



Sen. Kyle McCarter

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LRB098 19952 RPM 59961 a

1 AMENDMENT TO HOUSE BILL 5354

2 AMENDMENT NO. _____. Amend House Bill 5354, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Food Handling Regulation Enforcement Act is
6 amended by adding Section 3.4 as follows:

7 (410 ILCS 625/3.4 new)

8 Sec. 3.4. Home kitchen operation.

9 (a) For the purpose of this Section, "home kitchen
10 operation" means a person who produces non-potentially
11 hazardous food in a kitchen of that person's primary domestic
12 residence for direct sale by the owner or a family member.

13 (b) Notwithstanding any other provision of law and except
14 as provided in subsections (c), (d), and (e) of this Section,
15 neither the Department of Public Health nor the Department of
16 Agriculture nor the health department of a unit of local

1 government may regulate the service of food by a home kitchen
2 operation providing that all of the following conditions are
3 met:

4 (1) Monthly gross sales do not exceed \$1,000.

5 (2) The food is a non-potentially hazardous baked food,
6 as defined in Section 4 of this Act.

7 (3) A written notice is provided to the purchaser that
8 the product was produced in a home kitchen.

9 (4) The non-potentially hazardous baked food packaging
10 conforms to the labeling requirements of the Illinois Food,
11 Drug and Cosmetic Act and includes the following
12 information on the label of each of its products:

13 (A) the name and address of the home kitchen
14 operation;

15 (B) the common or usual name of the food product;

16 (C) all ingredients of the food product, including
17 any colors, artificial flavors, and preservatives,
18 listed in descending order by predominance of weight
19 shown with common or usual names;

20 (D) the following phrase: "This product was
21 produced in a home kitchen not subject to public health
22 inspection that may also process common food
23 allergens.";

24 (E) the date the product was processed; and

25 (F) allergen labeling as specified in federal
26 labeling requirements.

1 (5) The person preparing and selling products or the
2 person providing supervisory and management responsibility
3 for product preparation and sales as a home kitchen
4 operation has a Department of Public Health approved Food
5 Service Sanitation Management Certificate.

6 (6) The certified food service sanitation manager of
7 the home kitchen operation shall register with the
8 State-certified local public health department, which may
9 include a reasonable fee set by the State-certified local
10 public health department that is no greater than \$25.

11 (c) Home kitchen operations with gross sales of less than
12 \$250 per month shall be exempt from the provisions of
13 subsection (b) of this Section.

14 (d) The Department of Public Health or the health
15 department of a unit of local government may inspect a home
16 kitchen operation in the event of a complaint or disease
17 outbreak.

18 (e) The provision for direct sales in this Section applies
19 only to a home kitchen operation located in a municipality,
20 township, or county where the local governing body has adopted
21 an ordinance authorizing the direct sale of baked goods as
22 described in Section 4 of this Act.

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