

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Section 5-1115 as follows:

(55 ILCS 5/5-1115) (from Ch. 34, par. 5-1115)

Sec. 5-1115. Retail food ~~Food service~~ establishments.

(a) The county board of any county having a population of 2,000,000 ~~1,000,000~~ or more inhabitants may license and regulate and impose license fees on all retail food ~~service~~ establishments in the county except those retail food ~~service~~ establishments which are located within any city, village or incorporated town in such county ~~not including, however,~~ ~~establishments where food is sold only as merchandise and not prepared to be consumed on the premises.~~

(b) The county board of any county having a population of less than 2,000,000 ~~1,000,000~~ inhabitants and having a health department created under Division 5-25 may license and regulate and impose license fees on all retail food ~~service~~ establishments within both the incorporated and unincorporated areas of the county which fall within the jurisdiction of that health department as set forth in Section 5-25008.

(c) The license fees which may be imposed under this

Section must be reasonably related to the cost of inspecting and regulating the retail food ~~service~~ establishments. License fees for food establishments operated by a unit of local government, school district, or not-for-profit organization may be waived by ordinance of the county board.

(d) A county and a municipality may enter into an intergovernmental agreement that provides for the county's certified local health department to perform any or all inspection functions for the municipality. The municipality must pay the county's reasonable costs. An intergovernmental agreement shall not preclude a municipality from continuing to license retail food establishments within its jurisdiction.

(e) For the purpose of this Section, "retail food establishment" includes a food service establishment, a temporary food service establishment, and a retail food store as defined in the Food Service Sanitation Code, 77 Ill. Adm. Code Part 750, and the Retail Food Store Sanitation Code, 77 Ill. Adm. Code Part 760.

(Source: P.A. 86-962; 86-1028.)

Section 10. The Illinois Municipal Code is amended by adding Section 11-20-15 as follows:

(65 ILCS 5/11-20-15 new)

Sec. 11-20-15. Retail food establishments.

(a) A municipality in a county having a population of

2,000,000 or more inhabitants must regulate and inspect retail food establishments in the municipality. A municipality must regulate and inspect retail food establishments in accordance with applicable federal and State laws pertaining to the operation of retail food establishments including but not limited to the Illinois Food Handling Regulation Enforcement Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary Food Preparation Act, the regulations of the Illinois Department of Public Health, and local ordinances and regulations. This subsection shall not apply to a municipality that is served by a certified local health department other than a county certified local health department.

A home rule unit may not regulate retail food establishments in a less restrictive manner than as provided in this Section. This Section is a limitation of home rule powers under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) A municipality may enter into an intergovernmental agreement with a county that provides for the county's certified local health department to perform any or all inspection functions for the municipality. The municipality must pay the county's reasonable costs. An intergovernmental agreement shall not preclude a municipality from continuing to license retail food establishments within its jurisdiction.

(c) For the purpose of this Section, "retail food

establishment" includes a food service establishment, a temporary food service establishment, and a retail food store as defined in the Food Service Sanitation Code, 77 Ill. Adm. Code Part 750, and the Retail Food Store Sanitation Code, 77 Ill. Adm. Code Part 760.

Section 90. The State Mandates Act is amended by adding Section 8.33 as follows:

(30 ILCS 805/8.33 new)

Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.