



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1600

Introduced 1/28/2025, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

410 ILCS 620/16.10 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that a full-service restaurant or quick-service restaurant shall not provide single-use plastic disposable foodware items to a consumer ordering or purchasing dine-in food unless requested by the consumer and that plastic drinking straws must be provided when specifically requested. Provides that single-use plastic disposable foodware items that are provided may not be packaged in plastic. Provides that a food dispensing establishment or takeout food delivery service must provide options for a customer to request disposable foodware items separate from the customer's order, with certain requirements. Provides that a full-service restaurant or quick-service restaurant offering condiments may use dispensers rather than prepackaged disposable condiment packets. Provides that a full-service restaurant or quick-service restaurant must post a sign indicating that single-use plastic disposable foodware will be made available upon request or at a self serve station. Provides that a full-service restaurant or quick-service restaurant may make single-use plastic straws available to customers ordering or purchasing dine-in food by making available dispensers or certain other means if a sign is posted encouraging the reduction of the use single-use plastics. Provides for a civil penalty of \$25, after a first notice of violation, for each day a full-service restaurant or quick-service restaurant is in violation, paid to the Department of Public Health. Defines terms. Effective January 1, 2026.

LRB104 06168 BDA 16202 b

1 AN ACT concerning safety.

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 adding Section 16.10 as follows:

6 (410 ILCS 620/16.10 new)

7 Sec. 16.10. Single-use plastic disposable foodware.

8 (a) In this Section:

9 "Compostable material" means products or materials that  
10 will completely break down into organic matter within 180 days  
11 and will be consumed by microorganisms present in the compost  
12 at the same rate as natural materials.

13 "Department" means the Department of Public Health.

14 "Dine-in" means food and beverages that are intended to be  
15 consumed on the premises of a full-service restaurant or  
16 quick-service restaurant.

17 "Disposable cup" means a beverage cup designed for a  
18 single use to serve beverages, including, but not limited to,  
19 water, cold drinks, hot drinks, and alcoholic beverages.

20 "Disposable foodware" means containers, bowls, plates,  
21 trays, cartons, cups, lids, forks, spoons, knives, napkins,  
22 and other items that are designed for one-time use for  
23 beverages, prepared food, or leftovers from meals prepared by

1 a food dispensing establishment. "Disposable foodware" does  
2 not include items composed entirely of aluminum.

3 "Expanded polystyrene" means blown polystyrene and  
4 expanded and extruded foams that are thermoplastic  
5 petrochemical materials utilizing a styrene monomer and  
6 processed by multiple techniques, including, but not limited  
7 to, fusion of polymer spheres, expanded bead polystyrene,  
8 injection molding, foam molding, extrusion-blow molding, and  
9 extruded foam polystyrene.

10 "Expanded polystyrene food service products" means food  
11 containers, plates, hot and cold beverage cups, meat and  
12 vegetable trays, egg cartons, and other products made of  
13 expanded polystyrene and used for selling or providing food.

14 "Full-service restaurant" means a food dispensing  
15 establishment with the primary business purpose of serving  
16 food, where food may be consumed on the premises and where :

17 (1) A consumer is escorted or assigned to an assigned  
18 eating area. The employee may choose the assigned eating  
19 area or may seat the consumer according to the consumer's  
20 need for accommodation or other request.

21 (2) A consumer's food and beverage orders are taken  
22 after the consumer has been seated at the assigned seating  
23 area.

24 (3) Food and beverage orders are delivered directly to  
25 the consumer.

26 (4) Any requested items associated with a consumer's

1 food or beverage order are brought to the consumer.

2 (5) The check is delivered directly to the consumer at  
3 the assigned eating area.

4 "Prepared food" means foods or beverages that are prepared  
5 and served by a food dispensing establishment on the licensed  
6 premises by cooking, chopping, slicing, mixing, freezing,  
7 squeezing, or other processing and which require no further  
8 preparation for human consumption. "Prepared food" does not  
9 include raw, uncooked whole fruits or vegetables that are not  
10 chopped, squeezed, or mixed, or raw uncooked meat products.

11 "Quick-service restaurant" means a food dispensing  
12 establishment that has minimal table service and makes food  
13 available upon order and pick up from a vehicle.

14 "Reusable foodware" means plates, bowls, cups, trays,  
15 glasses, stirrers, condiment cups, utensils, and other  
16 foodware that is:

17 (1) manufactured from durable materials;

18 (2) specifically designed and manufactured to be  
19 washed, sanitized, and used repeatedly over an extended  
20 period of time; and

21 (3) safe for washing and sanitizing according to  
22 applicable regulations.

23 "Single-use plastic disposable foodware" means any  
24 disposable foodware item, including, but not limited to, all  
25 of the following: stirrers, napkins, and utensils; condiment  
26 cups and packets; cup sleeves, tops, lids, and spill plugs;

1 and other similar accessory or accompanying disposable  
2 foodware items used as part of food or beverage service or  
3 packaging.

4 "Takeout food" means prepared food that is purchased to be  
5 consumed off the licensed premises of a food dispensing  
6 establishment. "Takeout food" includes, but is not limited to,  
7 prepared food carried out by a customer or delivered by a food  
8 dispensing establishment or a takeout food delivery service.

9 "Takeout food delivery service" means a third-party  
10 delivery service that picks up takeout food from a food  
11 dispensing establishment and delivers it to a customer for  
12 consumption off of the licensed premises.

13 (b) A full-service restaurant or quick-service restaurant  
14 shall not provide single-use plastic disposable foodware items  
15 to a consumer ordering or purchasing dine-in food unless  
16 requested by the consumer. Plastic drinking straws must be  
17 provided when specifically requested.

18 (c) Single-use plastic disposable foodware items provided  
19 when requested by customers may not be packaged in plastic.

20 (d) A food dispensing establishment or takeout food  
21 delivery service must provide options for a customer to  
22 affirmatively request accessory disposable foodware items  
23 separate from the customer's order for a food or beverage  
24 across all ordering or point of sale platforms, including, but  
25 not limited to, the Internet, a smartphone application, other  
26 digital platforms, by telephone, and in person.

1       (e) A full-service restaurant or quick-service restaurant  
2 offering condiments may use dispensers rather than prepackaged  
3 disposable condiment packets.

4       (f) A full-service restaurant or quick-service restaurant  
5 must post a sign indicating that single-use plastic disposable  
6 foodware will be made available to the customer upon request  
7 or at a self serve station.

8       (g) Nothing in this Section prohibits a full-service  
9 restaurant or quick-service restaurant from making single-use  
10 plastic straws available to customers ordering or purchasing  
11 dine-in food by making available cylinders, dispensers,  
12 containers, or any other means of allowing for single-use  
13 plastic straws to be obtained at the affirmative volition of  
14 the customer if a sign is posted encouraging the customer to  
15 reduce the use of single-use plastics.

16       (h) The first violation of this Section shall result in a  
17 notice of violation, and any subsequent violation shall be  
18 punishable by a civil penalty of \$25 for each day a  
19 full-service restaurant or quick-service restaurant is in  
20 violation of this Section. All civil penalties collected under  
21 this Section shall be paid to the Department.

22       Section 99. Effective date. This Act takes effect January  
23 1, 2026.