



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5052

Introduced 2/8/2024, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

See Index

Amends the Local Food, Farms, and Jobs Act. Provides that the Act may be referred to as the Good Food Purchasing Law. Repeals provisions regarding procurement goals for local farm or food products. Provides that, no later than one year after the effective date of the amendatory Act, each State agency and State-owned facility that purchases food, including, without limitation, facilities for persons with mental health and development disabilities, correction facilities, and public institutions of higher education, including community colleges, shall have a timely plan for undergoing a Good Food Purchasing Program baseline assessment, conducted by the Center for Good Food Purchasing, to determine current alignment with Good Food Purchasing Program core values and Good Food Purchasing Program equity, transparency, and accountability and how better to meet Good Food Purchasing Program core values and Good Food Purchasing Program equity, transparency, and accountability. Provides that, no later than one year after completion of the baseline assessment, each State agency and State-owned facility shall develop and adopt a multi-year action plan with benchmarks to align food purchasing processes with Good Food Purchasing Program equity, transparency, and accountability and food purchases with Good Food Purchasing Program core values. Sets forth other provisions regarding the Program. Provides that the Good Food Purchasing Task Force created by House Joint Resolution 33 of the 102nd General Assembly is reestablished and shall continue with its study of current procurement of food within the State and to explore how good food purchasing can be implemented to maximize the procurement of healthy foods that are sustainably, locally, and equitably sourced. Provides that the Good Food Purchasing Fund is established as a special fund in the State treasury. Provides that moneys in the fund are continuously appropriated to the Department of Agriculture to administer the Local Food, Farms, and Jobs Act. Makes other changes. Amends the State Finance Act and the Food Handling Regulation Enforcement Act to make conforming changes.

LRB103 37928 MXP 68060 b

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 State Finance Act is amended by adding
5 Section 5.1015 as follows:

6 (30 ILCS 105/5.1015 new)

7 Sec. 5.1015. The Good Food Purchasing Fund.

8 Section 10. The Local Food, Farms, and Jobs Act is amended
9 by changing Sections 1 and 5 and by adding Sections 12, 35, and
10 40 as follows:

11 (30 ILCS 595/1)

12 Sec. 1. Short title; references to Act.

13 (a) Short title. This Act may be cited as the "Local Food,
14 Farms, and Jobs Act".

15 (b) References to Act. This Act may be referred to as the
16 Good Food Purchasing Law.

17 (Source: P.A. 96-579, eff. 8-18-09.)

18 (30 ILCS 595/5)

19 Sec. 5. Definitions. In this Act: ~~"Local farm or food~~
20 ~~products" are products: (1) grown in Illinois; or (2)~~

1 ~~processed and packaged in Illinois, using at least one~~
2 ~~ingredient grown in Illinois.~~

3 "Good Food Purchasing Program core values" means Good Food
4 Purchasing Program procurement criteria based on all of the
5 following:

6 (1) Prioritizing local suppliers, especially small or
7 mid-sized farms, food manufacturers, or food businesses
8 that are privately or cooperatively operated or operated
9 as a not-for-profit within (i) a 250-mile radius for food
10 other than meat, poultry, or seafood or (ii) a 500-mile
11 radius for meat, poultry, or seafood, prioritizing
12 suppliers that are entrepreneurs of color and community
13 members most impacted by current and historic economic
14 marginalization, leveraging institutional buying power,
15 infrastructure, financial resources, staff time, and land
16 in support of community members, food producers, and food
17 workers who have experienced negative systemic social or
18 economic impact, building partnerships with community
19 members to ensure that food products and menus reflect the
20 interests and cultures of everyone they serve, and
21 identifying pathways for purchasing from small and
22 community-based suppliers for products that cannot be
23 grown or harvested within the mileage limitations, such as
24 seafood, coffee, cocoa, and sugar.

25 (2) Prioritizing suppliers that consider: (i)
26 community health and universal rights to clean air and

1 water; (ii) reduction or elimination of synthetic
2 pesticides and fertilizers; (iii) improved soil health and
3 carbon sequestration; (iv) reduced fossil fuel energy
4 inputs and protection of water resources; (v) biodiversity
5 and ecological resilience; (vi) food waste reduction;
6 (vii) greenhouse gas emission reduction; and (viii)
7 reduction or elimination of single-use plastics and other
8 resource-intensive packaging and reducing carbon and water
9 footprint of food purchases.

10 (3) Sourcing from producers and vendors that (i)
11 comply with labor laws, including minimum wage laws,
12 through contractual requirements and enforcement, (ii)
13 honor the right to freedom of association, (iii) provide
14 workers with the ability to organize a union and to
15 bargain collectively, free from reprisal, for livable
16 wages and safe and healthy working conditions, and (iv)
17 uphold and implement workers' rights principles, and (v)
18 implement cooperative ownership, democratic
19 decision-making, and migrant, racial, and gender justice.

20 (4) Sourcing from farms and ranches that provide
21 healthy and humane conditions for farm animals throughout
22 their lives through (i) nutrition, (ii) physical
23 environment, (iii) health, (iv) behavioral interaction;
24 and (v) mental or affective state.

25 (5) Promoting community health, nutrition, equitable
26 access, and food sovereignty by prioritizing high-quality

1 and culturally relevant whole or minimally processed
2 foods, including vegetables, fruit, and whole grains, and
3 plant-forward meals. Preservation methods such as canning
4 and bottling using oils, sugar, or salt are not permitted.

5 (6) In general, prioritizing products certified under
6 certifications currently endorsed by the Center for Good
7 Food Purchasing.

8 "Good Food Purchasing Program equity, accountability, and
9 transparency" means:

10 (1) Having or developing a supplier or vendor
11 diversification plan with goals that include reporting and
12 accountability measures. Measures should be disaggregated
13 by demographic group, including race and gender.

14 (2) Planning implementation should prioritize
15 purchases and address barriers to entry for suppliers who
16 have experienced negative systemic social or economic
17 impacts including, but not limited to women, veterans,
18 persons with disabilities, and especially people of color,
19 across all supply chains and to the greatest extent
20 possible.

21 (3) Sharing purchasing data, assessments, purchasing
22 targets, or implementation plans in a publicly accessible
23 location including online with community members to
24 facilitate engagement and transparency.

25 (4) Engaging with community members, including, but
26 not limited to, people served by meal programs, food

1 service workers, constituents, and local food businesses,
2 in informing values-based purchasing decisions and
3 processes.

4 (5) Developing and implementing comprehensive
5 institutional policies that reflect community needs and
6 values and prioritize transparency, racial equity, local
7 economies, environmental sustainability, valued
8 workforce, animal welfare, and community health and
9 nutrition within their operations and food procurement.

10 (6) Ensuring that institutional policies are embedded
11 in agreements for contracted food services and that
12 mechanisms are developed to ensure compliance and
13 accountability through reporting and active contract
14 management.

15 "Minimally processed foods" means foods that are unaltered
16 or slightly altered from the food's natural state through such
17 processes as removal of inedible or unwanted parts, drying,
18 powdering, squeezing, crushing, grinding, fractioning,
19 steaming, poaching, boiling, roasting, pasteurization,
20 chilling, freezing, placing in containers, vacuum packaging,
21 nonalcoholic fermentation, and other methods that do not add
22 to the original food, salt, sugar oils or fats, or food
23 substances, other than additives that prolong product
24 duration, protect original properties, or prevent
25 proliferation of microorganisms. "Minimally processed foods"
26 include, but are not limited to, whole grains or flours; fresh

1 or frozen fruits and vegetables; meat, poultry, fish, and
2 seafood, whole or in the form of steaks, fillets, and other
3 cuts; fresh or pasteurized milk, eggs, fresh or pasteurized
4 plain yogurt, legumes, and nuts and seeds. "Minimally
5 processed foods" also includes foods made of 2 or more items in
6 this group, such as dried mixed fruits, and foods with
7 vitamins and minerals generally added to replace nutrients
8 lost during minimal processing, such as flour fortified with
9 iron and folic acid.

10 (Source: P.A. 101-258, eff. 1-1-20.)

11 (30 ILCS 595/12 new)

12 Sec. 12. Good Food Purchasing Program.

13 (a) No later than one year after the effective date of this
14 amendatory Act of the 103rd General Assembly, each State
15 agency and State-owned facility that purchases food,
16 including, without limitation, facilities for persons with
17 mental health and development disabilities, correction
18 facilities, and public institutions of higher education,
19 including community colleges, shall have a timely plan for
20 undergoing a Good Food Purchasing Program baseline assessment
21 conducted by the Center for Good Food Purchasing, to determine
22 current alignment with Good Food Purchasing Program core
23 values and Good Food Purchasing Program equity, transparency,
24 and accountability and how better to meet the Good Food
25 Purchasing Program core values and Good Food Purchasing

1 Program equity, transparency, and accountability.

2 (b) No later than one year after completion of the
3 baseline assessment under subsection (a), each State agency
4 and State-owned facility shall develop and adopt a multi-year
5 action plan with benchmarks to align food purchasing processes
6 with Good Food Purchasing Program equity, transparency, and
7 accountability and food purchases with Good Food Purchasing
8 Program core values.

9 (c) The year after completing the multi-year action plan
10 and each year thereafter, each State agency and State-owned
11 facility shall undergo a Good Food Purchasing Program
12 assessment and update its multi-year action plan to annually
13 increase the procurement of food that meets the Good Food
14 Purchasing Program core values and Good Food Purchasing
15 Program equity, transparency, and accountability.

16 (d) To meet the goals set forth in this Section, when a
17 State contract for purchase of food is to be awarded to the
18 lowest responsible bidder or proposer, an otherwise qualified
19 bidder or proposer who will fulfill the contract through the
20 use of food that aligns with Good Food Purchasing Program core
21 values may be given preference over other bidders or
22 proposers.

23 (e) To facilitate reporting required under this Section,
24 all State agencies and State-owned facilities that purchase
25 food shall include in all invitations for bids, requests for
26 proposals, and contracts a requirement for vendor

1 data-sharing, including, but not limited to, product types,
2 quantities, sizes, prices, origin, processors, and
3 distributors.

4 (f) On each January 1 following adoption of a multi-year
5 action plan, each State agency and State-owned facility that
6 purchases food shall publish in its procurement bulletin and
7 on its website notice of its purchases of food in the
8 immediately preceding fiscal year, its Good Food Purchasing
9 Program baseline and annual assessments, and its multi-year
10 action plan.

11 (g) Under the procedures laid out in under subsection (h)
12 of Section 5-5 of the Illinois Procurement Code, the
13 Procurement Policy Board may review a proposal, bid, or
14 contract and issue a recommendation to void a contract or
15 reject a proposal or bid based on a vendor, proposer or
16 bidder's current violation or history of violation of federal,
17 State, or local law, including, but not limited to, Federal
18 labor laws under Title 29 of the United States Code and the
19 Minimum Wage Law.

20 (30 ILCS 595/35 new)

21 Sec. 35. Good Food Purchasing Task Force.

22 (a) The Good Food Purchasing Task Force created by House
23 Joint Resolution 33 adopted in the 102nd General Assembly is
24 reestablished and shall continue with its study of current
25 procurement of food within the State and to explore how good

1 food purchasing can be implemented to maximize the procurement
2 of healthy foods that are sustainably, locally, and equitably
3 sourced.

4 (b) Any action taken in reliance on House Joint Resolution
5 33 of the 102nd General Assembly after January 1, 2023 by any
6 person or entity is hereby validated.

7 (c) The Task Force shall consist of the following members,
8 who shall serve without compensation:

9 (1) the Lieutenant Governor or his or her designee;

10 (2) the Speaker of the House of Representatives or his
11 or her designee;

12 (3) the Minority Leader of the House of
13 Representatives or his or her designee;

14 (4) the Senate President or his or her designee;

15 (5) the Senate Minority Leader or his or her designee;

16 (6) one member nominated by a statewide local food
17 advocacy organization and appointed by the Lieutenant
18 Governor;

19 (7) one member nominated by a national multi-sector
20 food advocacy organization and appointed by the Lieutenant
21 Governor;

22 (8) one member nominated by a Chicago-based food
23 advocacy organization and appointed by the Lieutenant
24 Governor;

25 (9) one member nominated by a statewide environmental
26 advocacy organization and appointed by the Lieutenant

1 Governor;

2 (10) one member nominated by a statewide labor
3 organization that represents food workers and appointed by
4 the Lieutenant Governor;

5 (11) one member nominated by a national farm-animal
6 welfare organization and appointed by the Lieutenant
7 Governor;

8 (12) the Director of the Department of Commerce and
9 Economic Opportunity or his or her designee;

10 (13) the Director of the Environmental Protection
11 Agency or his or her designee;

12 (14) the Director of the Department of Public Health
13 or his or her designee;

14 (15) the Director of the Department of Natural
15 Resources or his or her designee;

16 (16) the Chief Procurement Officer for General
17 Services or his or her designee;

18 (17) the Chief Procurement Officer for Higher
19 Education or his or her designee;

20 (18) the Chief Procurement Officer for the Secretary
21 of State's Office or his or her designee;

22 (19) the Chief Procurement Officer for the Department
23 of Corrections or his or her designee;

24 (20) the Chief Procurement Officer for the Department
25 of Human Services or his or her designee;

26 (21) the Chief Procurement Officer for Central

1 Management Services or his or her designee;

2 (22) the Director of the Department of Agriculture or
3 his or her designee; and

4 (23) one member nominated by a statewide organization
5 that advocates for healthy nutrition and appointed by
6 Lieutenant Governor.

7 Members of the Task Force shall serve without
8 compensation. The Task Force members shall select a
9 chairperson at the first meeting of the Task Force. Any member
10 appointed under House Joint Resolution 33 of the 102nd General
11 Assembly who was a member of the Task Force at the end of the
12 102nd General Assembly shall continue to serve on the Task
13 Force until the appointed member resigns or is otherwise
14 removed from the Task Force.

15 (d) The Department of Agriculture shall provide
16 administrative support for the Task Force.

17 (e) The task force shall submit its interim report to the
18 Governor and General Assembly no later than July 1, 2025 and
19 its final report to the Governor and General Assembly no later
20 than July 1, 2026. Following submission of the final report,
21 the Task Force shall continue to meet to monitor and support
22 implementation of this Act.

23 (30 ILCS 595/40 new)

24 Sec. 40. Good Food Purchasing Fund. The Good Food
25 Purchasing Fund is established as a special fund in the State

1 treasury. Interest earned by the Good Food Purchasing Fund
2 shall be credited to the fund. Moneys in the fund are
3 continuously appropriated to the Department of Agriculture to
4 administer this Act, including by creating a Good Food
5 Purchasing office within the Department, hiring staff, and
6 providing training and technical assistance to State agencies
7 and State-owned facilities that purchase food. The fund shall
8 be subject to appropriations; however, the Department shall be
9 permitted to accept federal government, local government, and
10 private resources at any time to implement this Act.

11 (30 ILCS 595/10 rep.)

12 Section 15. The Local Food, Farms, and Jobs Act is amended
13 by repealing Section 10.

14 Section 20. The Food Handling Regulation Enforcement Act
15 is amended by changing Section 4 as follows:

16 (410 ILCS 625/4)

17 Sec. 4. Cottage food operation.

18 (a) For the purpose of this Section:

19 A food is "acidified" if: (i) acid or acid ingredients are
20 added to it to produce a final equilibrium pH of 4.6 or below;
21 or (ii) it is fermented to produce a final equilibrium pH of
22 4.6 or below.

23 "Canned food" means food that has been heat processed

1 sufficiently under United States Department of Agriculture
2 guidelines to enable storing the food at normal home
3 temperatures.

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

11 "Cut leafy greens" means fresh leafy greens whose leaves
12 have been cut, shredded, sliced, chopped, or torn. "Cut leafy
13 greens" does not mean cut-to-harvest leafy greens.

14 "Department" means the Department of Public Health.

15 "Equilibrium pH" means the final potential of hydrogen
16 measured in an acidified food after all the components of the
17 food have achieved the same acidity.

18 "Farmers' market" means a common facility or area where
19 farmers gather to sell a variety of fresh fruits and
20 vegetables and other locally produced farm and food products
21 directly to consumers.

22 "Leafy greens" includes iceberg lettuce; romaine lettuce;
23 leaf lettuce; butter lettuce; baby leaf lettuce, such as
24 immature lettuce or leafy greens; escarole; endive; spring
25 mix; spinach; cabbage; kale; arugula; and chard. "Leafy
26 greens" does not include microgreens or herbs such as cilantro

1 or parsley.

2 "Local health department" means a State-certified health
3 department of a unit of local government in which a cottage
4 food operation is located.

5 "Local public health department association" means an
6 association solely representing 2 or more State-certified
7 local health departments.

8 "Low-acid canned food" means any canned food with a
9 finished equilibrium pH greater than 4.6 and a water activity
10 (aw) greater than 0.85.

11 "Microgreen" means an edible plant seedling grown in soil
12 or substrate and harvested above the soil or substrate line.

13 "Potentially hazardous food" means a food that is
14 potentially hazardous according to the Department's
15 administrative rules. Potentially hazardous food (PHF) in
16 general means a food that requires time and temperature
17 control for safety (TCS) to limit pathogenic microorganism
18 growth or toxin formation.

19 "Sprout" means any seedling intended for human consumption
20 that was produced in a manner that does not meet the definition
21 of microgreen.

22 (b) A cottage food operation may produce homemade food and
23 drink provided that all of the following conditions are met:

24 (1) (Blank).

25 (1.3) A cottage food operation must register with the
26 local health department for the unit of local government

1 in which it is located, but may sell products outside of
2 the unit of local government where the cottage food
3 operation is located. A copy of the certificate of
4 registration must be available upon request by any local
5 health department.

6 (1.5) A cottage food operation shall not sell or offer
7 to sell the following food items or processed foods
8 containing the following food items, except as indicated:

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

10 (B) dairy, except as an ingredient in a
11 non-potentially hazardous baked good or candy, such as
12 caramel, subject to paragraph (4), or as an ingredient
13 in a baked good frosting, such as buttercream;

14 (C) eggs, except as an ingredient in a
15 non-potentially hazardous food, including dry noodles,
16 or as an ingredient in a baked good frosting, such as
17 buttercream, if the eggs are not raw;

18 (D) pumpkin pies, sweet potato pies, cheesecakes,
19 custard pies, creme pies, and pastries with
20 potentially hazardous fillings or toppings;

21 (E) garlic in oil or oil infused with garlic,
22 except if the garlic oil is acidified;

23 (F) low-acid canned foods;

24 (G) sprouts;

25 (H) cut leafy greens, except for cut leafy greens
26 that are dehydrated, acidified, or blanched and

1 frozen;

2 (I) cut or pureed fresh tomato or melon;

3 (J) dehydrated tomato or melon;

4 (K) frozen cut melon;

5 (L) wild-harvested, non-cultivated mushrooms;

6 (M) alcoholic beverages; or

7 (N) kombucha.

8 (1.6) In order to sell canned tomatoes or a canned
9 product containing tomatoes, a cottage food operator shall
10 either:

11 (A) follow exactly a recipe that has been tested
12 by the United States Department of Agriculture or by a
13 state cooperative extension located in this State or
14 any other state in the United States; or

15 (B) submit the recipe, at the cottage food
16 operator's expense, to a commercial laboratory
17 according to the commercial laboratory's directions to
18 test that the product has been adequately acidified;
19 use only the varietal or proportionate varietals of
20 tomato included in the tested recipe for all
21 subsequent batches of such recipe; and provide
22 documentation of the annual test results of the recipe
23 submitted under this subparagraph upon registration
24 and to an inspector upon request during any inspection
25 authorized by subsection (d).

26 (2) In order to sell a fermented or acidified food, a

1 cottage food operation shall either:

2 (A) submit a recipe that has been tested by the
3 United States Department of Agriculture or a
4 cooperative extension system located in this State or
5 any other state in the United States; or

6 (B) submit a written food safety plan for each
7 category of products for which the cottage food
8 operator uses the same procedures, such as pickles,
9 kimchi, or hot sauce, and a pH test for a single
10 product that is representative of that category; the
11 written food safety plan shall be submitted annually
12 upon registration and each pH test shall be submitted
13 every 3 years; the food safety plan shall adhere to
14 guidelines developed by the Department.

15 (3) A fermented or acidified food shall be packaged
16 according to one of the following standards:

17 (A) A fermented or acidified food that is canned
18 must be processed in a boiling water bath in a
19 Mason-style jar or glass container with a
20 tight-fitting lid.

21 (B) A fermented or acidified food that is not
22 canned shall be sold in any container that is new,
23 clean, and seals properly and must be stored,
24 transported, and sold at or below 41 degrees.

25 (4) In order to sell a baked good with cheese, a local
26 health department may require a cottage food operation to

1 submit a recipe, at the cottage food operator's expense,
2 to a commercial laboratory to verify that it is
3 non-potentially hazardous before allowing the cottage food
4 operation to sell the baked good as a cottage food.

5 (5) For a cottage food operation that does not utilize
6 a municipal water supply, such as an operation using a
7 private well, a local health department may require a
8 water sample test to verify that the water source being
9 used meets public safety standards related to E. coli
10 coliform. If a test is requested, it must be conducted at
11 the cottage food operator's expense.

12 (6) A person preparing or packaging a product as part
13 of a cottage food operation must be a Department-approved
14 certified food protection manager.

15 (7) Food packaging must conform with the labeling
16 requirements of the Illinois Food, Drug and Cosmetic Act.
17 A cottage food product shall be prepackaged and the food
18 packaging shall be affixed with a prominent label that
19 includes the following:

20 (A) the name of the cottage food operation and
21 unit of local government in which the cottage food
22 operation is located;

23 (B) the identifying registration number provided
24 by the local health department on the certificate of
25 registration and the name of the municipality or
26 county in which the registration was filed;

1 (C) the common or usual name of the food product;

2 (D) all ingredients of the food product, including
3 any color, artificial flavor, and preservative, listed
4 in descending order by predominance of weight shown
5 with the common or usual names;

6 (E) the following phrase in prominent lettering:

7 "This product was produced in a home kitchen not
8 inspected by a health department that may also process
9 common food allergens. If you have safety concerns,
10 contact your local health department.";

11 (F) the date the product was processed; and

12 (G) allergen labeling as specified under federal
13 labeling requirements.

14 (8) Food packaging may include the designation
15 "Illinois-grown", "Illinois-sourced", or "Illinois farm
16 product" if the packaged product is (1) grown in Illinois;
17 or (2) processed and packaged in Illinois, using at least
18 one ingredient grown in Illinois ~~a local farm or food~~
19 ~~product as that term is defined in Section 5 of the Local~~
20 ~~Food, Farms, and Jobs Act.~~

21 (9) In the case of a product that is difficult to
22 properly label or package, or for other reasons, the local
23 health department of the location where the product is
24 sold may grant permission to sell products that are not
25 prepackaged, in which case other prominent written notice
26 shall be provided to the purchaser.

1 (10) At the point of sale, notice must be provided in a
2 prominent location that states the following: "This
3 product was produced in a home kitchen not inspected by a
4 health department that may also process common food
5 allergens." At a physical display, notice shall be a
6 placard. Online, notice shall be a message on the cottage
7 food operation's online sales interface at the point of
8 sale.

9 (11) Food and drink produced by a cottage food
10 operation shall be sold directly to consumers for their
11 own consumption and not for resale. Sales directly to
12 consumers include, but are not limited to, sales at or
13 through:

14 (A) farmers' markets;

15 (B) fairs, festivals, public events, or online;

16 (C) pickup from the private home or farm of the
17 cottage food operator, if the pickup is not prohibited
18 by any law of the unit of local government that applies
19 equally to all cottage food operations; in a
20 municipality with a population of 1,000,000 or more, a
21 cottage food operator shall comply with any law of the
22 municipality that applies equally to all home-based
23 businesses;

24 (D) delivery to the customer; and

25 (E) pickup from a third-party private property
26 with the consent of the third-party property holder.

1 (12) Only food that is non-potentially hazardous may
2 be shipped. A cottage food product shall not be shipped
3 out of State. Each cottage food product that is shipped
4 must be sealed in a manner that reveals tampering,
5 including, but not limited to, a sticker or pop top.

6 (c) A local health department shall register any eligible
7 cottage food operation that meets the requirements of this
8 Section and shall issue a certificate of registration with an
9 identifying registration number to each registered cottage
10 food operation. A local health department may establish a
11 self-certification program for cottage food operators to
12 affirm compliance with applicable laws, rules, and
13 regulations. Registration shall be completed annually and the
14 local health department may impose a fee not to exceed \$50.

15 (d) In the event of a consumer complaint or foodborne
16 illness outbreak, upon notice from a different local health
17 department, or if the Department or a local health department
18 has reason to believe that an imminent health hazard exists or
19 that a cottage food operation's product has been found to be
20 misbranded, adulterated, or not in compliance with the
21 conditions for cottage food operations set forth in this
22 Section, the Department or the local health department may:

23 (1) inspect the premises of the cottage food operation
24 in question;

25 (2) set a reasonable fee for the inspection; and

26 (3) invoke penalties and the cessation of the sale of

1 cottage food products until it deems that the situation
2 has been addressed to the satisfaction of the Department
3 or local health department; if the situation is not
4 amenable to being addressed, the local health department
5 may revoke the cottage food operation's registration
6 following a process outlined by the local health
7 department.

8 (e) A local health department that receives a consumer
9 complaint or a report of foodborne illness related to a
10 cottage food operator in another jurisdiction shall refer the
11 complaint or report to the local health department where the
12 cottage food operator is registered.

13 (f) By January 1, 2022, the Department, in collaboration
14 with local public health department associations and other
15 stakeholder groups, shall write and issue administrative
16 guidance to local health departments on the following:

17 (1) development of a standard registration form,
18 including, if applicable, a written food safety plan;

19 (2) development of a Home-Certification Self Checklist
20 Form;

21 (3) development of a standard inspection form and
22 inspection procedures; and

23 (4) procedures for cottage food operation workspaces
24 that include, but are not limited to, cleaning products,
25 general sanitation, and requirements for functional
26 equipment.

1 (g) A person who produces or packages a non-potentially
2 hazardous baked good for sale by a religious, charitable, or
3 nonprofit organization for fundraising purposes is exempt from
4 the requirements of this Section.

5 (h) A home rule unit may not regulate cottage food
6 operations in a manner inconsistent with the regulation by the
7 State of cottage food operations under this Section. This
8 Section is a limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

12 (i) The Department may adopt rules as may be necessary to
13 implement the provisions of this Section.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-633, eff. 1-1-22.)

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.1015 new

4 30 ILCS 595/1

5 30 ILCS 595/5

6 30 ILCS 595/12 new

7 30 ILCS 595/35 new

8 30 ILCS 595/40 new

9 30 ILCS 595/10 rep.

10 410 ILCS 625/4