



Rep. Sonya M. Harper

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LRB103 37928 HLH 72138 a

1 AMENDMENT TO HOUSE BILL 5052

2 AMENDMENT NO. _____. Amend House Bill 5052 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-13 and 20-5 and by adding Article 54 as
6 follows:

7 (30 ILCS 500/1-13)

8 Sec. 1-13. Applicability to public institutions of higher
9 education.

10 (a) This Code shall apply to public institutions of higher
11 education, regardless of the source of the funds with which
12 contracts are paid, except as provided in this Section.

13 (b) Except as provided in this Section, this Code shall
14 not apply to procurements made by or on behalf of public
15 institutions of higher education for any of the following:

16 (1) Memberships in professional, academic, research,

1 or athletic organizations on behalf of a public
2 institution of higher education, an employee of a public
3 institution of higher education, or a student at a public
4 institution of higher education.

5 (2) Procurement expenditures for events or activities
6 paid for exclusively by revenues generated by the event or
7 activity, gifts or donations for the event or activity,
8 private grants, or any combination thereof.

9 (3) Procurement expenditures for events or activities
10 for which the use of specific potential contractors is
11 mandated or identified by the sponsor of the event or
12 activity, provided that the sponsor is providing a
13 majority of the funding for the event or activity.

14 (4) Procurement expenditures necessary to provide
15 athletic, artistic or musical services, performances,
16 events, or productions by or for a public institution of
17 higher education.

18 (5) Procurement expenditures for periodicals, books,
19 subscriptions, database licenses, and other publications
20 procured for use by a university library or academic
21 department, except for expenditures related to procuring
22 textbooks for student use or materials for resale or
23 rental.

24 (6) Procurement expenditures for placement of students
25 in externships, practicums, field experiences, and for
26 medical residencies and rotations.

1 (7) Contracts for programming and broadcast license
2 rights for university-operated radio and television
3 stations.

4 (8) Procurement expenditures necessary to perform
5 sponsored research and other sponsored activities under
6 grants and contracts funded by the sponsor or by sources
7 other than State appropriations.

8 (9) Contracts with a foreign entity for research or
9 educational activities, provided that the foreign entity
10 either does not maintain an office in the United States or
11 is the sole source of the service or product.

12 (10) Procurement expenditures for any ongoing software
13 license or maintenance agreement or competitively
14 solicited software purchase, when the software, license,
15 or maintenance agreement is available through only the
16 software creator or its manufacturer and not a reseller.

17 (11) Procurement expenditures incurred outside of the
18 United States for the recruitment of international
19 students.

20 (12) Procurement expenditures for contracts entered
21 into under the Public University Energy Conservation Act.

22 (13) Procurement expenditures for advertising
23 purchased directly from a media station or the owner of
24 the station for distribution of advertising.

25 Notice of each contract with an annual value of more than
26 \$100,000 entered into by a public institution of higher

1 education that is related to the procurement of goods and
2 services identified in items (1) through (13) of this
3 subsection shall be published in the Procurement Bulletin
4 within 14 calendar days after contract execution. The Chief
5 Procurement Officer shall prescribe the form and content of
6 the notice. Each public institution of higher education shall
7 provide the Chief Procurement Officer, on a monthly basis, in
8 the form and content prescribed by the Chief Procurement
9 Officer, a report of contracts that are related to the
10 procurement of goods and services identified in this
11 subsection. At a minimum, this report shall include the name
12 of the contractor, a description of the supply or service
13 provided, the total amount of the contract, the term of the
14 contract, and the exception to the Code utilized. A copy of any
15 or all of these contracts shall be made available to the Chief
16 Procurement Officer immediately upon request. The Chief
17 Procurement Officer shall submit a report to the Governor and
18 General Assembly no later than November 1 of each year that
19 shall include, at a minimum, an annual summary of the monthly
20 information reported to the Chief Procurement Officer.

21 (b-5) Except as provided in this subsection, the
22 provisions of this Code shall not apply to contracts for
23 medical supplies or to contracts for medical services
24 necessary for the delivery of care and treatment at medical,
25 dental, or veterinary teaching facilities used by Southern
26 Illinois University or the University of Illinois or at any

1 university-operated health care center or dispensary that
2 provides care, treatment, and medications for students,
3 faculty, and staff. Furthermore, the provisions of this Code
4 do not apply to the procurement by such a facility of any
5 additional supplies or services that the operator of the
6 facility deems necessary for the effective use and functioning
7 of the medical supplies or services that are otherwise exempt
8 from this Code under this subsection (b-5). However, other
9 supplies and services needed for these teaching facilities
10 shall be subject to the jurisdiction of the Chief Procurement
11 Officer for Public Institutions of Higher Education who may
12 establish expedited procurement procedures and may waive or
13 modify certification, contract, hearing, process and
14 registration requirements required by the Code. All
15 procurements made under this subsection shall be documented
16 and may require publication in the Illinois Procurement
17 Bulletin.

18 (b-10) Procurements made by or on behalf of the University
19 of Illinois for investment services may be entered into or
20 renewed without being subject to the requirements of this
21 Code. Notice of intent to renew a contract shall be published
22 in the Illinois Public Higher Education Procurement Bulletin
23 at least 14 days prior to the execution of a renewal, and the
24 University of Illinois shall hold a public hearing for
25 interested parties to provide public comment. Any contract
26 extended, renewed, or entered pursuant to this exception shall

1 be published in the Illinois Public Higher Education
2 Procurement Bulletin within 5 days of contract execution.

3 (c) Procurements made by or on behalf of public
4 institutions of higher education for the fulfillment of a
5 grant shall be made in accordance with the requirements of
6 this Code to the extent practical.

7 Upon the written request of a public institution of higher
8 education, the Chief Procurement Officer may waive contract,
9 registration, certification, and hearing requirements of this
10 Code if, based on the item to be procured or the terms of a
11 grant, compliance is impractical. The public institution of
12 higher education shall provide the Chief Procurement Officer
13 with specific reasons for the waiver, including the necessity
14 of contracting with a particular potential contractor, and
15 shall certify that an effort was made in good faith to comply
16 with the provisions of this Code. The Chief Procurement
17 Officer shall provide written justification for any waivers.
18 By November 1 of each year, the Chief Procurement Officer
19 shall file a report with the General Assembly identifying each
20 contract approved with waivers and providing the justification
21 given for any waivers for each of those contracts. Notice of
22 each waiver made under this subsection shall be published in
23 the Procurement Bulletin within 14 calendar days after
24 contract execution. The Chief Procurement Officer shall
25 prescribe the form and content of the notice.

26 (d) Notwithstanding this Section, a waiver of the

1 registration requirements of Section 20-160 does not permit a
2 business entity and any affiliated entities or affiliated
3 persons to make campaign contributions if otherwise prohibited
4 by Section 50-37. The total amount of contracts awarded in
5 accordance with this Section shall be included in determining
6 the aggregate amount of contracts or pending bids of a
7 business entity and any affiliated entities or affiliated
8 persons.

9 (e) Notwithstanding subsection (e) of Section 50-10.5 of
10 this Code, the Chief Procurement Officer, with the approval of
11 the Executive Ethics Commission, may permit a public
12 institution of higher education to accept a bid or enter into a
13 contract with a business that assisted the public institution
14 of higher education in determining whether there is a need for
15 a contract or assisted in reviewing, drafting, or preparing
16 documents related to a bid or contract, provided that the bid
17 or contract is essential to research administered by the
18 public institution of higher education and it is in the best
19 interest of the public institution of higher education to
20 accept the bid or contract. For purposes of this subsection,
21 "business" includes all individuals with whom a business is
22 affiliated, including, but not limited to, any officer, agent,
23 employee, consultant, independent contractor, director,
24 partner, manager, or shareholder of a business. The Executive
25 Ethics Commission may promulgate rules and regulations for the
26 implementation and administration of the provisions of this

1 subsection (e).

2 (e-5) Procurements made by or on behalf of public
3 institutions of higher education for food shall be made in
4 accordance with Article 54.

5 (f) As used in this Section:

6 "Grant" means non-appropriated funding provided by a
7 federal or private entity to support a project or program
8 administered by a public institution of higher education and
9 any non-appropriated funding provided to a sub-recipient of
10 the grant.

11 "Public institution of higher education" means Chicago
12 State University, Eastern Illinois University, Governors State
13 University, Illinois State University, Northeastern Illinois
14 University, Northern Illinois University, Southern Illinois
15 University, University of Illinois, Western Illinois
16 University, and, for purposes of this Code only, the Illinois
17 Mathematics and Science Academy.

18 (g) (Blank).

19 (h) The General Assembly finds and declares that:

20 (1) Public Act 98-1076, which took effect on January
21 1, 2015, changed the repeal date set for this Section from
22 December 31, 2014 to December 31, 2016.

23 (2) The Statute on Statutes sets forth general rules
24 on the repeal of statutes and the construction of multiple
25 amendments, but Section 1 of that Act also states that
26 these rules will not be observed when the result would be

1 "inconsistent with the manifest intent of the General
2 Assembly or repugnant to the context of the statute".

3 (3) This amendatory Act of the 100th General Assembly
4 manifests the intention of the General Assembly to remove
5 the repeal of this Section.

6 (4) This Section was originally enacted to protect,
7 promote, and preserve the general welfare. Any
8 construction of this Section that results in the repeal of
9 this Section on December 31, 2014 would be inconsistent
10 with the manifest intent of the General Assembly and
11 repugnant to the context of this Code.

12 It is hereby declared to have been the intent of the
13 General Assembly that this Section not be subject to repeal on
14 December 31, 2014.

15 This Section shall be deemed to have been in continuous
16 effect since December 20, 2011 (the effective date of Public
17 Act 97-643), and it shall continue to be in effect
18 henceforward until it is otherwise lawfully repealed. All
19 previously enacted amendments to this Section taking effect on
20 or after December 31, 2014, are hereby validated.

21 All actions taken in reliance on or pursuant to this
22 Section by any public institution of higher education, person,
23 or entity are hereby validated.

24 In order to ensure the continuing effectiveness of this
25 Section, it is set forth in full and re-enacted by this
26 amendatory Act of the 100th General Assembly. This

1 re-enactment is intended as a continuation of this Section. It
2 is not intended to supersede any amendment to this Section
3 that is enacted by the 100th General Assembly.

4 In this amendatory Act of the 100th General Assembly, the
5 base text of the reenacted Section is set forth as amended by
6 Public Act 98-1076. Striking and underscoring is used only to
7 show changes being made to the base text.

8 This Section applies to all procurements made on or before
9 the effective date of this amendatory Act of the 100th General
10 Assembly.

11 (Source: P.A. 102-16, eff. 6-17-21; 102-721, eff. 5-6-22;
12 102-1119, eff. 1-23-23; 103-570, eff. 1-1-24.)

13 (30 ILCS 500/20-5)

14 Sec. 20-5. Method of source selection. Unless otherwise
15 authorized by law, all State contracts shall be awarded by
16 competitive sealed bidding, in accordance with Section 20-10,
17 except as provided in Sections 20-15, 20-20, 20-25, 20-30,
18 20-35, 30-15, ~~and~~ 40-20, and 54-15. The chief procurement
19 officers appointed pursuant to Section 10-20 may determine the
20 method of solicitation and contract for all procurements
21 pursuant to this Code.

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/Art. 54 heading new)

24 ARTICLE 54. FOOD PROCUREMENT

1 (30 ILCS 500/54-5 new)

2 Sec. 54-5. Applicability. All State agencies and
3 State-owned facility food contracts, including public
4 institutions of higher education, shall be procured in
5 accordance with the provisions of this Article.

6 (30 ILCS 500/54-10 new)

7 Sec. 54-10. Authority. State agency purchasing officers
8 and State-owned facility purchasing officers shall have the
9 authority to procure food.

10 (30 ILCS 500/54-15 new)

11 Sec. 54-15. Method of source selection. All State agency
12 and State-owned facility food contracts shall be awarded by a
13 competitive sealed proposal process in accordance with Section
14 20-15 of this Code.

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

18 (30 ILCS 595/1)

19 Sec. 1. Short title. This Act may be cited as the "Local
20 Food, Farms, and Jobs Act". This Act may be referred to as the
21 Good Food Purchasing Law.

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

2 (30 ILCS 595/5)

3 Sec. 5. Definitions. As used in this Act:

4 "Good food purchasing core values" means procurement based
5 on all of the following criteria:

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 that are
9 operated as not-for-profits and that are located within
10 (i) a 250-mile radius of the location where the food will
11 be consumed for food other than meat, poultry, or seafood
12 or (ii) a 500-mile radius of the location where the food
13 will be consumed for meat, poultry, or seafood;

14 (2) prioritizing suppliers who are entrepreneurs of
15 color and community members who are most impacted by
16 current and historic economic marginalization, barriers to
17 leveraging institutional buying power, and a lack of
18 infrastructure, financial resources, staff time, and land;

19 (3) supporting community members, food producers, and
20 food workers who have experienced negative systemic social
21 or economic impacts and building partnerships with those
22 community members to ensure that food products and menus
23 reflect the interests and cultures of everyone they serve;

24 (4) identifying pathways for purchasing from small and
25 community-based suppliers for products that cannot be

1 grown or harvested within the mileage limitations set
2 forth in item (1), such as seafood, coffee, cocoa, and
3 sugar;

4 (5) prioritizing suppliers that consider: (A)
5 community health and universal rights to clean air and
6 water; (B) reduction or elimination of synthetic
7 pesticides and fertilizers; (C) improved soil health and
8 carbon sequestration; (D) reduced fossil fuel energy
9 inputs and protection of water resources; (E) biodiversity
10 and ecological resilience; (F) food waste reduction; (vii)
11 greenhouse gas emission reduction; and (G) reduction or
12 elimination of single-use plastics and other
13 resource-intensive packaging and reduction of the carbon
14 and water footprint of food purchases;

15 (6) prioritizing producers and vendors that: (A)
16 comply with labor laws, including minimum wage laws,
17 through contractual requirements and enforcement; (B)
18 honor the right to freedom of association; (C) provide
19 workers with the ability to organize a union and to
20 bargain collectively, free from reprisal, for livable
21 wages and safe and healthy working conditions; (D) uphold
22 and implement workers' rights principles; and (E)
23 implement cooperative ownership, democratic
24 decision-making, and migrant, racial, and gender justice;

25 (7) prioritizing sourcing from farms and ranches that
26 provide healthy and more humane conditions for farm

1 animals throughout the lives of the animals through
2 nutrition, physical environments that provide animals with
3 enough space and enrichments to carry out their natural
4 behaviors, pain control and responsible therapeutic
5 antibiotic use, and humane handling, transport, and
6 slaughter;

7 (8) promoting community health, nutrition, equitable
8 access, and food sovereignty by prioritizing high-quality
9 and culturally-relevant whole or minimally processed
10 foods, including vegetables, fruit, and whole grains, and
11 plant-forward meals; preservation methods such as canning
12 and bottling using oils, sugar, or salt are not permitted;
13 and

14 (9) in general, prioritizing products that are
15 certified under certifications currently endorsed by the
16 Center for Good Food Purchasing.

17 "Good food purchasing equity, accountability, and
18 transparency" means:

19 (1) having or developing a supplier or vendor
20 diversification plan with goals that include reporting and
21 accountability measures; measures should be disaggregated
22 by demographic group, including race and gender;

23 (2) planning implementation that prioritizes purchases
24 and addresses barriers to entry for suppliers who have
25 experienced negative systemic social or economic impacts
26 including, but not limited to, women, veterans, persons

1 with disabilities, and especially people of color, across
2 all supply chains and to the greatest extent possible;

3 (3) sharing purchasing data, assessments, purchasing
4 targets, and implementation plans in a publicly accessible
5 location, including online, with community members to
6 facilitate engagement and transparency;

7 (4) engaging with community members, including, but
8 not limited to, people served by meal programs, food
9 service workers, constituents, and local food businesses,
10 in informing values-based purchasing decisions and
11 processes;

12 (5) developing and implementing comprehensive
13 institutional policies that reflect community needs and
14 values and prioritize transparency, racial equity, local
15 economies, environmental sustainability, valued
16 workforce, animal welfare, and community health and
17 nutrition within their operations and food procurement;
18 and

19 (6) ensuring that institutional policies are embedded
20 in agreements for contracted food services and that
21 mechanisms are developed to ensure compliance and
22 accountability through reporting and active contract
23 management.

24 "Minimally processed foods" means foods that are unaltered
25 or slightly altered from the food's natural state through such
26 processes as removal of inedible or unwanted parts, drying,

1 powdering, squeezing, crushing, grinding, fractioning,
2 steaming, poaching, boiling, roasting, pasteurization,
3 chilling, freezing, placing in containers, vacuum packaging,
4 nonalcoholic fermentation, and other methods that do not add
5 to the original food, salt, sugar oils or fats, or food
6 substances, other than additives that prolong product
7 duration, protect original properties, or prevent
8 proliferation of microorganisms. "Minimally processed foods"
9 include, but are not limited to, whole grains or flours; fresh
10 or frozen fruits and vegetables; meat, poultry, fish, and
11 seafood, whole or in the form of steaks, fillets, and other
12 cuts; fresh or pasteurized milk, eggs, fresh or pasteurized
13 plain yogurt, legumes, and nuts and seeds. "Minimally
14 processed foods" also includes foods made of 2 or more items in
15 this group, such as dried mixed fruits, and foods with
16 vitamins and minerals generally added to replace nutrients
17 lost during minimal processing, such as flour fortified with
18 iron and folic acid.

19 ~~"Local farm or food products" are products: (1) grown in~~
20 ~~Illinois; or (2) processed and packaged in Illinois, using at~~
21 ~~least one ingredient grown in Illinois.~~

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

23 (30 ILCS 595/12 new)

24 Sec. 12. Good food purchasing.

25 (a) No later than one year after the effective date of this

1 amendatory Act of the 103rd General Assembly, each State
2 agency and State-owned facility that purchases food,
3 including, without limitation, facilities for persons with
4 mental health and developmental disabilities, correctional
5 facilities, and public institutions of higher education,
6 including community colleges, shall have a timely plan for
7 undergoing a good food purchasing baseline assessment,
8 conducted by a national organization equipped to conduct such
9 an assessment, to determine current alignment with good food
10 purchasing core values and good food purchasing equity,
11 transparency, and accountability and to ascertain how to
12 better meet the good food purchasing core values and good food
13 purchasing equity, transparency, and accountability.

14 (b) No later than one year after completion of the
15 baseline assessment under subsection (a), each State agency
16 and State-owned facility shall develop and adopt a multi-year
17 action plan with benchmarks to align food purchasing processes
18 with good food purchasing equity, transparency, and
19 accountability and food purchases with good food purchasing
20 core values.

21 (c) Upon adoption of the multi-year action plan required
22 under subsection (b) of this Section, each State agency and
23 State-owned facility shall procure food under Section 20-15 of
24 the Illinois Procurement Code.

25 (d) The year after completing the multi-year action plan
26 and each year thereafter, each State agency and State-owned

1 facility shall undergo a good food purchasing assessment and
2 update its multi-year action plan to annually increase the
3 procurement of food that meets the good food purchasing core
4 values and good food purchasing equity, transparency, and
5 accountability.

6 (e) To meet the goals set forth in this Section, when a
7 State contract for purchase of food is to be awarded to the
8 lowest responsible bidder or proposer, an otherwise qualified
9 bidder or proposer who will fulfill the contract through the
10 use of food that aligns with Good Food Purchasing core values
11 may be given preference over other bidders or proposers.

12 (f) To facilitate reporting required under this Section,
13 all State agencies and State-owned facilities that purchase
14 food shall include in all invitations for bids, requests for
15 proposals, and contracts a requirement for vendor
16 data-sharing, including, but not limited to, product types,
17 quantities, sizes, prices, origin, processors, and
18 distributors.

19 (g) On each January 1 following adoption of a multi-year
20 action plan, each State agency and State-owned facility that
21 purchases food shall publish in its procurement bulletin and
22 on its website notice of its purchases of food in the
23 immediately preceding fiscal year, its good food purchasing
24 baseline and annual assessments, and its multi-year action
25 plan.

26 (h) Under the procedures laid out in under subsection (h)

1 of Section 5-5 of the Illinois Procurement Code, the
2 Procurement Policy Board may review a proposal, bid, or
3 contract and issue a recommendation to void a contract or
4 reject a proposal or bid based on a vendor, proposer or
5 bidder's current violation or history of violation of federal,
6 State, or local law, including, but not limited to, federal
7 labor laws under Title 29 of the United States Code and the
8 Minimum Wage Law.

9 (30 ILCS 595/35 new)

10 Sec. 35. Good Food Purchasing Task Force.

11 (a) The Good Food Purchasing Task Force created by House
12 Joint Resolution 33 adopted in the 102nd General Assembly is
13 reestablished and shall continue with its study of current
14 procurement of food within the State and to explore how good
15 food purchasing can be implemented to maximize the procurement
16 of healthy foods that are sustainably, locally, and equitably
17 sourced.

18 (b) Any action taken in reliance on House Joint Resolution
19 33 of the 102nd General Assembly after January 1, 2023 by any
20 person or entity is hereby validated.

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

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

24 (2) the Speaker of the House of Representatives or his
25 or her designee;

1 (3) the Minority Leader of the House of
2 Representatives or his or her designee;

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

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

5 (6) one member nominated by a statewide local food
6 advocacy organization and appointed by the Lieutenant
7 Governor;

8 (7) one member nominated by a national multi-sector
9 food advocacy organization and appointed by the Lieutenant
10 Governor;

11 (8) one member nominated by a Chicago-based food
12 advocacy organization and appointed by the Lieutenant
13 Governor;

14 (9) one member nominated by a statewide environmental
15 advocacy organization and appointed by the Lieutenant
16 Governor;

17 (10) one member nominated by a statewide labor
18 organization that represents food workers and appointed by
19 the Lieutenant Governor;

20 (11) one member nominated by a national farm-animal
21 welfare organization and appointed by the Lieutenant
22 Governor;

23 (12) the Director of Commerce and Economic Opportunity
24 or his or her designee;

25 (13) the Director of the Environmental Protection
26 Agency or his or her designee;

1 (14) the Director of Public Health or his or her
2 designee;

3 (15) the Director of Natural Resources or his or her
4 designee;

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

7 (17) the Chief Procurement Officer for Higher
8 Education or his or her designee;

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

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

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

15 (21) the Chief Procurement Officer for Central
16 Management Services or his or her designee;

17 (22) the Director of the Department of Agriculture or
18 his or her designee; and

19 (23) one member nominated by a statewide organization
20 that advocates for healthy nutrition and appointed by
21 Lieutenant Governor.

22 Members of the Task Force shall serve without
23 compensation. The Task Force members shall select a
24 chairperson at the first meeting of the Task Force. Any member
25 appointed under House Joint Resolution 33 of the 102nd General
26 Assembly who was a member of the Task Force at the end of the

1 102nd General Assembly shall continue to serve on the Task
2 Force until the appointed member resigns or is otherwise
3 removed from the Task Force.

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

6 (e) The task force shall submit its interim report to the
7 Governor and General Assembly no later than July 1, 2025 and
8 its final report to the Governor and General Assembly no later
9 than July 1, 2026. Following submission of the final report,
10 the Task Force shall continue to meet to monitor and support
11 implementation of this Act.

12 (30 ILCS 595/10 rep.)

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

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

17 (410 ILCS 625/4)

18 Sec. 4. Cottage food operation.

19 (a) For the purpose of this Section:

20 A food is "acidified" if: (i) acid or acid ingredients are
21 added to it to produce a final equilibrium pH of 4.6 or below;
22 or (ii) it is fermented to produce a final equilibrium pH of
23 4.6 or below.

1 "Canned food" means food that has been heat processed
2 sufficiently under United States Department of Agriculture
3 guidelines to enable storing the food at normal home
4 temperatures.

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

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

15 "Department" means the Department of Public Health.

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

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

23 "Leafy greens" includes iceberg lettuce; romaine lettuce;
24 leaf lettuce; butter lettuce; baby leaf lettuce, such as
25 immature lettuce or leafy greens; escarole; endive; spring
26 mix; spinach; cabbage; kale; arugula; and chard. "Leafy

1 greens" does not include microgreens or herbs such as cilantro
2 or parsley.

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

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

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

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

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

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

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

25 (1) (Blank).

26 (1.3) A cottage food operation must register with the

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

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

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

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

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

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

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

24 (F) low-acid canned foods;

25 (G) sprouts;

26 (H) cut leafy greens, except for cut leafy greens

1 that are dehydrated, acidified, or blanched and
2 frozen;

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

4 (J) dehydrated tomato or melon;

5 (K) frozen cut melon;

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

7 (M) alcoholic beverages; or

8 (N) kombucha.

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

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

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

1 (2) In order to sell a fermented or acidified food, a
2 cottage food operation shall either:

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

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

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

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

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

26 (4) In order to sell a baked good with cheese, a local

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

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

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

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

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

24 (B) the identifying registration number provided
25 by the local health department on the certificate of
26 registration and the name of the municipality or

1 county in which the registration was filed;

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

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

7 (E) the following phrase in prominent lettering:

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

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

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

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

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

1 shall be provided to the purchaser.

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

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

15 (A) farmers' markets;

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

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

25 (D) delivery to the customer; and

26 (E) pickup from a third-party private property

1 with the consent of the third-party property holder.

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

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

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

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

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

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

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

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

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

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

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

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

1 equipment.

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

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

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

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