



Rep. Anne Stava-Murray

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10300HB2086ham001

LRB103 25568 BMS 59345 a

1 AMENDMENT TO HOUSE BILL 2086

2 AMENDMENT NO. _____. Amend House Bill 2086 by replacing
3 everything after the enacting clause with the following:

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,~~

1 ~~and dispensed in a sanitary manner.~~

2 A restaurant or retailer may allow a consumer to fill or
3 refill a consumer-owned ~~personal~~ container with bulk food if
4 the dispensers used prevent the direct handling of the bulk
5 food. A restaurant or retailer may fill or refill a
6 consumer-owned container with ready-to-eat or dry bulk foods.
7 ~~Personal containers used for this purpose shall be clean and~~
8 ~~sanitary.~~

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

19 Clean consumer-owned containers provided or returned to a
20 restaurant or retailer for filling or refilling may be filled
21 or refilled and returned to the same consumer if the
22 consumer-owned container is filled or refilled by either (i)
23 an employee of the restaurant or retailer or (ii) the owner of
24 the consumer-owned container.

25 A consumer-owned container that is filled or refilled
26 under this Section shall be designed and constructed for reuse

1 in accordance with Section 3-304.17(B)(1) of the 2017 Food
2 Code published by the U.S. Food and Drug Administration.
3 Consumer-owned containers that are not food-specific may be
4 filled or refilled at a beverage vending machine or system.

5 A restaurant or retailer shall:

6 (1) either isolate the consumer-owned container from
7 the serving surface or clean and sanitize the serving
8 surface after each filling or refilling, except for bulk
9 food if the dispensers used prevent the direct handling of
10 the bulk food;

11 (2) prepare, maintain, and adhere to written
12 procedures to prevent cross-contamination and make the
13 written procedures available to the local health
14 department or municipality upon request or at the time of
15 an inspection; and

16 (3) ensure compliance with any handwashing
17 requirements.

18 On or before January 1, 2024, the Department of Public
19 Health shall produce materials for restaurants and retailers,
20 to be made available electronically, indicating that
21 consumer-owned containers are not prohibited for use under
22 Illinois law and specifying best practices for food safety
23 requirements for consumer-owned containers, including, but not
24 limited to, sanitation practices, procedures to prevent
25 cross-contamination, and handwashing requirements. The
26 Department of Public Health may adopt administrative rules

1 necessary to implement, interpret, and administer the
2 provisions of this Section.

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

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