Sen. Mary Edly-Allen

Filed: 3/24/2023

10300SB2212sam001   LRB103 25567 BMS 58944 a

1   AMENDMENT TO SENATE BILL 2212

2   AMENDMENT NO. _____. Amend Senate Bill 2212 by replacing

3   everything after the enacting clause with the following:

4   "Section 5. The Illinois Food, Drug and Cosmetic Act is

5   amended by changing Section 3.15 as follows:

6   (410 ILCS 620/3.15) (from Ch. 56 1/2, par. 503.15)

7   Sec. 3.15. To offer for sale any bulk food in a manner

8   other than to prevent direct handling of such items by the

9   consumer. This Section shall not prohibit self-service by

10   consumers provided that the dispensers utilized prevent the

11   direct handling of such foods and provided further that the

12   take-home containers, including bags, cups, and lids, are

13   maintained clean, sanitary, and free from debris, smooth,

14   durable, and easy-to-clean, and are not capable of causing,

15   through cleanliness or design, conditions that may cause or

16   spread disease provided for consumer use are cleaned, stored,

1   ~~and dispensed in a sanitary manner~~.

2   A <u>restaurant or</u> retailer may allow a consumer to fill or

3   refill a <u>consumer-owned</u> ~~personal~~ container with bulk food if

4   the dispensers used prevent the direct handling of the bulk

5   food. <u>A restaurant or retailer may fill or refill a</u>

6   <u>consumer-owned container with ready-to-eat or dry bulk foods.</u>

7   ~~Personal containers used for this purpose shall be clean and~~

8   ~~sanitary.~~

9   Except as provided under Part 750 of Title 77 of the

10 Illinois Administrative Code, <u>local</u> ~~county~~ health departments

11 and municipalities shall not prohibit <u>(1)</u> the ability of a

12 retailer to allow a consumer to fill or refill a

13 <u>consumer-owned</u> personal container with bulk food if the

14 dispensers used prevent the direct handling of the bulk food

15 <u>or (2) the ability of a restaurant or retailer to fill or</u>

16 <u>refill a consumer-owned container with ready-to-eat or dry</u>

17 <u>bulk foods</u> ~~and the personal containers used are clean and~~

18 ~~sanitary~~.

19 <u>Clean consumer-owned containers provided or returned to a</u>

20 <u>restaurant or retailer for filling or refilling may be filled</u>

21 <u>or refilled and returned to the same consumer if the</u>

22 <u>consumer-owned container is filled or refilled by either (i)</u>

23 <u>an employee of the restaurant or retailer or (ii) the owner of</u>

24 <u>the consumer-owned container.</u>

25 <u>A consumer-owned container that is filled or refilled</u>

26 <u>under this Section shall be designed and constructed for reuse</u>

1   in accordance with Section 3-304.17(B)(1) of the 2017 Food

2   Code published by the U.S. Food and Drug Administration.

3   Consumer-owned containers that are not food-specific may be

4   filled or refilled at a beverage vending machine or system.

5   A restaurant or retailer shall:

6   (1) either isolate the consumer-owned container from

7   the serving surface or clean and sanitize the serving

8   surface after each filling or refilling, except for bulk

9   food if the dispensers used prevent the direct handling of

10   the bulk food;

11   (2) prepare, maintain, and adhere to written

12   procedures to prevent cross-contamination and make the

13   written procedures available to the local health

14   department or municipality upon request or at the time of

15   an inspection; and

16   (3) ensure compliance with any handwashing

17   requirements.

18   On or before January 1, 2024, the Department of Public

19   Health shall produce materials for restaurants and retailers,

20   to be made available electronically, indicating that

21   consumer-owned containers are not prohibited for use under

22   Illinois law and specifying best practices for food safety

23   requirements for consumer-owned containers, including, but not

24   limited to, sanitation practices, procedures to prevent

25   cross-contamination, and handwashing requirements. The

26   Department of Public Health may adopt administrative rules

1   <u>necessary to implement, interpret, and administer the</u>

2   <u>provisions of this Section.</u>

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

4   Section 99. Effective date. This Act takes effect upon

5   becoming law.".