond its control that make such compliance
5 impracticable.

6 (c) An edible food generator shall not intentionally spoil
7 edible food that is capable of being recovered by a food
8 recovery organization or service.

9 (d) Commercial edible food generators shall comply with
10 the requirements of this Section commencing January 1, 2023.

11 Section 15. Recordkeeping requirements for commercial
12 edible food generators. A commercial edible food generator
13 subject to the requirements in this Act shall keep a record
14 that includes the following:

15 (1) a list of each food recovery service or
16 organization that collects or receives its edible food
17 pursuant to a contract or written agreement;

18 (2) a copy of contracts or written agreements between
19 the commercial edible food generator and a food recovery
20 service or organization; and

21 (3) a record of the following for each food recovery
22 organization or service that the commercial edible food
23 generator has a contract or written agreement, including:

24 (A) the name, address and contact information of
25 the food recovery service or organization;

1 (B) the types of food that will be collected by or
2 self-hauled to the food recovery service or
3 organization;

4 (C) the established frequency that food will be
5 collected or self-hauled; and

6 (D) the quantity of food collected or self-hauled
7 to a service or organization for food recovery. The
8 quantity shall be measured in pounds recovered per
9 month.

10 Section 20. Recordkeeping requirements for food recovery
11 services and organizations. A food recovery organization or
12 service that has established a contract or written agreement
13 to collect or receive edible food directly from commercial
14 edible food generators shall maintain a record of:

15 (1) the name, address and contact information for each
16 commercial edible food generator that the service collects
17 edible food from;

18 (2) the quantity in pounds of edible food collected
19 from each commercial edible food generator per month;

20 (3) the quantity in pounds of edible food transported
21 to each food recovery organization per month; and

22 (4) the name, address and contact information for each
23 food recovery organization that the service transports
24 edible food to for food recovery.

1 Section 25. Rules. The Department may adopt rules to
2 implement this Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.