

AN ACT concerning health.

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

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

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

Sec. 3.15. To offer for sale any bulk food in a manner other than to prevent direct handling of such items by the consumer. This Section shall not prohibit self-service by consumers provided that the dispensers utilized prevent the direct handling of such foods and provided further that the take-home containers, including bags, cups, and lids, are maintained clean, sanitary, and free from debris, smooth, durable, and easy-to-clean, and are not capable of causing, through cleanliness or design, conditions that may cause or spread disease ~~provided for consumer use are cleaned, stored, and dispensed in a sanitary manner.~~

A restaurant or retailer may allow a consumer to fill or refill a consumer-owned ~~personal~~ container with bulk food if the dispensers used prevent the direct handling of the bulk food. A restaurant or retailer may fill or refill a consumer-owned container with ready-to-eat or dry bulk foods. ~~Personal containers used for this purpose shall be clean and~~

~~sanitary.~~

Except as provided under Part 750 of Title 77 of the Illinois Administrative Code, county health departments and municipalities may regulate but shall not prohibit (1) the ability of a retailer to allow a consumer to fill or refill a consumer-owned personal container with bulk food if the dispensers used prevent the direct handling of the bulk food or (2) the ability of a restaurant or retailer to fill or refill a consumer-owned container with ready-to-eat or dry bulk foods ~~and the personal containers used are clean and sanitary.~~

Clean consumer-owned containers provided or returned to a restaurant or retailer for filling or refilling may be filled or refilled and returned to the same consumer if the consumer-owned container is filled or refilled by either (i) an employee of the restaurant or retailer or (ii) the owner of the consumer-owned container.

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

A restaurant or retailer shall:

(1) either isolate the consumer-owned container from the serving surface or clean and sanitize the serving

surface after each filling or refilling, except for bulk food if the dispensers used prevent the direct handling of the bulk food;

(2) prepare, maintain, and adhere to written procedures to prevent cross-contamination and make the written procedures available to the local health department or municipality upon request or at the time of an inspection; and

(3) ensure compliance with any handwashing requirements.

On or before January 1, 2024, the Department of Public Health shall produce materials for restaurants and retailers, to be made available electronically, 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, including, but not limited to, sanitation practices, procedures to prevent cross-contamination, and handwashing requirements. The Department of Public Health may adopt administrative rules necessary to implement, interpret, and administer the provisions of this Section.

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

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