

SB3764



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3764

Introduced 2/14/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-23 new

Amends the Illinois Procurement Code. Provides that when a State contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of compostable foodware or recyclable foodware may be given preference over other bidders unable to do so. Prohibits the procurement and use of single-use plastic disposable foodware at State parks, natural areas, and the Illinois State Fair. Provides that the prohibition does not apply to the procurement of single-use plastic disposable straws if a State agency is servicing medically vulnerable persons. Defines terms.

LRB101 20222 RJF 69762 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 45-23 as follows:

6 (30 ILCS 500/45-23 new)

7 Sec. 45-23. Single-use plastics prohibition; preference.

8 (a) For the purposes of this Section:

9 "Compostable" means that the item meets the ASTM D6400
10 standard of compostability and has been certified by the
11 Biodegradable Products Institute as compostable.

12 "Compostable foodware" means containers, bowls, straws,
13 plates, trays, cartons, cups, lids, forks, spoons, knives, and
14 other items that are designed for one-time use for beverages,
15 prepared food, or leftovers from meals that are compostable.

16 "Plastic" means a synthetic material made from linking
17 monomers through a chemical reaction to create an organic
18 polymer chain that can be molded or extruded at high heat into
19 various solid forms retaining their defined shapes during their
20 life cycle and after disposal.

21 "Recyclable foodware" means items that are designed for
22 one-time use for beverages, prepared food, or leftovers from
23 meals that are commonly accepted in local curbside residential

1 recycling pick up.

2 "Single-use plastic disposable foodware" means containers,
3 bowls, straws, plates, trays, cartons, cups, lids, forks,
4 spoons, knives, and other items that are designed for one-time
5 use for beverages, prepared food, or leftovers from meals that
6 are made of plastic, are not compostable, and are not accepted
7 in residential curbside recycling pick up.

8 (b) When a State contract is to be awarded to the lowest
9 responsible bidder, an otherwise qualified bidder who will
10 fulfill the contract through the use of compostable foodware or
11 recyclable foodware may be given preference over other bidders
12 unable to do so; provided that the bid is not more than 5%
13 greater than the cost of products that are single-use plastic
14 disposable foodware.

15 (c) After January 1, 2022, State agencies and departments
16 may not procure single-use plastic disposable foodware for use
17 at any State parks, natural areas, or for use at the Illinois
18 State Fair, and instead shall offer only compostable foodware
19 or recyclable foodware.

20 (d) After January 1, 2023, or at the renewal of its next
21 contract, no vendor contracted through a State agency or
22 department may provide customers with single-use plastic
23 disposable foodware at any site located at a State park, a
24 natural area, or at the Illinois State Fair, and instead shall
25 offer only compostable foodware or recyclable foodware.

26 (e) This Section does not apply to the procurement of

1 single-use plastic disposable straws if a State agency is
2 servicing medically vulnerable persons. Single-use plastic
3 disposable straws procured by a State agency or department for
4 the purpose of servicing medically vulnerable persons may only
5 be given to the person by the State agency, department, or
6 vendor if the person requests a single-use plastic disposable
7 straw.