

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 provided further that the  
12 take-home containers, including bags, cups, and lids, are  
13 maintained clean, sanitary, and free from debris, smooth,  
14 durable, and easy-to-clean, and are not capable of causing,  
15 through cleanliness or design, conditions that may cause or  
16 spread disease ~~provided for consumer use are cleaned, stored,~~  
17 ~~and dispensed in a sanitary manner.~~

18 A restaurant or retailer may allow a consumer to fill or  
19 refill a consumer-owned ~~personal~~ container with bulk food if  
20 the dispensers used prevent the direct handling of the bulk  
21 food. A restaurant or retailer may fill or refill a  
22 consumer-owned container with ready-to-eat or dry bulk foods.  
23 ~~Personal containers used for this purpose shall be clean and~~

1 ~~sanitary.~~

2 Except as provided under Part 750 of Title 77 of the  
3 Illinois Administrative Code, local ~~county~~ health departments  
4 and municipalities shall not prohibit (1) the ability of a  
5 retailer to allow a consumer to fill or refill a  
6 consumer-owned personal container with bulk food if the  
7 dispensers used prevent the direct handling of the bulk food  
8 or (2) the ability of a restaurant or retailer to fill or  
9 refill a consumer-owned container with ready-to-eat or dry  
10 bulk foods ~~and the personal containers used are clean and~~  
11 ~~sanitary.~~

12 Clean consumer-owned containers provided or returned to a  
13 restaurant or retailer for filling or refilling may be filled  
14 or refilled and returned to the same consumer if the  
15 consumer-owned container is filled or refilled by either (i)  
16 an employee of the restaurant or retailer or (ii) the owner of  
17 the consumer-owned container.

18 A consumer-owned container that is filled or refilled  
19 under this Section shall be designed and constructed for reuse  
20 in accordance with Section 3-304.17(B)(1) of the 2017 Food  
21 Code published by the U.S. Food and Drug Administration.  
22 Consumer-owned containers that are not food-specific may be  
23 filled or refilled at a beverage vending machine or system.

24 A restaurant or retailer shall:

25 (1) either isolate the consumer-owned container from  
26 the serving surface or clean and sanitize the serving

1 surface after each filling or refilling, except for bulk  
2 food if the dispensers used prevent the direct handling of  
3 the bulk food;

4 (2) prepare, maintain, and adhere to written  
5 procedures to prevent cross-contamination and make the  
6 written procedures available to the local health  
7 department or municipality upon request or at the time of  
8 an inspection; and

9 (3) ensure compliance with any handwashing  
10 requirements.

11 On or before January 1, 2024, the Department of Public  
12 Health shall produce materials for restaurants and retailers,  
13 to be made available electronically, indicating that  
14 consumer-owned containers are not prohibited for use under  
15 Illinois law and specifying best practices for food safety  
16 requirements for consumer-owned containers, including, but not  
17 limited to, sanitation practices, procedures to prevent  
18 cross-contamination, and handwashing requirements. The  
19 Department of Public Health may adopt administrative rules  
20 necessary to implement, interpret, and administer the  
21 provisions of this Section.

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.