

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, county health departments and
4 municipalities may regulate but shall not prohibit (1) the
5 ability of a 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.