



Rep. Jennifer Gong-Gershowitz

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10400HB1600ham002

LRB104 06168 BDA 24471 a

1 AMENDMENT TO HOUSE BILL 1600

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1600, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Single-Use Plastic Foodware Reduction Act.

7 Section 5. Definitions. As used in this Act:

8 "Drive-through window" means any service window, automated  
9 device or other facility that provides goods or services to  
10 individuals in a motor vehicle.

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

14 (1) a consumer is escorted or assigned to an assigned  
15 eating area; the employee may choose the assigned eating  
16 area or may seat the consumer according to the consumer's

1 need for accommodation or other request;

2 (2) a consumer's food and beverage orders are taken  
3 after the consumer has been seated at the assigned seating  
4 area;

5 (3) food and beverage orders are delivered directly to  
6 the consumer;

7 (4) any requested items associated with a consumer's  
8 food or beverage order are brought to the consumer; and

9 (5) the check is delivered directly to the consumer at  
10 the assigned eating area.

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

14 "Restaurant" means a full-service restaurant or  
15 quick-service restaurant.

16 "Single-use foodware" means any eating utensil or other  
17 item to be used as part of food or beverage service that is  
18 designed and intended by the manufacturer for only one usage  
19 before being discarded, including forks, spoons, sporks,  
20 knives, chopsticks, other eating utensils, stirrers, drink  
21 stoppers, splash sticks, cocktail sticks, toothpicks, napkins,  
22 wet-wipes, cup sleeves, beverage trays, disposable plates, and  
23 condiment packets.

24 "Single-use foodware" does not include straws, beverage  
25 lids, or items used to contain or package food or beverages for  
26 delivery.

1 "Takeout" means prepared food purchased from a restaurant  
2 to be consumed at another location. "Third-party food delivery  
3 platform" means a business engaged in the service of online  
4 food ordering and delivery from a restaurant to a consumer.

5 "Third-party food delivery platform" does not include any  
6 individual that is directly or indirectly employed by the  
7 restaurant and makes deliveries on behalf of a restaurant.

8 "Third-party online ordering platform" means a website or  
9 application that connects customers with restaurants for  
10 ordering food online. "Third-party online ordering platform"  
11 does not include an application or website owned and operated  
12 by a restaurant.

13 Section 10. Single-use foodware request.

14 (a) A third-party food delivery platform shall provide a  
15 consumer with the option to request single-use foodware when a  
16 consumer purchases food or beverages from a restaurant through  
17 the third-party food delivery platform.

18 (b) A third-party online ordering platform shall provide  
19 consumers with the option to request single-use foodware when  
20 a consumer purchases food or beverages from a restaurant for  
21 takeout through the third-party online ordering platform.

22 (c) If a restaurant uses a third-party food delivery  
23 platform to provide food or beverages to a consumer by  
24 delivery, or a third-party online ordering platform to provide  
25 food or beverages to a consumer for takeout, the restaurant

1 shall provide single-use foodware to the consumer only upon  
2 the request of the consumer through the third-party food  
3 delivery platform or the third-party online ordering platform.

4 (d) This Section shall not apply to: (i) single-use  
5 foodware necessary to address safety concerns, such as lids,  
6 drink stoppers, beverage trays, and cup sleeves for beverages  
7 served at an average temperature in excess of 170 degrees  
8 Fahrenheit; (ii) an automatic food vending machine; (iii) any  
9 single-use foodware that is prepackaged with or attached to  
10 any food or beverage products by the manufacturer prior to  
11 receipt by the restaurant; (iv) any charitable food dispensing  
12 establishment; (v) restaurants located within Chicago O'Hare  
13 International Airport or Chicago Midway International Airport;  
14 or (vi) single-use foodware provided in connection with any  
15 food or beverage order fulfilled at a drive-through window.

16 Section 15. Enforcement.

17 (a) A person who violates any provision of this Act shall  
18 receive a notice of violation for the first offense, and any  
19 subsequent violation shall be punishable by a civil penalty of  
20 no more than \$25 per day. No restaurant, third-party food  
21 delivery platform, or third-party online food ordering  
22 platform shall be fined in excess of \$250 per year for  
23 violations under this Section.

24 (b) Any violation of this Act may be enforced by the  
25 Attorney General or the State's Attorney of the county in

1 which the violation occurs. The penalties provided for in  
2 subsection (a) may be recovered in a civil action brought in  
3 the name of the people of the State of Illinois by the State's  
4 Attorney of the county in which the violation occurred or by  
5 the Attorney General. Any penalties collected under this  
6 Section in an action in which the Attorney General has  
7 prevailed shall be deposited into the Environmental Protection  
8 Trust Fund, to be used in accordance with the provisions of the  
9 Environmental Protection Trust Fund Act. The Attorney General  
10 or the State's Attorney of a county in which a violation occurs  
11 may institute a civil action for an injunction, prohibitory or  
12 mandatory, to restrain violations of this Act or to require  
13 such actions as may be necessary to address violations of this  
14 Act.

15 (c) The penalties and injunctions provided in this Act are  
16 in addition to any penalties, injunctions, or other relief  
17 provided under any other law. Nothing in this Act bars a cause  
18 of action by the State for any other penalty, injunction, or  
19 other relief provided by any other law.

20 Section 20. Regulation of single-use foodware; home rule.  
21 A municipality or county, including a home rule unit, may not  
22 regulate the use of single-use foodware by a restaurant,  
23 third-party food delivery platform, third-party online food  
24 ordering platform, or consumer. This Section is a denial and  
25 limitation of home rule powers and functions under subsection

1 (g) of Section 6 of Article VII of the Illinois Constitution.

2 Section 99. Effective date. This Act takes effect July 1,  
3 2026.".