



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3701

Introduced 2/18/2025, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Contains provisions concerning procurements made by or on behalf of public institutions of higher education for food. Provides that, in the case of certain contracts for the procurement of food, the chief procurement officer must consider (i) good food purchasing core values and (ii) good food purchasing equity, accountability, and transparency. Amends the Local Food, Farms, and Jobs Act. Provides that the Act may be referred to as the Good Food Purchasing Law. Provides that each State agency and State-owned facility shall develop and adopt a multi-year action plan with benchmarks to align food purchasing processes with Good Food Purchasing equity, transparency, and accountability and food purchases with Good Food Purchasing core values. Creates a Good Food Purchasing Task Force. Amends the Food Handling Regulation Enforcement Act. Makes changes concerning food packaging that may include the designation "Illinois-grown", "Illinois-sourced", or "Illinois farm product".

LRB104 08719 HLH 18773 b

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 1-13 and 20-5 and by adding Section 45-115  
6 and Article 60 as follows:

7 (30 ILCS 500/1-13)

8 Sec. 1-13. Applicability to public institutions of higher  
9 education.

10 (a) This Code shall apply to public institutions of higher  
11 education, regardless of the source of the funds with which  
12 contracts are paid, except as provided in this Section.

13 (b) Except as provided in this Section, this Code shall  
14 not apply to procurements made by or on behalf of public  
15 institutions of higher education for any of the following:

16 (1) Memberships in professional, academic, research,  
17 or athletic organizations on behalf of a public  
18 institution of higher education, an employee of a public  
19 institution of higher education, or a student at a public  
20 institution of higher education.

21 (2) Procurement expenditures for events or activities  
22 paid for exclusively by revenues generated by the event or  
23 activity, gifts or donations for the event or activity,

1 private grants, or any combination thereof.

2 (3) Procurement expenditures for events or activities  
3 for which the use of specific potential contractors is  
4 mandated or identified by the sponsor of the event or  
5 activity, provided that the sponsor is providing a  
6 majority of the funding for the event or activity.

7 (4) Procurement expenditures necessary to provide  
8 athletic, artistic or musical services, performances,  
9 events, or productions by or for a public institution of  
10 higher education.

11 (5) Procurement expenditures for periodicals, books,  
12 subscriptions, database licenses, and other publications  
13 procured for use by a university library or academic  
14 department, except for expenditures related to procuring  
15 textbooks for student use or materials for resale or  
16 rental.

17 (6) Procurement expenditures for placement of students  
18 in externships, practicums, field experiences, and for  
19 medical residencies and rotations.

20 (7) Contracts for programming and broadcast license  
21 rights for university-operated radio and television  
22 stations.

23 (8) Procurement expenditures necessary to perform  
24 sponsored research and other sponsored activities under  
25 grants and contracts funded by the sponsor or by sources  
26 other than State appropriations.

1           (9) Contracts with a foreign entity for research or  
2 educational activities, provided that the foreign entity  
3 either does not maintain an office in the United States or  
4 is the sole source of the service or product.

5           (10) Procurement expenditures for any ongoing software  
6 license or maintenance agreement or competitively  
7 solicited software purchase, when the software, license,  
8 or maintenance agreement is available through only the  
9 software creator or its manufacturer and not a reseller.

10           (11) Procurement expenditures incurred outside of the  
11 United States for the recruitment of international  
12 students.

13           (12) Procurement expenditures for contracts entered  
14 into under the Public University Energy Conservation Act.

15           (13) Procurement expenditures for advertising  
16 purchased directly from a media station or the owner of  
17 the station for distribution of advertising.

18 Notice of each contract with an annual value of more than  
19 \$100,000 entered into by a public institution of higher  
20 education that is related to the procurement of goods and  
21 services identified in items (1) through (13) of this  
22 subsection shall be published in the Procurement Bulletin  
23 within 14 calendar days after contract execution. The Chief  
24 Procurement Officer shall prescribe the form and content of  
25 the notice. Each public institution of higher education shall  
26 provide the Chief Procurement Officer, on a monthly basis, in

1 the form and content prescribed by the Chief Procurement  
2 Officer, a report of contracts that are related to the  
3 procurement of goods and services identified in this  
4 subsection. At a minimum, this report shall include the name  
5 of the contractor, a description of the supply or service  
6 provided, the total amount of the contract, the term of the  
7 contract, and the exception to the Code utilized. A copy of any  
8 or all of these contracts shall be made available to the Chief  
9 Procurement Officer immediately upon request. The Chief  
10 Procurement Officer shall submit a report to the Governor and  
11 General Assembly no later than November 1 of each year that  
12 shall include, at a minimum, an annual summary of the monthly  
13 information reported to the Chief Procurement Officer.

14 (b-5) Except as provided in this subsection, the  
15 provisions of this Code shall not apply to contracts for  
16 medical supplies or to contracts for medical services  
17 necessary for the delivery of care and treatment at medical,  
18 dental, pharmaceutical, or veterinary teaching facilities used  
19 by Southern Illinois University or the University of Illinois  
20 or at any university-operated health care center or dispensary  
21 that provides care, treatment, and medications for students,  
22 faculty, and staff. Furthermore, the provisions of this Code  
23 do not apply to the procurement by such a facility of any  
24 additional supplies or services that the operator of the  
25 facility deems necessary for the effective use and functioning  
26 of the medical supplies or services that are otherwise exempt

1 from this Code under this subsection (b-5), including, but not  
2 limited to, procurements necessary for compliance and  
3 management of federal programs. However, other supplies and  
4 services needed for these teaching facilities shall be subject  
5 to the jurisdiction of the Chief Procurement Officer for  
6 Public Institutions of Higher Education who may establish  
7 expedited procurement procedures and may waive or modify  
8 certification, contract, hearing, process and registration  
9 requirements required by this Code. All procurements made  
10 under this subsection shall be documented and may require  
11 publication in the Illinois Procurement Bulletin.

12 (b-10) Procurements made by or on behalf of the University  
13 of Illinois for investment services may be entered into or  
14 renewed without being subject to the requirements of this  
15 Code. Notice of intent to renew a contract shall be published  
16 in the Illinois Public Higher Education Procurement Bulletin  
17 at least 14 days prior to the execution of a renewal, and the  
18 University of Illinois shall hold a public hearing for  
19 interested parties to provide public comment. Any contract  
20 extended, renewed, or entered pursuant to this exception shall  
21 be published in the Illinois Public Higher Education  
22 Procurement Bulletin within 5 days of contract execution.

23 (c) Procurements made by or on behalf of public  
24 institutions of higher education for the fulfillment of a  
25 grant shall be made in accordance with the requirements of  
26 this Code to the extent practical.

1           Upon the written request of a public institution of higher  
2 education, the Chief Procurement Officer may waive contract,  
3 registration, certification, and hearing requirements of this  
4 Code if, based on the item to be procured or the terms of a  
5 grant, compliance is impractical. The public institution of  
6 higher education shall provide the Chief Procurement Officer  
7 with specific reasons for the waiver, including the necessity  
8 of contracting with a particular potential contractor, and  
9 shall certify that an effort was made in good faith to comply  
10 with the provisions of this Code. The Chief Procurement  
11 Officer shall provide written justification for any waivers.  
12 By November 1 of each year, the Chief Procurement Officer  
13 shall file a report with the General Assembly identifying each  
14 contract approved with waivers and providing the justification  
15 given for any waivers for each of those contracts. Notice of  
16 each waiver made under this subsection shall be published in  
17 the Procurement Bulletin within 14 calendar days after  
18 contract execution. The Chief Procurement Officer shall  
19 prescribe the form and content of the notice.

20           (d) Notwithstanding this Section, a waiver of the  
21 registration requirements of Section 20-160 does not permit a  
22 business entity and any affiliated entities or affiliated  
23 persons to make campaign contributions if otherwise prohibited  
24 by Section 50-37. The total amount of contracts awarded in  
25 accordance with this Section shall be included in determining  
26 the aggregate amount of contracts or pending bids of a

1 business entity and any affiliated entities or affiliated  
2 persons.

3 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
4 this Code, the Chief Procurement Officer, with the approval of  
5 the Executive Ethics Commission, may permit a public  
6 institution of higher education to accept a bid or enter into a  
7 contract with a business that assisted the public institution  
8 of higher education in determining whether there is a need for  
9 a contract or assisted in reviewing, drafting, or preparing  
10 documents related to a bid or contract, provided that the bid  
11 or contract is essential to research administered by the  
12 public institution of higher education and it is in the best  
13 interest of the public institution of higher education to  
14 accept the bid or contract. For purposes of this subsection,  
15 "business" includes all individuals with whom a business is  
16 affiliated, including, but not limited to, any officer, agent,  
17 employee, consultant, independent contractor, director,  
18 partner, manager, or shareholder of a business. The Executive  
19 Ethics Commission may promulgate rules and regulations for the  
20 implementation and administration of the provisions of this  
21 subsection (e).

22 (e-5) Procurements made by or on behalf of public  
23 institutions of higher education for food shall be made in  
24 accordance with Section 25-10.

25 (f) As used in this Section:

26 "Grant" means non-appropriated funding provided by a

1 federal or private entity to support a project or program  
2 administered by a public institution of higher education and  
3 any non-appropriated funding provided to a sub-recipient of  
4 the grant.

5 "Public institution of higher education" means Chicago  
6 State University, Eastern Illinois University, Governors State  
7 University, Illinois State University, Northeastern Illinois  
8 University, Northern Illinois University, Southern Illinois  
9 University, University of Illinois, Western Illinois  
10 University, and, for purposes of this Code only, the Illinois  
11 Mathematics and Science Academy.

12 (g) (Blank).

13 (h) The General Assembly finds and declares that:

14 (1) Public Act 98-1076, which took effect on January  
15 1, 2015, changed the repeal date set for this Section from  
16 December 31, 2014 to December 31, 2016.

17 (2) The Statute on Statutes sets forth general rules  
18 on the repeal of statutes and the construction of multiple  
19 amendments, but Section 1 of that Act also states that  
20 these rules will not be observed when the result would be  
21 "inconsistent with the manifest intent of the General  
22 Assembly or repugnant to the context of the statute".

23 (3) This amendatory Act of the 100th General Assembly  
24 manifests the intention of the General Assembly to remove  
25 the repeal of this Section.

26 (4) This Section was originally enacted to protect,

1 promote, and preserve the general welfare. Any  
2 construction of this Section that results in the repeal of  
3 this Section on December 31, 2014 would be inconsistent  
4 with the manifest intent of the General Assembly and  
5 repugnant to the context of this Code.

6 It is hereby declared to have been the intent of the  
7 General Assembly that this Section not be subject to repeal on  
8 December 31, 2014.

9 This Section shall be deemed to have been in continuous  
10 effect since December 20, 2011 (the effective date of Public  
11 Act 97-643), and it shall continue to be in effect  
12 henceforward until it is otherwise lawfully repealed. All  
13 previously enacted amendments to this Section taking effect on  
14 or after December 31, 2014, are hereby validated.

15 All actions taken in reliance on or pursuant to this  
16 Section by any public institution of higher education, person,  
17 or entity are hereby validated.

18 In order to ensure the continuing effectiveness of this  
19 Section, it is set forth in full and re-enacted by this  
20 amendatory Act of the 100th General Assembly. This  
21 re-enactment is intended as a continuation of this Section. It  
22 is not intended to supersede any amendment to this Section  
23 that is enacted by the 100th General Assembly.

24 In this amendatory Act of the 100th General Assembly, the  
25 base text of the reenacted Section is set forth as amended by  
26 Public Act 98-1076. Striking and underscoring is used only to

1 show changes being made to the base text.

2 This Section applies to all procurements made on or before  
3 the effective date of this amendatory Act of the 100th General  
4 Assembly.

5 (Source: P.A. 102-16, eff. 6-17-21; 102-721, eff. 5-6-22;  
6 102-1119, eff. 1-23-23; 103-570, eff. 1-1-24; 103-865, eff.  
7 1-1-25.)

8 (30 ILCS 500/20-5)

9 Sec. 20-5. Method of source selection. Unless otherwise  
10 authorized by law, all State contracts shall be awarded by  
11 competitive sealed bidding, in accordance with Section 20-10,  
12 except as provided in Sections 20-15, 20-20, 20-25, 20-30,  
13 20-35, 30-15, ~~and~~ 40-20, and 60-15. The chief procurement  
14 officers appointed pursuant to Section 10-20 may determine the  
15 method of solicitation and contract for all procurements  
16 pursuant to this Code.

17 (Source: P.A. 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/45-115 new)

19 Sec. 45-115. Alignment with the Good Food Purchasing Law.  
20 When a State agency or a State-owned facility contract for the  
21 procurement of food is to be awarded pursuant to Section 20-15  
22 of this Code, the chief procurement officer must consider the  
23 following factors and may give preference over other proposers  
24 to an otherwise qualified proposer who will fulfill the

1 contract:

2 (1) the good food purchasing core values defined in  
3 the Local Food, Farms, and Jobs Act; and

4 (2) good food purchasing equity, accountability, and  
5 transparency defined in the Local Food, Farms, and Jobs  
6 Act.

7 (30 ILCS 500/Art. 60 heading new)

8 ARTICLE 60. FOOD PROCUREMENT

9 (30 ILCS 500/60-5 new)

10 Sec. 60-5. Applicability. All State agencies and  
11 State-owned facility food contracts, including public  
12 institutions of higher education, shall be procured in  
13 accordance with the provisions of this Article.

14 (30 ILCS 500/60-10 new)

15 Sec. 60-10. Authority. Chief procurement officers shall  
16 have the authority to procure food.

17 (30 ILCS 500/60-15 new)

18 Sec. 60-15. Method of source selection. Each State agency  
19 and State-owned facility food contract shall be awarded by  
20 competitive sealed proposal in accordance with Section 20-15  
21 of this Code, except as provided in Sections 20-20 and 20-30.  
22 The chief procurement officers appointed pursuant to Section

1 10-20 may determine the method of solicitation for all  
2 procurements pursuant to this Act.

3 Section 10. The Local Food, Farms, and Jobs Act is amended  
4 by changing Sections 1 and 5 and by adding Sections 12, 35, and  
5 40 as follows:

6 (30 ILCS 595/1)

7 Sec. 1. Short title. This Act may be cited as the "Local  
8 Food, Farms, and Jobs Act". This Act may be referred to as the  
9 Good Food Purchasing Law.

10 (Source: P.A. 96-579, eff. 8-18-09.)

11 (30 ILCS 595/5)

12 Sec. 5. Definitions. As used in this Act:

13 "Good Food Purchasing Program core values" means Good Food  
14 Purchasing Program procurement criteria based on all of the  
15 following:

16 (1) Prioritizing local suppliers, especially small or  
17 mid-sized farms, food manufacturers, or food businesses  
18 that are privately or cooperatively operated or operated  
19 as a not-for-profit within (i) a 250-mile radius for food  
20 other than meat, poultry, or seafood or (ii) a 500-mile  
21 radius for meat, poultry, or seafood, prioritizing  
22 suppliers that are entrepreneurs of color and community  
23 members most impacted by current and historic economic

1 marginalization, leveraging institutional buying power,  
2 infrastructure, financial resources, staff time, and land  
3 in support of community members, food producers, and food  
4 workers who have experienced negative systemic social or  
5 economic impact, building partnerships with community  
6 members to ensure that food products and menus reflect the  
7 interests and cultures of everyone they serve, and  
8 identifying pathways for purchasing from small and  
9 community-based suppliers for products that cannot be  
10 grown or harvested within the mileage limitations, such as  
11 seafood, coffee, cocoa, and sugar.

12 (2) Prioritizing suppliers that consider: (i)  
13 community health and universal rights to clean air and  
14 water; (ii) reduction or elimination of synthetic  
15 pesticides and fertilizers; (iii) improved soil health and  
16 carbon sequestration; (iv) reduced fossil fuel energy  
17 inputs and protection of water resources; (v) biodiversity  
18 and ecological resilience; (vi) food waste reduction;  
19 (vii) greenhouse gas emission reduction; and (viii)  
20 reduction or elimination of single-use plastics and other  
21 resource-intensive packaging and reducing carbon and water  
22 footprint of food purchases.

23 (3) Sourcing from producers and vendors that (i)  
24 comply with labor laws, including minimum wage laws,  
25 through contractual requirements and enforcement, (ii)  
26 honor the right to freedom of association, (iii) provide

1 workers with the ability to organize a union and to  
2 bargain collectively, free from reprisal, for livable  
3 wages and safe and healthy working conditions, and (iv)  
4 uphold and implement workers' rights principles, and (v)  
5 implement cooperative ownership, democratic  
6 decision-making, and migrant, racial, and gender justice.

7 (4) Sourcing from farms and ranches that provide  
8 healthy and humane conditions for farm animals throughout  
9 their lives through (i) nutrition, (ii) physical  
10 environment, (iii) health, (iv) behavioral interaction;  
11 and (v) mental or affective state.

12 (5) Promoting community health, nutrition, equitable  
13 access, and food sovereignty by prioritizing high-quality  
14 and culturally relevant whole or minimally processed  
15 foods, including vegetables, fruit, and whole grains, and  
16 plant-forward meals. Preservation methods such as canning  
17 and bottling using oils, sugar, or salt are not permitted.

18 (6) In general, prioritizing products certified under  
19 certifications currently endorsed by an organization  
20 managing the Good Food Purchasing Program.

21 "Good Food Purchasing Program equity, accountability, and  
22 transparency" means:

23 (1) Having or developing a supplier or vendor  
24 diversification plan with goals that include reporting and  
25 accountability measures. Measures should be disaggregated  
26 by demographic group, including race and gender.

1           (2) Planning implementation should prioritize  
2 purchases and address barriers to entry for suppliers who  
3 have experienced negative systemic social or economic  
4 impacts including, but not limited to women, veterans,  
5 persons with disabilities, and especially people of color,  
6 across all supply chains and to the greatest extent  
7 possible.

8           (3) Sharing purchasing data, assessments, purchasing  
9 targets, or implementation plans in a publicly accessible  
10 location including online with community members to  
11 facilitate engagement and transparency.

12           (4) Engaging with community members, including, but  
13 not limited to, people served by meal programs, food  
14 service workers, constituents, and local food businesses,  
15 in informing values-based purchasing decisions and  
16 processes.

17           (5) Developing and implementing comprehensive  
18 institutional policies that reflect community needs and  
19 values and prioritize transparency, racial equity, local  
20 economies, environmental sustainability, valued  
21 workforce, animal welfare, and community health and  
22 nutrition within their operations and food procurement.

23           (6) Ensuring that institutional policies are embedded  
24 in agreements for contracted food services and that  
25 mechanisms are developed to ensure compliance and  
26 accountability through reporting and active contract

1           management.

2           "Minimally processed foods" means foods that are unaltered  
3 or slightly altered from the food's natural state through such  
4 processes as removal of inedible or unwanted parts, drying,  
5 powdering, squeezing, crushing, grinding, fractioning,  
6 steaming, poaching, boiling, roasting, pasteurization,  
7 chilling, freezing, placing in containers, vacuum packaging,  
8 nonalcoholic fermentation, and other methods that do not add  
9 to the original food, salt, sugar oils or fats, or food  
10 substances, other than additives that prolong product  
11 duration, protect original properties, or prevent  
12 proliferation of microorganisms. "Minimally processed foods"  
13 include, but are not limited to, whole grains or flours; fresh  
14 or frozen fruits and vegetables; meat, poultry, fish, and  
15 seafood, whole or in the form of steaks, fillets, and other  
16 cuts; fresh or pasteurized milk, eggs, fresh or pasteurized  
17 plain yogurt, legumes, and nuts and seeds. "Minimally  
18 processed foods" also includes foods made of 2 or more items in  
19 this group, such as dried mixed fruits, and foods with  
20 vitamins and minerals generally added to replace nutrients  
21 lost during minimal processing, such as flour fortified with  
22 iron and folic acid.

23 ~~"Local farm or food products" are products: (1) grown in~~  
24 ~~Illinois; or (2) processed and packaged in Illinois, using at~~  
25 ~~least one ingredient grown in Illinois.~~

26           (Source: P.A. 101-258, eff. 1-1-20.)

1 (30 ILCS 595/12 new)

2 Sec. 12. Good Food Purchasing Program.

3 (a) No later than one year after the effective date of this  
4 amendatory Act of the 104th General Assembly, each State  
5 agency and State-owned facility that purchases food,  
6 including, without limitation, facilities for persons with  
7 mental health and developmental disabilities, correction  
8 facilities, and public institutions of higher education,  
9 including community colleges, shall have a timely plan for  
10 undergoing a Good Food Purchasing baseline assessment  
11 conducted by a national organization equipped to conduct such  
12 assessment, to determine current alignment with Good Food  
13 Purchasing core values and Good Food Purchasing equity,  
14 transparency, and accountability and how better to meet the  
15 Good Food Purchasing core values and Good Food Purchasing  
16 equity, transparency, and accountability.

17 (b) No later than one year after completion of the  
18 baseline assessment under subsection (a), each State agency  
19 and State-owned facility shall develop and adopt a multi-year  
20 action plan with benchmarks to align food purchasing processes  
21 with Good Food Purchasing equity, transparency, and  
22 accountability and food purchases with Good Food Purchasing  
23 core values.

24 (c) Upon adoption of the multi-year action plan required  
25 under subsection (b) of this Section, each State agency and

1 State-owned facility shall procure food pursuant to Section  
2 20-15 of the Illinois Procurement Code.

3 (d) The year after completing the multi-year action plan  
4 and each year thereafter, each State agency and State-owned  
5 facility shall undergo a Good Food Purchasing assessment and  
6 update its multi-year action plan to annually increase the  
7 procurement of food that meets the Good Food Purchasing core  
8 values and Good Food Purchasing equity, transparency, and  
9 accountability.

10 (e) (Blank).

11 (f) To facilitate reporting required under this Section,  
12 all State agencies and State-owned facilities that purchase  
13 food shall include in all requests for proposals, and  
14 contracts a requirement for vendor data-sharing, including,  
15 but not limited to, product types, quantities, sizes, prices,  
16 origin, processors, and distributors.

17 (g) On each January 1 following adoption of a multi-year  
18 action plan, each State agency and State-owned facility that  
19 purchases food shall publish in its procurement bulletin and  
20 on its website, in the form and format prescribed by the chief  
21 procurement officer, notice of its purchases of food in the  
22 immediately preceding fiscal year, its Good Food Purchasing 9  
23 baseline and annual assessments, in the immediately preceding  
24 fiscal year and its multi-year 10 action plan.

25 (h) Under the procedures laid out in under subsection (h)  
26 of Section 5-5 of the Illinois Procurement Code, the

1 Procurement Policy Board may review a proposal or contract and  
2 issue a recommendation to void a contract or reject a proposal  
3 based on a vendor's or proposer's current violation or history  
4 of violation of federal, State, or local law, including, but  
5 not limited to, federal labor laws under Title 29 of the United  
6 States Code and the Minimum Wage Law.

7 (30 ILCS 595/35 new)

8 Sec. 35. Good Food Purchasing Task Force.

9 (a) The Good Food Purchasing Task Force created by House  
10 Joint Resolution 33 adopted in the 102nd General Assembly is  
11 reestablished and shall continue with its study of current  
12 procurement of food within the State and to explore how good  
13 food purchasing can be implemented to maximize the procurement  
14 of healthy foods that are sustainably, locally, and equitably  
15 sourced.

16 (b) Any action taken in reliance on House Joint Resolution  
17 33 of the 102nd General Assembly after January 1, 2023 by any  
18 person or entity is hereby validated.

19 (c) The Task Force shall consist of the following members,  
20 who shall serve without compensation:

21 (1) the Lieutenant Governor or his or her designee;

22 (2) the Speaker of the House of Representatives or his  
23 or her designee;

24 (3) the Minority Leader of the House of  
25 Representatives or his or her designee;

1           (4) the Senate President or his or her designee;

2           (5) the Senate Minority Leader or his or her designee;

3           (6) one member nominated by a statewide local food  
4 advocacy organization and appointed by the Lieutenant  
5 Governor;

6           (7) one member nominated by a national multi-sector  
7 food advocacy organization and appointed by the Lieutenant  
8 Governor;

9           (8) one member nominated by a Chicago-based food  
10 advocacy organization and appointed by the Lieutenant  
11 Governor;

12           (9) one member nominated by a statewide environmental  
13 advocacy organization and appointed by the Lieutenant  
14 Governor;

15           (10) one member nominated by a statewide labor  
16 organization that represents food workers and appointed by  
17 the Lieutenant Governor;

18           (11) one member nominated by a national farm-animal  
19 welfare organization and appointed by the Lieutenant  
20 Governor;

21           (12) the Director of the Department of Commerce and  
22 Economic Opportunity or his or her designee;

23           (13) the Director of the Environmental Protection  
24 Agency or his or her designee;

25           (14) the Director of the Department of Public Health  
26 or his or her designee;

1           (15) the Director of the Department of Natural  
2 Resources or his or her designee;

3           (16) the Chief Procurement Officer for General  
4 Services or his or her designee;

5           (17) the Chief Procurement Officer for Higher  
6 Education or his or her designee;

7           (18) the Chief Procurement Officer for the Secretary  
8 of State's Office or his or her designee;

9           (19) the Director of Corrections or his or her  
10 designee;

11           (20) the Secretary of Human Services or his or her  
12 designee;

13           (21) the Director of Central Management Services or  
14 his or her designee;

15           (22) the Director of the Department of Agriculture or  
16 his or her designee; and

17           (23) one member nominated by a statewide organization  
18 that advocates for healthy nutrition and appointed by  
19 Lieutenant Governor.

20           Members of the Task Force shall serve without  
21 compensation. The Task Force members shall select a  
22 chairperson at the first meeting of the Task Force. Any member  
23 appointed under House Joint Resolution 33 of the 102nd General  
24 Assembly who was a member of the Task Force at the end of the  
25 102nd General Assembly shall continue to serve on the Task  
26 Force until the appointed member resigns or is otherwise

1 removed from the Task Force.

2 (d) The Department of Agriculture shall provide  
3 administrative support for the Task Force.

4 (e) The task force shall submit its interim report to the  
5 Governor and General Assembly no later than one year after the  
6 effective date of this amendatory Act of the 104th General  
7 Assembly and its final report 2 years after the effective date  
8 of this amendatory Act of the 104th General Assembly.  
9 Following submission of the final report, the Task Force shall  
10 continue to meet to monitor and support implementation of this  
11 Act.

12 (30 ILCS 595/40 new)

13 Sec. 40. Good Food Purchasing Fund. The Good Food  
14 Purchasing Fund is established as a special fund in the State  
15 treasury. Interest earned by the Good Food Purchasing Fund  
16 shall be credited to the fund. Moneys in the fund are  
17 continuously appropriated to the Department of Agriculture to  
18 administer this Act, including by created a Good Food  
19 Purchasing office within the Department, hiring staff, and  
20 providing training and technical assistance to State agencies  
21 and State-owned facilities that purchase food. The fund shall  
22 be subject to appropriations; however, the Department shall be  
23 permitted to accept federal government, local government, and  
24 private resources at any time to implement this Act.

1 (30 ILCS 595/10 rep.)

2 Section 15. The Local Food, Farms, and Jobs Act is amended  
3 by repealing Section 10.

4 Section 20. The Food Handling Regulation Enforcement Act  
5 is amended by changing Section 4 as follows:

6 (410 ILCS 625/4)

7 Sec. 4. Cottage food operation.

8 (a) For the purpose of this Section:

9 A food is "acidified" if: (i) acid or acid ingredients are  
10 added to it to produce a final equilibrium pH of 4.6 or below  
11 and a water activity greater than 0.85; or (ii) it is fermented  
12 to produce a final equilibrium pH of 4.6 or below.

13 "Canned food" means food that has been heat processed  
14 sufficiently under United States Department of Agriculture  
15 guidelines to enable storing the food at normal home  
16 temperatures.

17 "Cottage food operation" means an operation conducted by a  
18 person who produces or packages food or drink, other than  
19 foods and drinks listed as prohibited in paragraph (1.5) of  
20 subsection (b) of this Section, in a kitchen located in that  
21 person's primary domestic residence or another appropriately  
22 designed and equipped kitchen on a farm for direct sale by the  
23 owner, a family member, or an employee.

24 "Cut leafy greens" means fresh leafy greens whose leaves

1 have been cut, shredded, sliced, chopped, or torn. "Cut leafy  
2 greens" does not mean cut-to-harvest leafy greens.

3 "Department" means the Department of Public Health.

4 "Employee" means a person who is employed by and receives  
5 monetary compensation from a cottage food operator.

6 "Equilibrium pH" means the final potential of hydrogen  
7 measured in an acidified food after all the components of the  
8 food have achieved the same acidity.

9 "Farmers' market" means a common facility or area where  
10 farmers gather to sell a variety of fresh fruits and  
11 vegetables and other locally produced farm and food products  
12 directly to consumers.

13 "Leafy greens" includes iceberg lettuce; romaine lettuce;  
14 leaf lettuce; butter lettuce; baby leaf lettuce, such as  
15 immature lettuce or leafy greens; escarole; endive; spring  
16 mix; spinach; cabbage; kale; arugula; and chard. "Leafy  
17 greens" does not include microgreens or herbs such as cilantro  
18 or parsley.

19 "Local health department" means a State-certified health  
20 department of a unit of local government in which a cottage  
21 food operation is located or, if the cottage food operation is  
22 located in a county that does not have a local health  
23 department, is registered.

24 "Local public health department association" means an  
25 association solely representing 2 or more State-certified  
26 local health departments.

1 "Low-acid canned food" means any canned food with a  
2 finished equilibrium pH greater than 4.6 and a water activity  
3 greater than 0.85.

4 "Microgreen" means an edible plant seedling grown in soil  
5 or substrate and harvested above the soil or substrate line.

6 "Mobile farmers markets" means a farmers market that is  
7 operated from a movable motor drive or propelled vehicle or  
8 trailer that can change location, including a farmers market  
9 that is owned and operated by a farmer or a third party selling  
10 products on behalf of farmers or cottage food operations with  
11 the intent of a direct sale to an end consumer.

12 "Sprout" means any seedling intended for human consumption  
13 that was produced in a manner that does not meet the definition  
14 of microgreen.

15 "Time/temperature control for safety food" means a food  
16 that is stored under time or temperature control for food  
17 safety according to the Department's administrative rules.

18 (b) A cottage food operation may produce homemade food and  
19 drink provided that all of the following conditions are met:

20 (1) (Blank).

21 (1.3) A cottage food operation must register with the  
22 local health department for the unit of local government  
23 in which it is located, but may sell products outside of  
24 the unit of local government where the cottage food  
25 operation is located. If a county does not have a local  
26 health department, the county shall enter into an

1 agreement or contract with a local health department in an  
2 adjacent county to register cottage food operations in the  
3 jurisdiction of the county that does not have a health  
4 department. The adjacent local health department where the  
5 cottage food operation registers has the powers described  
6 in subsection (d). A copy of the certificate of  
7 registration must be available upon request by any local  
8 health department.

9 (1.5) A cottage food operation shall not sell or offer  
10 to sell the following food items or processed foods  
11 containing the following food items, except as indicated:

12 (A) meat, poultry, fish, seafood, or shellfish;

13 (B) dairy, except as an ingredient in a baked good  
14 or candy that is not a time/temperature control for  
15 safety food, such as caramel, subject to paragraph  
16 (4), or as an ingredient in a baked good frosting, such  
17 as buttercream;

18 (C) eggs, except as an ingredient in a food that is  
19 not a time/temperature control for safety food,  
20 including dry noodles, or as an ingredient in a baked  
21 good frosting, such as buttercream, if the eggs are  
22 not raw;

23 (D) pumpkin pies, sweet potato pies, cheesecakes,  
24 custard pies, creme pies, and pastries with  
25 time/temperature control for safety foods that are  
26 fillings or toppings;

1 (E) garlic in oil or oil infused with garlic,  
2 except if the garlic oil is acidified;

3 (F) low-acid canned foods;

4 (G) sprouts;

5 (H) cut leafy greens, except for cut leafy greens  
6 that are dehydrated, acidified, or blanched and  
7 frozen;

8 (I) cut or pureed fresh tomato or melon;

9 (J) dehydrated tomato or melon;

10 (K) frozen cut melon;

11 (L) wild-harvested, non-cultivated mushrooms;

12 (M) alcoholic beverages; or

13 (N) kombucha.

14 (1.6) In order to sell canned tomatoes or a canned  
15 product containing tomatoes, a cottage food operator shall  
16 either:

17 (A) follow exactly a recipe that has been tested  
18 by the United States Department of Agriculture or by a  
19 state cooperative extension located in this State or  
20 any other state in the United States; or

21 (B) submit the recipe, at the cottage food  
22 operator's expense, to a commercial laboratory  
23 according to the commercial laboratory's directions to  
24 test that the product has been adequately acidified;  
25 use only the varietal or proportionate varietals of  
26 tomato included in the tested recipe for all

1 subsequent batches of such recipe; and provide  
2 documentation of the annual test results of the recipe  
3 submitted under this subparagraph upon registration  
4 and to an inspector upon request during any inspection  
5 authorized by subsection (d).

6 (2) In order to sell a fermented or acidified food, a  
7 cottage food operation shall either:

8 (A) submit a recipe that has been tested by the  
9 United States Department of Agriculture or a  
10 cooperative extension system located in this State or  
11 any other state in the United States; or

12 (B) submit a written food safety plan for each  
13 category of products for which the cottage food  
14 operator uses the same procedures, such as pickles,  
15 kimchi, or hot sauce, and a pH test for a single  
16 product that is representative of that category; the  
17 written food safety plan shall be submitted annually  
18 upon registration and each pH test shall be submitted  
19 every 3 years; the food safety plan shall adhere to  
20 guidelines developed by the Department.

21 (3) A fermented or acidified food shall be packaged  
22 according to one of the following standards:

23 (A) A fermented or acidified food that is canned  
24 must be processed in a boiling water bath in a  
25 Mason-style jar or glass container with a  
26 tight-fitting lid.

1           (B) A fermented or acidified food that is not  
2           canned shall be sold in any container that is new,  
3           clean, and seals properly and must be stored,  
4           transported, and sold at or below 41 degrees.

5           (4) In order to sell a baked good with cheese, a local  
6           health department may require a cottage food operation to  
7           submit a recipe, at the cottage food operator's expense,  
8           to a commercial laboratory to verify that it is not a  
9           time/temperature ~~time or temperature~~ control for safety  
10          food before allowing the cottage food operation to sell  
11          the baked good as a cottage food.

12          (5) For a cottage food operation that does not utilize  
13          a municipal water supply, such as an operation using a  
14          private well, a local health department may require a  
15          water sample test to verify that the water source being  
16          used meets public safety standards related to E. coli  
17          coliform. If a test is requested, it must be conducted at  
18          the cottage food operator's expense.

19          (6) A person preparing or packaging a product as part  
20          of a cottage food operation must be a Department-approved  
21          certified food protection manager.

22          (7) Food packaging must conform with the labeling  
23          requirements of the Illinois Food, Drug and Cosmetic Act.  
24          A cottage food product shall be prepackaged and the food  
25          packaging shall be affixed with a prominent label that  
26          includes the following:

1 (A) the name of the cottage food operation and  
2 unit of local government in which the cottage food  
3 operation is located;

4 (B) the identifying registration number provided  
5 by the local health department on the certificate of  
6 registration and the name of the municipality or  
7 county in which the registration was filed;

8 (C) the common or usual name of the food product;

9 (D) all ingredients of the food product, including  
10 any color, artificial flavor, and preservative, listed  
11 in descending order by predominance of weight shown  
12 with the common or usual names;

13 (E) the following phrase in prominent lettering:  
14 "This product was produced in a home kitchen not  
15 inspected by a health department that may also process  
16 common food allergens. If you have safety concerns,  
17 contact your local health department.";

18 (F) the date the product was processed; and

19 (G) allergen labeling as specified under federal  
20 labeling requirements.

21 (8) Food packaging may include the designation  
22 "Illinois-grown", "Illinois-sourced", or "Illinois farm  
23 product" if the packaged product is (1) grown in Illinois;  
24 or (2) processed and packaged in Illinois, using at least  
25 one ingredient grown in Illinois ~~a local farm or food~~  
26 ~~product as that term is defined in Section 5 of the Local~~

1 ~~Food, Farms, and Jobs Act.~~

2 (9) In the case of a product that is difficult to  
3 properly label or package, or for other reasons, the local  
4 health department of the location where the product is  
5 sold may grant permission to sell products that are not  
6 prepackaged, in which case other prominent written notice  
7 shall be provided to the purchaser.

8 (10) At the point of sale, notice must be provided in a  
9 prominent location that states the following: "This  
10 product was produced in a home kitchen not inspected by a  
11 health department that may also process common food  
12 allergens." At a physical display, notice shall be a  
13 placard. Online, notice shall be a message on the cottage  
14 food operation's online sales interface at the point of  
15 sale.

16 (11) Food and drink produced by a cottage food  
17 operation shall be sold directly to consumers for their  
18 own consumption and not for resale. Sales directly to  
19 consumers include, but are not limited to, sales at or  
20 through:

21 (A) farmers' markets;

22 (B) fairs, festivals, public events, or online;

23 (C) pickup from the private home or farm of the  
24 cottage food operator, if the pickup is not prohibited  
25 by any law of the unit of local government that applies  
26 equally to all cottage food operations; in a

1 municipality with a population of 1,000,000 or more, a  
2 cottage food operator shall comply with any law of the  
3 municipality that applies equally to all home-based  
4 businesses;

5 (D) delivery to the customer;

6 (E) pickup from a third-party private property  
7 with the consent of the third-party property holder;  
8 and

9 (F) mobile farmers markets.

10 (12) Only food that is not a time/temperature  
11 ~~time or temperature~~ control for safety food may be  
12 shipped. A cottage food product shall not be shipped out  
13 of State. Each cottage food product that is shipped must  
14 be sealed in a manner that reveals tampering, including,  
15 but not limited to, a sticker or pop top.

16 (13) Alcohol may be used to make extracts, such as  
17 vanilla extract, or may be used as an ingredient in baked  
18 goods as long as the created product is not intended for  
19 use as a beverage.

20 (14) Time/temperature control for safety foods shall  
21 be maintained and transported at holding temperatures as  
22 set in the Department's administrative rules to ensure the  
23 food's safety and limit microorganism growth or toxin  
24 formation.

25 (15) A product assessment of pH and water activity may  
26 be used to show that a product is non-time or temperature

1 controlled for food safety and does not require  
2 temperature control.

3 (c) A local health department shall register any eligible  
4 cottage food operation that meets the requirements of this  
5 Section and shall issue a certificate of registration with an  
6 identifying registration number to each registered cottage  
7 food operation. A local health department may establish a  
8 self-certification program for cottage food operators to  
9 affirm compliance with applicable laws, rules, and  
10 regulations. Registration shall be completed annually and the  
11 local health department may impose a fee not to exceed \$50.

12 (d) In the event of a consumer complaint or foodborne  
13 illness outbreak, upon notice from a different local health  
14 department, or if the Department or a local health department  
15 has reason to believe that an imminent health hazard exists or  
16 that a cottage food operation's product has been found to be  
17 misbranded, adulterated, or not in compliance with the  
18 conditions for cottage food operations set forth in this  
19 Section, the Department or the local health department may:

20 (1) inspect the premises of the cottage food operation  
21 in question;

22 (2) set a reasonable fee for the inspection; and

23 (3) invoke penalties and the cessation of the sale of  
24 cottage food products until it deems that the situation  
25 has been addressed to the satisfaction of the Department  
26 or local health department; if the situation is not

1           amenable to being addressed, the local health department  
2           may revoke the cottage food operation's registration  
3           following a process outlined by the local health  
4           department.

5           (e) A local health department that receives a consumer  
6           complaint or a report of foodborne illness related to a  
7           cottage food operator in another jurisdiction shall refer the  
8           complaint or report to the local health department where the  
9           cottage food operator is registered.

10          (f) By January 1, 2022, the Department, in collaboration  
11          with local public health department associations and other  
12          stakeholder groups, shall write and issue administrative  
13          guidance to local health departments on the following:

14                 (1) development of a standard registration form,  
15                 including, if applicable, a written food safety plan;

16                 (2) development of a Home-Certification Self Checklist  
17                 Form;

18                 (3) development of a standard inspection form and  
19                 inspection procedures; and

20                 (4) procedures for cottage food operation workspaces  
21                 that include, but are not limited to, cleaning products,  
22                 general sanitation, and requirements for functional  
23                 equipment.

24          (g) A person who produces or packages a baked good that is  
25          not a time/temperature control for safety food for sale by a  
26          religious, charitable, or nonprofit organization for

1 fundraising purposes is exempt from the requirements of this  
2 Section.

3 (h) A home rule unit may not regulate cottage food  
4 operations in a manner inconsistent with the regulation by the  
5 State of cottage food operations under this Section. This  
6 Section is a limitation under subsection (i) of Section 6 of  
7 Article VII of the Illinois Constitution on the concurrent  
8 exercise by home rule units of powers and functions exercised  
9 by the State.

10 (i) The Department may adopt rules as may be necessary to  
11 implement the provisions of this Section.

12 (Source: P.A. 102-633, eff. 1-1-22; 103-903, eff. 1-1-25;  
13 revised 11-25-24.)

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 500/1-13

4 30 ILCS 500/20-5

5 30 ILCS 500/45-115 new

6 30 ILCS 500/Art. 60

7 heading new

8 30 ILCS 500/60-5 new

9 30 ILCS 500/60-10 new

10 30 ILCS 500/60-15 new

11 30 ILCS 595/1

12 30 ILCS 595/5

13 30 ILCS 595/12 new

14 30 ILCS 595/35 new

15 30 ILCS 595/40 new

16 30 ILCS 595/10 rep.

17 410 ILCS 625/4