



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4864**

by Rep. Kelly M. Burke

#### SYNOPSIS AS INTRODUCED:

30 ILCS 230/2	from Ch. 127, par. 171
410 ILCS 130/80	
410 ILCS 625/1	from Ch. 56 1/2, par. 331
410 ILCS 625/3	from Ch. 56 1/2, par. 333
410 ILCS 625/3.05	
410 ILCS 625/3.06	
410 ILCS 625/3.07	
410 ILCS 625/4	

Amends the Food Handling Regulation Enforcement Act. Removes the requirement for each food service establishment to be under the operational supervision of a certified food service sanitation manager. Changes references from "certified food service sanitation manager" to "certified food protection manager" and makes related changes. Removes provisions requiring the Department of Public Health to be involved in the certification process. Amends the State Officers and Employees Money Disposition Act and Compassionate Use of Medical Cannabis Pilot Program Act to make corresponding changes. Makes other changes.

LRB100 15826 MJP 30935 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 State Officers and Employees Money  
5 Disposition Act is amended by changing Section 2 as follows:

6 (30 ILCS 230/2) (from Ch. 127, par. 171)

7 Sec. 2. Accounts of money received; payment into State  
8 treasury.

9 (a) Every officer, board, commission, commissioner,  
10 department, institution, arm or agency brought within the  
11 provisions of this Act by Section 1 shall keep in proper books  
12 a detailed itemized account of all moneys received for or on  
13 behalf of the State of Illinois, showing the date of receipt,  
14 the payor, and purpose and amount, and the date and manner of  
15 disbursement as hereinafter provided, and, unless a different  
16 time of payment is expressly provided by law or by rules or  
17 regulations promulgated under subsection (b) of this Section,  
18 shall pay into the State treasury the gross amount of money so  
19 received on the day of actual physical receipt with respect to  
20 any single item of receipt exceeding \$10,000, within 24 hours  
21 of actual physical receipt with respect to an accumulation of  
22 receipts of \$10,000 or more, or within 48 hours of actual  
23 physical receipt with respect to an accumulation of receipts

1 exceeding \$500 but less than \$10,000, disregarding holidays,  
2 Saturdays and Sundays, after the receipt of same, without any  
3 deduction on account of salaries, fees, costs, charges,  
4 expenses or claims of any description whatever; provided that:

5 (1) the provisions of (i) Section 2505-475 of the  
6 Department of Revenue Law (20 ILCS 2505/2505-475), (ii) any  
7 specific taxing statute authorizing a claim for credit  
8 procedure instead of the actual making of refunds, (iii)  
9 Section 505 of the Illinois Controlled Substances Act, (iv)  
10 Section 85 of the Methamphetamine Control and Community  
11 Protection Act, authorizing the Director of State Police to  
12 dispose of forfeited property, which includes the sale and  
13 disposition of the proceeds of the sale of forfeited  
14 property, and the Department of Central Management  
15 Services to be reimbursed for costs incurred with the sales  
16 of forfeited vehicles, boats or aircraft and to pay to bona  
17 fide or innocent purchasers, conditional sales vendors or  
18 mortgagees of such vehicles, boats or aircraft their  
19 interest in such vehicles, boats or aircraft, and (v)  
20 Section 6b-2 of the State Finance Act, establishing  
21 procedures for handling cash receipts from the sale of  
22 pari-mutuel wagering tickets, shall not be deemed to be in  
23 conflict with the requirements of this Section;

24 (2) any fees received by the State Registrar of Vital  
25 Records pursuant to the Vital Records Act which are  
26 insufficient in amount may be returned by the Registrar as

1 provided in that Act;

2 (3) (blank); ~~any fees received by the Department of~~  
3 ~~Public Health under the Food Handling Regulation~~  
4 ~~Enforcement Act that are submitted for renewal of an~~  
5 ~~expired food service sanitation manager certificate may be~~  
6 ~~returned by the Director as provided in that Act;~~

7 (3.5) the State Treasurer may permit the deduction of  
8 fees by third-party unclaimed property examiners from the  
9 property recovered by the examiners for the State of  
10 Illinois during examinations of holders located outside  
11 the State under which the Office of the Treasurer has  
12 agreed to pay for the examinations based upon a percentage,  
13 in accordance with the Revised Uniform Unclaimed Property  
14 Act, of the property recovered during the examination; and

15 (4) if the amount of money received does not exceed  
16 \$500, such money may be retained and need not be paid into  
17 the State treasury until the total amount of money so  
18 received exceeds \$500, or until the next succeeding 1st or  
19 15th day of each month (or until the next business day if  
20 these days fall on Sunday or a holiday), whichever is  
21 earlier, at which earlier time such money shall be paid  
22 into the State treasury, except that if a local bank or  
23 savings and loan association account has been authorized by  
24 law, any balances shall be paid into the State treasury on  
25 Monday of each week if more than \$500 is to be deposited in  
26 any fund.

1 Single items of receipt exceeding \$10,000 received after 2 p.m.  
2 on a working day may be deemed to have been received on the  
3 next working day for purposes of fulfilling the requirement  
4 that the item be deposited on the day of actual physical  
5 receipt.

6 No money belonging to or left for the use of the State  
7 shall be expended or applied except in consequence of an  
8 appropriation made by law and upon the warrant of the State  
9 Comptroller. However, payments made by the Comptroller to  
10 persons by direct deposit need not be made upon the warrant of  
11 the Comptroller, but if not made upon a warrant, shall be made  
12 in accordance with Section 9.02 of the State Comptroller Act.  
13 All moneys so paid into the State treasury shall, unless  
14 required by some statute to be held in the State treasury in a  
15 separate or special fund, be covered into the General Revenue  
16 Fund in the State treasury. Moneys received in the form of  
17 checks, drafts or similar instruments shall be properly  
18 endorsed, if necessary, and delivered to the State Treasurer  
19 for collection. The State Treasurer shall remit such collected  
20 funds to the depositing officer, board, commission,  
21 commissioner, department, institution, arm or agency by  
22 Treasurers Draft or through electronic funds transfer. The  
23 draft or notification of the electronic funds transfer shall be  
24 provided to the State Comptroller to allow deposit into the  
25 appropriate fund.

26 (b) Different time periods for the payment of public funds

1 into the State treasury or to the State Treasurer, in excess of  
2 the periods established in subsection (a) of this Section, but  
3 not in excess of 30 days after receipt of such funds, may be  
4 established and revised from time to time by rules or  
5 regulations promulgated jointly by the State Treasurer and the  
6 State Comptroller in accordance with the Illinois  
7 Administrative Procedure Act. The different time periods  
8 established by rule or regulation under this subsection may  
9 vary according to the nature and amounts of the funds received,  
10 the locations at which the funds are received, whether  
11 compliance with the deposit requirements specified in  
12 subsection (a) of this Section would be cost effective, and  
13 such other circumstances and conditions as the promulgating  
14 authorities consider to be appropriate. The Treasurer and the  
15 Comptroller shall review all such different time periods  
16 established pursuant to this subsection every 2 years from the  
17 establishment thereof and upon such review, unless it is  
18 determined that it is economically unfeasible for the agency to  
19 comply with the provisions of subsection (a), shall repeal such  
20 different time period.

21 (Source: P.A. 100-22, eff. 1-1-18.)

22 Section 10. The Compassionate Use of Medical Cannabis Pilot  
23 Program Act is amended by changing Section 80 as follows:

24 (410 ILCS 130/80)

1 (Section scheduled to be repealed on July 1, 2020)

2 Sec. 80. Preparation of cannabis infused products.

3 (a) Notwithstanding any other provision of law, neither the  
4 Department of Public Health nor the Department of Agriculture  
5 nor the health department of a unit of local government may  
6 regulate the service of food by a registered cultivation center  
7 or registered dispensing organization provided that all of the  
8 following conditions are met:

9 (1) No cannabis infused products requiring  
10 refrigeration or hot-holding shall be manufactured at a  
11 cultivation center for sale or distribution at a dispensing  
12 organization due to the potential for food-borne illness.

13 (2) Baked products infused with medical cannabis (such  
14 as brownies, bars, cookies, cakes), tinctures, and other  
15 non-refrigerated items are acceptable for sale at  
16 dispensing organizations. The products are allowable for  
17 sale only at registered dispensing organizations.

18 (3) All items shall be individually wrapped at the  
19 original point of preparation. The packaging of the medical  
20 cannabis infused product shall conform to the labeling  
21 requirements of the Illinois Food, Drug and Cosmetic Act  
22 and shall include the following information on each product  
23 offered for sale or distribution:

24 (A) the name and address of the registered  
25 cultivation center where the item was manufactured;

26 (B) the common or usual name of the item;

1 (C) all ingredients of the item, including any  
2 colors, artificial flavors, and preservatives, listed  
3 in descending order by predominance of weight shown  
4 with common or usual names;

5 (D) the following phrase: "This product was  
6 produced in a medical cannabis cultivation center not  
7 subject to public health inspection that may also  
8 process common food allergens.";

9 (E) allergen labeling as specified in the Federal  
10 Food, Drug and Cosmetics Act, Federal Fair Packaging  
11 and Labeling Act, and the Illinois Food, Drug and  
12 Cosmetic Act;

13 (F) the pre-mixed total weight (in ounces or grams)  
14 of usable cannabis in the package;

15 (G) a warning that the item is a medical cannabis  
16 infused product and not a food must be distinctly and  
17 clearly legible on the front of the package;

18 (H) a clearly legible warning emphasizing that the  
19 product contains medical cannabis and is intended for  
20 consumption by registered qualifying patients only;  
21 and

22 (I) date of manufacture and "use by date".

23 (4) Any dispensing organization that sells edible  
24 cannabis infused products must display a placard that  
25 states the following: "Edible cannabis infused products  
26 were produced in a kitchen not subject to public health



1 inspections that may also process common food allergens."  
2 The placard shall be no smaller than 24" tall by 36" wide,  
3 with typed letters no smaller than 2". The placard shall be  
4 clearly visible and readable by customers and shall be  
5 written in English.

6 (5) Cannabis infused products for sale or distribution  
7 at a dispensing organization must be prepared by an  
8 approved staff member of a registered cultivation center.

9 (6) A cultivation center that prepares cannabis  
10 infused products for sale or distribution at a dispensing  
11 organization shall be under the operational supervision of  
12 a certified food protection manager ~~Department of Public~~  
13 ~~Health certified food service sanitation manager.~~

14 (b) The Department of Public Health shall adopt rules for  
15 the manufacture of medical cannabis-infused products and shall  
16 enforce these provisions, and for that purpose it may at all  
17 times enter every building, room, basement, enclosure, or  
18 premises occupied or used or suspected of being occupied or  
19 used for the production, preparation, manufacture for sale,  
20 storage, sale, distribution or transportation of medical  
21 cannabis edible products, to inspect the premises and all  
22 utensils, fixtures, furniture, and machinery used for the  
23 preparation of these products.

24 (c) If a local health organization has a reasonable belief  
25 that a cultivation center's cannabis-infused product poses a  
26 public health hazard, it may refer the cultivation center to

1 the Department of Public Health. If the Department of Public  
2 Health finds that a cannabis-infused product poses a health  
3 hazard, it may without administrative procedure to bond, bring  
4 an action for immediate injunctive relief to require that  
5 action be taken as the court may deem necessary to meet the  
6 hazard of the cultivation center.

7 (Source: P.A. 98-122, eff. 1-1-14.)

8 Section 15. The Food Handling Regulation Enforcement Act is  
9 amended by changing Sections 1, 3, 3.05, 3.06, 3.07, and 4 as  
10 follows:

11 (410 ILCS 625/1) (from Ch. 56 1/2, par. 331)

12 Sec. 1. Any business establishment dealing in the sale of  
13 food items which does not comply with existing state laws  
14 relating to food handling or does not comply with the health  
15 and food handling regulations of any local governmental unit  
16 having jurisdiction of such establishment may be enjoined from  
17 doing business in the following manner: the Department of  
18 Public Health of the State of Illinois or local departments of  
19 health may seek an injunction in the circuit court for the  
20 county in which such establishment is located. Such injunction,  
21 if granted, shall prohibit such business establishment from  
22 selling food items until it complies with any applicable state  
23 laws or regulations of a local governmental agency. ~~However, no~~  
24 ~~injunction may be sought or granted before July 1, 1980, to~~

1 ~~enforce any rule or regulation requiring a food service~~  
2 ~~establishment to have one or more persons who are certified in~~  
3 ~~food service sanitation.~~

4 The local department of health shall file a written report  
5 with the Illinois Department of Public Health within 10 days  
6 after seeking an injunction against a business establishment  
7 dealing in the sale of food items.

8 (Source: P.A. 80-1295.)

9 (410 ILCS 625/3) (from Ch. 56 1/2, par. 333)

10 Sec. 3. Certified food protection manager. ~~Any Each food~~  
11 ~~service establishment shall be under the operational~~  
12 ~~supervision of a certified food service sanitation manager in~~  
13 ~~accordance with rules promulgated under this Act. By July 1,~~  
14 ~~1990, the Director of the Department of Public Health in~~  
15 ~~accordance with this Act, shall promulgate rules for the~~  
16 ~~education, examination, and certification of food service~~  
17 ~~establishment managers and instructors of the food service~~  
18 ~~sanitation manager certification education programs. Beginning~~  
19 ~~January 1, 2018, any individual who has completed a minimum of~~  
20 8 hours of ~~Department-approved~~ training for certified food  
21 protection ~~food service sanitation~~ manager certification,  
22 inclusive of the examination, and received a passing score on  
23 the examination set by the certification exam provider  
24 accredited under standards developed and adopted by the  
25 Conference for Food Protection or its successor organization,

1 shall be considered to be a certified food protection service  
2 sanitation manager. ~~Beginning January 1, 2018, any individual~~  
3 ~~who has completed a minimum of 8 hours of Department approved~~  
4 ~~training for food service sanitation manager instructor~~  
5 ~~certification, inclusive of the examination, and received a~~  
6 ~~passing score on the examination set by the certification exam~~  
7 ~~provider accredited under standards developed and adopted by~~  
8 ~~the Conference for Food Protection or its successor~~  
9 ~~organization, shall be considered to be a certified food~~  
10 ~~service sanitation manager instructor. A food service~~  
11 ~~sanitation manager certificate and a food service sanitation~~  
12 ~~manager instructor certificate issued by the exam provider~~  
13 ~~shall be valid for 5 years and shall not be transferable from~~  
14 ~~the individual to whom it was issued.~~

15 ~~For purposes of food service sanitation manager~~  
16 ~~certification, the Department shall accept only training~~  
17 ~~approved by the Department and certification exams accredited~~  
18 ~~under standards developed and adopted by the Conference for~~  
19 ~~Food Protection or its successor.~~

20 (Source: P.A. 99-62, eff. 7-16-15; 100-194, eff. 1-1-18.)

21 (410 ILCS 625/3.05)

22 Sec. 3.05. Non-restaurant food handler training.

23 (a) All food handlers not employed by a restaurant as  
24 defined in Section 3.06 of this Act, other than someone holding  
25 a certified food protection ~~food service sanitation~~ manager

1 certificate, must receive or obtain training in basic safe food  
2 handling principles as outlined in subsection (b) of this  
3 Section within 30 days after employment. There is no limit to  
4 how many times an employee may take the training. Training is  
5 not transferable between individuals or employers. Proof that a  
6 food handler has been trained must be available upon reasonable  
7 request by a State or local health department inspector and may  
8 be in an electronic format.

9 (b) Food handler training must cover and assess knowledge  
10 of the following topics:

11 (1) The relationship between time and temperature with  
12 respect to foodborne illness, including the relationship  
13 between time and temperature and micro-organisms during  
14 the various food handling preparation and serving states,  
15 and the type, calibration, and use of thermometers in  
16 monitoring food temperatures.

17 (2) The relationship between personal hygiene and food  
18 safety, including the association of hand contact,  
19 personal habits and behaviors, and the food handler's  
20 health to foodborne illness, and the recognition of how  
21 policies, procedures, and management contribute to  
22 improved food safety practices.

23 (3) Methods of preventing food contamination in all  
24 stages of food handling, including terms associated with  
25 contamination and potential hazards prior to, during, and  
26 after delivery.

1           (4) Procedures for cleaning and sanitizing equipment  
2           and utensils.

3           (5) Problems and potential solutions associated with  
4           temperature control, preventing cross-contamination,  
5           housekeeping, and maintenance.

6           (c) Training modules must be approved by the Department.  
7           Any and all documents, materials, or information related to a  
8           restaurant or business food handler training module submitted  
9           to the Department is confidential and shall not be open to  
10          public inspection or dissemination and is exempt from  
11          disclosure under Section 7 of the Freedom of Information Act.  
12          Any modules complying with subsection (b) of this Section and  
13          not approved within 180 days after the Department's receipt of  
14          the business application shall automatically be considered  
15          approved. If a training module has been approved in another  
16          state, then it shall automatically be considered approved in  
17          Illinois so long as the business provides proof that the  
18          training has been approved in another state. Training may be  
19          conducted by any means available, including, but not limited  
20          to, on-line, computer, classroom, live trainers, remote  
21          trainers, and certified food protection ~~service~~ ~~sanitation~~  
22          managers. Nothing in this subsection (c) shall be construed to  
23          require a proctor. There must be at least one commercially  
24          available, approved food handler training module at a cost of  
25          no more than \$15 per employee; if an approved food handler  
26          training module is not available at that cost, then the

1 provisions of this Section 3.05 shall not apply.

2 (d) The regulation of food handler training is considered  
3 to be an exclusive function of the State, and local regulation  
4 is prohibited. This subsection (d) is a denial and limitation  
5 of home rule powers and functions under subsection (h) of  
6 Section 6 of Article VII of the Illinois Constitution.

7 (e) The provisions of this Section apply beginning July 1,  
8 2016. From July 1, 2016 through December 31, 2016, enforcement  
9 of the provisions of this Section shall be limited to education  
10 and notification of requirements to encourage compliance.

11 (Source: P.A. 98-566, eff. 8-27-13.)

12 (410 ILCS 625/3.06)

13 Sec. 3.06. Food handler training; restaurants.

14 (a) For the purpose of this Section, "restaurant" means any  
15 business that is primarily engaged in the sale of ready-to-eat  
16 food for immediate consumption. "Primarily engaged" means  
17 having sales of ready-to-eat food for immediate consumption  
18 comprising at least 51% of the total sales, excluding the sale  
19 of liquor.

20 (b) Unless otherwise provided, all food handlers employed  
21 by a restaurant, other than someone holding a certified food  
22 protection ~~food service sanitation~~ manager certificate, must  
23 receive or obtain American National Standards  
24 Institute-accredited training in basic safe food handling  
25 principles within 30 days after employment and every 3 years

1 thereafter. Notwithstanding the provisions of Section 3.05 of  
2 this Act, food handlers employed in nursing homes, licensed day  
3 care homes and facilities, hospitals, schools, and long-term  
4 care facilities must renew their training every 3 years. There  
5 is no limit to how many times an employee may take the  
6 training. The training indicated in subsections (e) and (f) of  
7 this Section is transferable between employers, but not  
8 individuals. The training indicated in subsections (c) and (d)  
9 of this Section is not transferable between individuals or  
10 employers. Proof that a food handler has been trained must be  
11 available upon reasonable request by a State or local health  
12 department inspector and may be provided electronically.

13 (c) If a business with an internal training program is  
14 approved in another state prior to the effective date of this  
15 amendatory Act of the 98th General Assembly, then the  
16 business's training program and assessment shall be  
17 automatically approved by the Department upon the business  
18 providing proof that the program is approved in said state.

19 (d) The Department shall approve the training program of  
20 any multi-state business or a franchisee, as defined in the  
21 Franchise Disclosure Act of 1987, of any multi-state business  
22 with a plan that follows the guidelines in subsection (b) of  
23 Section 3.05 of this Act and is on file with the Department by  
24 August 1, 2017.

25 (e) If an entity uses an American National Standards  
26 Institute food handler training accredited program, that



1 training program shall be automatically approved by the  
2 Department.

3 (f) Certified local health departments in counties serving  
4 jurisdictions with a population of 100,000 or less, as reported  
5 by the U.S. Census Bureau in the 2010 Census of Population, may  
6 have a training program. The training program must meet the  
7 requirements of Section 3.05(b) and be approved by the  
8 Department. This Section notwithstanding, certified local  
9 health departments in the following counties may have a  
10 training program:

11 (1) a county with a population of 677,560 as reported  
12 by the U.S. Census Bureau in the 2010 Census of Population;

13 (2) a county with a population of 308,760 as reported  
14 by the U.S. Census Bureau in the 2010 Census of Population;

15 (3) a county with a population of 515,269 as reported  
16 by the U.S. Census Bureau in the 2010 Census of Population;

17 (4) a county with a population of 114,736 as reported  
18 by the U.S. Census Bureau in the 2010 Census of Population;

19 (5) a county with a population of 110,768 as reported  
20 by the U.S. Census Bureau in the 2010 Census of Population;

21 (6) a county with a population of 135,394 as reported  
22 by the U.S. Census Bureau in the 2010 Census of Population.

23 The certified local health departments in paragraphs (1)  
24 through (6) of this subsection (f) must have their training  
25 programs on file with the Department no later than 90 days  
26 after the effective date of this Act. Any modules that meet the

1 requirements of subsection (b) of Section 3.05 of this Act and  
2 are not approved within 180 days after the Department's receipt  
3 of the application of the entity seeking to conduct the  
4 training shall automatically be considered approved by the  
5 Department.

6 (g) Any and all documents, materials, or information  
7 related to a restaurant or business food handler training  
8 module submitted to the Department is confidential and shall  
9 not be open to public inspection or dissemination and is exempt  
10 from disclosure under Section 7 of the Freedom of Information  
11 Act. Training may be conducted by any means available,  
12 including, but not limited to, on-line, computer, classroom,  
13 live trainers, remote trainers, and certified food protection  
14 ~~service—sanitation~~ managers. There must be at least one  
15 commercially available, approved food handler training module  
16 at a cost of no more than \$15 per employee; if an approved food  
17 handler training module is not available at that cost, then the  
18 provisions of this Section 3.06 shall not apply.

19 (h) The regulation of food handler training is considered  
20 to be an exclusive function of the State, and local regulation  
21 is prohibited. This subsection (h) is a denial and limitation  
22 of home rule powers and functions under subsection (h) of  
23 Section 6 of Article VII of the Illinois Constitution.

24 (i) The provisions of this Section apply beginning July 1,  
25 2014. From July 1, 2014 through December 31, 2014, enforcement  
26 of the provisions of this Section shall be limited to education

1 and notification of requirements to encourage compliance.

2 (Source: P.A. 99-62, eff. 7-16-15; 99-78, eff. 7-20-15;  
3 100-367, eff. 8-25-17.)

4 (410 ILCS 625/3.07)

5 Sec. 3.07. Allergen awareness training.

6 (a) As used in this Section:

7 ~~"Certified food service sanitation manager" means a food~~  
8 ~~service sanitation manager certified under Section 3 of this~~  
9 ~~Act.~~

10 "Major food allergen" includes milk, eggs, fish,  
11 crustaceans, tree nuts, wheat, peanuts, soybeans, and food  
12 ingredients that contain protein derived from these foods.

13 "Primarily engaged" means having sales of ready-to-eat  
14 food for immediate consumption comprising at least 51% of the  
15 total sales, excluding the sale of liquor.

16 "Restaurant" means any business that is primarily engaged  
17 in the sale of ready-to-eat food for immediate consumption.

18 (b) Unless otherwise provided, all certified food  
19 protection ~~service sanitation~~ managers employed by a  
20 restaurant must receive or obtain training in basic allergen  
21 awareness principles within 30 days after employment and every  
22 3 years thereafter. Training programs must be accredited by the  
23 American National Standards Institute or another reputable  
24 accreditation agency under the ASTM International E2659-09  
25 (Standard Practice for Certificate Programs). There is no limit

1 to how many times an employee may take the training.

2 (c) Allergen awareness training must cover and assess  
3 knowledge of the following topics:

4 (1) the definition of a food allergy;

5 (2) the symptoms of an allergic reaction;

6 (3) the major food allergens;

7 (4) the dangers of allergens and how to prevent  
8 cross-contact;

9 (5) the proper cleaning methods to prevent allergen  
10 contamination;

11 (6) how and when to communicate to guests and staff  
12 about allergens;

13 (7) the special considerations related to allergens  
14 from workstations and self-serve areas;

15 (8) how to handle special dietary requests;

16 (9) dealing with emergencies, including allergic  
17 reactions;

18 (10) the importance of food labels;

19 (11) how to handle food deliveries in relation to  
20 allergens;

21 (12) proper food preparation for guests with food  
22 allergies; and

23 (13) cleaning and personal hygiene considerations to  
24 prevent contaminating food with allergens.

25 (d) If an entity uses an allergen awareness training  
26 program accredited by the American National Standards

1 Institute or another reputable accreditation agency under the  
2 ASTM International E2659-09 (Standard Practice for Certificate  
3 Programs), then that training program meets the requirements of  
4 this Section. The training indicated in this subsection (d) is  
5 transferable between employers, but not individuals.

6 (e) If a business with an internal training program follows  
7 the guidelines in subsection (c), and is approved in another  
8 state prior to the effective date of this amendatory Act of the  
9 100th General Assembly, then the business's training program  
10 and assessment meets the requirements of the Section. The  
11 training indicated in this subsection (e) is not transferable  
12 between individuals or employers.

13 (f) The training program of any multi-state business with a  
14 plan that follows the guidelines of subsection (c) meets the  
15 requirements of this Section. The training indicated in this  
16 subsection (f) is not transferable between individuals or  
17 employers.

18 (g) This Section does not apply to a multi-state business  
19 or a franchisee, as defined in the Franchise Disclosure Act of  
20 1987, that has a food handler training program that follows the  
21 guidelines in subsection (d) of Section 3.06 of this Act; an  
22 individual that receives food handler training in accordance  
23 with the rules adopted under this Act; or a Category II  
24 facility or Category III facility as defined under 77 Ill. Adm.  
25 Code 750.10.

26 (h) Any and all documents, materials, or information

1 related to a restaurant or business allergen awareness training  
2 module is confidential and shall not be open to public  
3 inspection or dissemination and is exempt from disclosure under  
4 Section 7 of the Freedom of Information Act. Training may be  
5 conducted by any means available, including, but not limited  
6 to, online, computer, classroom, live trainers, remote  
7 trainers, and certified food protection ~~food-service~~  
8 ~~sanitation~~ managers who have successfully completed an  
9 approved allergen training. Nothing in this subsection (h)  
10 shall be construed to require a proctor. Proof that a certified  
11 food protection ~~food-service sanitation~~ manager has been  
12 trained must be available upon reasonable request by a State or  
13 local health department inspector and may be provided  
14 electronically.

15 (i) The regulation of allergen awareness training is  
16 considered to be an exclusive function of the State, and local  
17 regulation is prohibited. This subsection (i) is a denial and  
18 limitation of home rule powers and functions under subsection  
19 (h) of Section 6 of Article VII of the Illinois Constitution.

20 (j) The provisions of this Section apply beginning January  
21 1, 2018. From January 1, 2018 through July 1, 2018, enforcement  
22 of the provisions of this Section shall be limited to education  
23 and notification of requirements to encourage compliance.

24 (Source: P.A. 100-367, eff. 8-25-17.)

1           Sec. 4. Cottage food operation.

2           (a) For the purpose of this Section:

3           "Cottage food operation" means an operation conducted by a  
4 person who produces or packages food or drink, other than foods  
5 and drinks listed as prohibited in paragraph (1.5) of  
6 subsection (b) of this Section, in a kitchen located in that  
7 person's primary domestic residence or another appropriately  
8 designed and equipped residential or commercial-style kitchen  
9 on that property for direct sale by the owner, a family member,  
10 or employee.

11          "Department" means the Department of Public Health.

12          "Farmers' market" means a common facility or area where  
13 farmers gather to sell a variety of fresh fruits and vegetables  
14 and other locally produced farm and food products directly to  
15 consumers.

16          "Main ingredient" means an agricultural product that is the  
17 defining or distinctive ingredient in a cottage food product,  
18 though not necessarily by predominance of weight.

19          "Potentially hazardous food" means a food that is  
20 potentially hazardous according to the Department's  
21 administrative rules. Potentially hazardous food (PHF) in  
22 general means a food that requires time and temperature control  
23 for safety (TCS) to limit pathogenic microorganism growth or  
24 toxin formation.

25          (b) Notwithstanding any other provision of law and except  
26 as provided in subsections (c), (d), and (e) of this Section,

1 neither the Department nor the Department of Agriculture nor  
2 the health department of a unit of local government may  
3 regulate the transaction of food or drink by a cottage food  
4 operation providing that all of the following conditions are  
5 met:

6 (1) (Blank).

7 (1.5) A cottage food operation may produce homemade  
8 food and drink. However, a cottage food operation, unless  
9 properly licensed, certified, and compliant with all  
10 requirements to sell a listed food item under the laws and  
11 regulations pertinent to that food item, shall not sell or  
12 offer to sell the following food items or processed foods  
13 containing the following food items, except as indicated:

14 (A) meat, poultry, fish, seafood, or shellfish;

15 (B) dairy, except as an ingredient in a  
16 non-potentially hazardous baked good or candy, such as  
17 caramel;

18 (C) eggs, except as an ingredient in a  
19 non-potentially hazardous baked good or in dry  
20 noodles;

21 (D) pumpkin pies, sweet potato pies, cheesecakes,  
22 custard pies, creme pies, and pastries with  
23 potentially hazardous fillings or toppings;

24 (E) garlic in oil;

25 (F) canned foods, except for fruit jams, fruit  
26 jellies, fruit preserves, fruit butters, and acidified



- 1           vegetables;
- 2                 (G) sprouts;
- 3                 (H) cut leafy greens, except for leafy greens that
- 4           are dehydrated or blanched and frozen;
- 5                 (I) cut fresh tomato or melon;
- 6                 (J) dehydrated tomato or melon;
- 7                 (K) frozen cut melon;
- 8                 (L) wild-harvested, non-cultivated mushrooms; or
- 9                 (M) alcoholic beverages.

10           (2) The food is to be sold at a farmers' market, with

11           the exception that cottage foods that have a locally grown

12           agricultural product as the main ingredient may be sold on

13           the farm where the agricultural product is grown or

14           delivered directly to the consumer.

15           (3) (Blank).

16           (4) The food packaging conforms to the labeling

17           requirements of the Illinois Food, Drug and Cosmetic Act

18           and includes the following information on the label of each

19           of its products:

20                 (A) the name and address of the cottage food

21           operation;

22                 (B) the common or usual name of the food product;

23                 (C) all ingredients of the food product, including

24           any colors, artificial flavors, and preservatives,

25           listed in descending order by predominance of weight

26           shown with common or usual names;

1 (D) the following phrase: "This product was  
2 produced in a home kitchen not subject to public health  
3 inspection that may also process common food  
4 allergens.";

5 (E) the date the product was processed; and

6 (F) allergen labeling as specified in federal  
7 labeling requirements.

8 (5) The name and residence of the person preparing and  
9 selling products as a cottage food operation is registered  
10 with the health department of a unit of local government  
11 where the cottage food operation resides. No fees shall be  
12 charged for registration. Registration shall be for a  
13 minimum period of one year.

14 (6) The person preparing or packaging products as a  
15 cottage food operation has a certified food protection  
16 manager certificate ~~Department approved Food Service~~  
17 ~~Sanitation Management Certificate~~.

18 (7) At the point of sale a placard is displayed in a  
19 prominent location that states the following: "This  
20 product was produced in a home kitchen not subject to  
21 public health inspection that may also process common food  
22 allergens."

23 (c) Notwithstanding the provisions of subsection (b) of  
24 this Section, if the Department or the health department of a  
25 unit of local government has received a consumer complaint or  
26 has reason to believe that an imminent health hazard exists or

1 that a cottage food operation's product has been found to be  
2 misbranded, adulterated, or not in compliance with the  
3 exception for cottage food operations pursuant to this Section,  
4 then it may invoke cessation of sales of cottage food products  
5 until it deems that the situation has been addressed to the  
6 satisfaction of the Department.

7 (d) Notwithstanding the provisions of subsection (b) of  
8 this Section, a State-certified local public health department  
9 may, upon providing a written statement to the Department,  
10 regulate the service of food by a cottage food operation. The  
11 regulation by a State-certified local public health department  
12 may include all of the following requirements:

13 (1) That the cottage food operation (A) register with  
14 the State-certified local public health department, which  
15 shall be for a minimum of one year and include a reasonable  
16 fee set by the State-certified local public health  
17 department that is no greater than \$25 notwithstanding  
18 paragraph (5) of subsection (b) of this Section and (B)  
19 agree in writing at the time of registration to grant  
20 access to the State-certified local public health  
21 department to conduct an inspection of the cottage food  
22 operation's primary domestic residence in the event of a  
23 consumer complaint or foodborne illness outbreak.

24 (2) That in the event of a consumer complaint or  
25 foodborne illness outbreak the State-certified local  
26 public health department is allowed to (A) inspect the

1 premises of the cottage food operation in question and (B)  
2 set a reasonable fee for that inspection.

3 (e) The Department may adopt rules as may be necessary to  
4 implement the provisions of this Section.

5 (Source: P.A. 99-191, eff. 1-1-16; 100-35, eff. 1-1-18.)