



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3977

Introduced 1/6/2011, by Sen. David Luechtefeld

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.3 new

Amends the Food Handling Regulation Enforcement Act. Provides that a city, county, or other local unit of government shall not adopt or enforce licensing ordinances or regulations for persons regulated under the provisions concerning farmers' markets. Provides that by July 1, 2011, the Director of Public Health in accordance with the provisions concerning farmers' markets shall adopt rules and regulatory guidelines for foods often found at farmers' markets and other food events. Provides that operators of stands and concessions who wish to sell products other than fresh, uncut, and unprocessed produce must contact each local health department in the region in which they will be operating to obtain specific requirements. Sets forth provisions concerning the transportation and delivery of food and food equipment. Sets forth provisions concerning specific food items. Effective immediately.

LRB096 24722 RPM 44744 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

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

4 Section 5. The Food Handling Regulation Enforcement Act is
5 amended by adding Section 3.3 as follows:

6 (410 ILCS 625/3.3 new)

7 Sec. 3.3. Farmers' markets.

8 (a) For the purposes of this Section, "farmers' markets"
9 means publicly held markets in which locally produced
10 agricultural products are to be bought and sold.

11 (b) A city, county, or other unit of local government shall
12 not adopt or enforce licensing ordinances or regulations for
13 persons regulated under this Section.

14 (c) By July 1, 2011, the Director of Public Health, in
15 accordance with this Section, shall adopt rules and regulatory
16 guidelines for foods often found at farmers' markets and other
17 food events. These foods shall include, but not be limited to,
18 raw agricultural products, including fresh fruits and
19 vegetables; popcorn, grains, seeds, beans, and nuts that are
20 whole, unprocessed, unpackaged, and unsprouted; fresh herb
21 springs and dried herbs in bunches; baked goods sold at
22 farmers' markets; cut fruits and vegetables; milk and cheese
23 products; ice cream; syrups; wild and cultivated mushrooms;

1 apple cider and other fruit and vegetable juices; herb vinegar;
2 garlic-in-oil; flavored oils; pickles, relishes, salsas, and
3 other canned items; shell eggs; meat and poultry; fish; and
4 commercially produced prepackaged food products.

5 (d) Local regulations may be applied to foods not often
6 found at farmers' markets and any other food products not
7 regulated by the Director pursuant to subsection (c) of this
8 Section as well as live animals to be sold at farmers' markets.

9 (e) Operators of stands and concessions who wish to sell
10 products other than fresh, uncut, and unprocessed produce must
11 contact each local health department in the region in which
12 they will be operating to obtain specific requirements,
13 including necessary inspection, food permits, and licenses.
14 Fresh, whole, uncut, and unprocessed produce, such as produce
15 described in the Farm Products Marketing Act, is exempt from
16 inspections and licensing fees.

17 (f) The following foods are prohibited from sale or
18 distribution at farmers' markets: raw milk or any dairy
19 products made with raw milk; home-butchered meat, poultry, or
20 wild game animals; home-canned foods; home vacuum-packaged
21 products; sandwiches prepared at home; and ice cream made in an
22 uninspected facility.

23 (g) During transportation and delivery, food and food
24 equipment must be protected from insects, flies, animals, dust
25 and dirt, unnecessary handling, chemicals, and other
26 contamination. Delivery vehicles or other equipment used for

1 such transportation must be constructed so as to be easily
2 cleanable.

3 (h) The operator of each stand or sales area is responsible
4 for maintaining the stand or sales area in a neat, clean, and
5 sanitary condition. An adequate number of tightly covered waste
6 containers must be provided for disposal of garbage and refuse.
7 These containers must be stored to eliminate the potential for
8 contamination of any food products. At the close of each
9 business day, each vendor shall clean their stand and
10 surrounding area.

11 (i) Any prepared, processed, baked, or cut food must be
12 packaged or wrapped for protection and have the required
13 labeling. Food on display in open air markets must be
14 adequately protected from incidental public handling, dirt,
15 and other contamination. Food must be stored off the ground and
16 off the floor. Any wrapping or container for prepared,
17 processed, baked, or cut food must be constructed of safe,
18 non-toxic, and food-grade materials. Food products must be
19 enclosed and protected from pests overnight.

20 (j) Non-potentially hazardous foods may be prepared in
21 non-inspected kitchens, provided the products are sold or
22 distributed on an occasional basis and not as routine business.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.