

Consumer-Owned Containers Guidance

Public Act 103-0524

Background

Food and packaging/containers account for approximately 45% of landfill materials in the United States, according to the U.S. Environmental Protection Agency. Growing awareness to such environmental issues has prompted movements to reduce the use of single-use plastics and food product packaging.

Food packaging serves an important role in protecting food from damage, contamination, spoilage, and/or tampering during transport, storage, and sale. If managed appropriately, consumer-owned containers may help to reduce food packaging waste, as well as to ensure food is kept safe when transported home from food establishments.

Consumer-owned containers have been allowed for bulk foods in Illinois since 2020. Effective August 11, 2023, Public Act 103-0524 allows consumer-owned containers at food establishments to be filled or refilled with ready-to-eat foods. The decision to allow use of consumer-owned containers is made individually by each food establishment.

This document will highlight the best practices for use of consumer-owned containers for both consumers and food establishments.

Container Construction

Consumer-owned containers need to meet the characteristics of sanitary construction as defined in 4-1 and 4-2 of the Food and Drug Administration (FDA) Food Code. They should also be used as intended and at an appropriate temperature. Container materials should be safe, durable, corrosion-resistant, non-absorbent, easily cleanable, and able to withstand repeated washing. Containers should be resistant to damage, such as chipping, scratching, and distortion under normal use conditions. See Section 4-101.12 – 4-101.18 of the FDA Food Code for the limitations of specific materials used for multiuse containers. Review Sections 4-201 of the FDA Food Code for more information. Containers designed for single use should not be reused as a consumer-owned container.

Regulators and food establishments may allow for a broader range of refillable containers for raw agricultural commodities, such as whole, unwashed fruits and vegetables, that are intended to be washed before consumption, e.g., clean cloth bag in good repair.

Container Condition

Consumer-owned containers should be in good condition with no cracks, open seams, or rust.

Consumer-Owner Filling and Bulk Foods

Granted the design and condition of the consumer-owned container meets the requirements outlined above, the owner of the container may fill or refill a personal container with bulk food if the dispenser prevents the direct handling of food.

Common dry bulk food dispensers include gravity fed and standard bins. Gravity-fed dispensers utilize a lever or dial to dispense the desired product into a consumer-owned container below. Standard bins require a designated reusable or single-use scoop to place product into a consumer-owned container. Single-use scoops are commonly used with bulk herbs and spices to avoid imparting taste. Liquids or viscous products, such as oils and honey, may also be offered in bulk, with the dispenser commonly utilizing a spigot to release the product. Other dispensers, such as those for fresh squeezed orange juice or nut butters, may automatically dispense the product with the touch of a button.

The dispensing area should contain posted instructions for dispensing bulk food products. Each dispenser should be properly labeled with ingredient(s) and an allergen notice for applicable products. The dispensing area should be kept clean with catchment basins below the dispensing device to divert spilled products from the service area.

Consumers should wash and dry their hands before dispensing bulk food. The consumer should take extra precautions when dispensing so as not to contact the food product, especially those stored in standard bins requiring a scoop. The consumer should utilize the appropriate scoop or dispensing device for the desired food product to avoid cross-contamination. Reusable scoops should be returned to their designated storage location or, in the case of single-use scoops, properly disposed of. Although cleaned and sanitized, contact between the consumer-owned container and the dispensing device should be avoided.

For bins, utensils must be provided for each bulk food storage bin or container. Staff should be available to wash utensils, as necessary.

Food Employees Filling Consumer-Owned Containers

A food establishment may choose to allow food employees to fill consumer-owned containers with ready-to-eat foods. When consumer-owned containers are filled by food employees:

- 1) The consumer-owned container should be isolated from the serving surface, or the serving surface should be cleaned and sanitized after each filling or refilling.
- 2) A written procedure to prevent cross-contamination is prepared, maintained, and adhered to. Written procedures must be made available to the local health department or municipality upon request or at the time of inspection.
- 3) Compliance with handwashing is met.

References

[Public Act 103-0524](#)

[2017 FDA Food Code](#)

Section 3-304.17(B)(1)

Part 4-1 and 4-2

Resources

[IDPH Reducing Food and Packaging Waste Webpage](#)

[Conference for Food Protection: Guidance Document for Safe Use of Reusable Containers](#)

Contact Us

Additional questions not addressed in this guidance document can be emailed to IDPH at DPH.Food@Illinois.gov.