



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2212

Introduced 2/10/2023, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

410 ILCS 620/3.15

from Ch. 56 1/2, par. 503.15

Amends the Illinois Food, Drug and Cosmetic Act. In provisions allowing the filling or refilling of personal containers with bulk food, refers to restaurants and retailers (rather than just retailers). Allows restaurants and retailers to fill or refill a consumer-owned container with ready-made food. Allows clean consumer-owned containers provided or returned to a restaurant or retailer for filling or refilling to be filled or refilled and returned to the same consumer if the consumer-owned container is filled or refilled by either an employee of the restaurant or retailer or the owner of the consumer-owned container. Requires filled or refilled consumer-owned containers to be designed and constructed for reuse in accordance with specified federal requirements. Contains requirements for restaurants and retailers. Directs the Department of Public Health to produce materials for restaurants and retailers on or before January 1, 2024 indicating that consumer-owned containers are not prohibited for use under Illinois law and specifying best practices for food safety requirements for consumer-owned containers. Effective immediately.

LRB103 25567 CPF 51916 b

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 Illinois Food, Drug and Cosmetic Act is
5 amended by changing Section 3.15 as follows:

6 (410 ILCS 620/3.15) (from Ch. 56 1/2, par. 503.15)

7 Sec. 3.15. To offer for sale any bulk food in a manner
8 other than to prevent direct handling of such items by the
9 consumer. This Section shall not prohibit self-service by
10 consumers provided that the dispensers utilized prevent the
11 direct handling of such foods and that take-home containers,
12 including bags, cups, and lids, provided for consumer use are
13 cleaned, stored, and dispensed in a sanitary manner.

14 A restaurant or retailer may allow a consumer to fill or
15 refill a consumer-owned ~~personal~~ container with bulk food if
16 the dispensers used prevent the direct handling of the bulk
17 food. A restaurant or retailer may fill or refill a
18 consumer-owned container with ready-made food. Consumer-owned
19 ~~Personal~~ containers used for this purpose shall be clean and
20 sanitary.

21 Except as provided under Part 750 of Title 77 of the
22 Illinois Administrative Code, county health departments and
23 municipalities shall not prohibit (1) the ability of a

1 retailer to allow a consumer to fill or refill a
2 consumer-owned personal container with bulk food if the
3 dispensers used prevent the direct handling of the bulk food
4 and the consumer-owned ~~personal~~ containers used are clean and
5 sanitary or (2) the ability of a restaurant or retailer to fill
6 or refill a consumer-owned container with ready-made food.

7 Clean consumer-owned containers provided or returned to a
8 restaurant or retailer for filling or refilling may be filled
9 or refilled and returned to the same consumer if the
10 consumer-owned container is filled or refilled by either an
11 employee of the restaurant or retailer or the owner of the
12 consumer-owned container.

13 A consumer-owned container that is filled or refilled
14 under this Section shall be designed and constructed for reuse
15 in accordance with Section 3-304.17(B)(1) of the 2017 Food
16 Code published by the U.S. Food and Drug Administration.
17 Consumer-owned containers that are not food-specific may be
18 filled or refilled at a beverage vending machine or system.

19 A restaurant or retailer shall:

20 (1) either isolate the consumer-owned container from
21 the serving surface or sanitize the serving surface after
22 each filling or refilling, except for bulk food if the
23 dispensers used prevent the direct handling of the bulk
24 food;

25 (2) prepare, maintain, and adhere to written
26 procedures to prevent cross-contamination and make the

1 written procedures available to the Department of Public
2 Health upon request or at the time of an inspection; and
3 (3) ensure compliance with any handwashing
4 requirements.

5 On or before January 1, 2024, the Department of Public
6 Health shall produce materials for restaurants and retailers,
7 to be made available electronically or in print format,
8 indicating that consumer-owned containers are not prohibited
9 for use under Illinois law and specifying best practices for
10 food safety requirements for consumer-owned containers,
11 including, but not limited to, sanitation practices,
12 procedures to prevent cross-contamination, and handwashing
13 requirements.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.