

1 AN ACT concerning State government.

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

4 Section 5. The Grocery Initiative Act is amended by
5 changing Section 5 as follows:

6 (20 ILCS 750/5)

7 Sec. 5. Definitions. In this Act:

8 "Cooperative" means an organization that is organized
9 according to the Co-operative Act.

10 "Department" means the Department of Commerce and Economic
11 Opportunity.

12 "Food desert" means a census tract that:

13 (1) meets one of the following poverty standards:

14 (A) the census tract has a poverty rate of at least
15 20%; or

16 (B) the census tract is not located within a
17 metropolitan statistical area and has a median family
18 income that is less than or equal to 80% of the
19 statewide median household income; or

20 (C) the census tract is located within a
21 metropolitan statistical area and has a median family
22 income that is less than or equal to 80% of the greater
23 of (i) the statewide median household income or (ii)

1 the metropolitan area median family income; and
2 (2) meets one of the following population density and
3 food accessibility standards:

4 (A) the census tract is a rural tract, and at least
5 33% of the population of the tract or at least 500
6 residents in the tract reside more than 10 miles from
7 the nearest grocery store; or

8 (B) the census tract is an urban tract, and at
9 least 33% of the population of the tract or at least
10 500 residents in the tract reside more than one-half
11 mile from the nearest grocery store.

12 The Department may also designate an area that does not
13 meet the standards set forth in this definition as a food
14 desert if the designation is made in accordance with criteria
15 established by the Department by rule using data that
16 includes, but is not limited to, poverty metrics and access to
17 existing grocery stores.

18 "Grocery store" means an existing or planned retail
19 establishment that: (1) has or will have a primary business of
20 selling a variety of grocery products, including fresh
21 produce; (2) derives or will derive no more than 30% of its
22 revenue from sales of tobacco and alcohol in any given year;
23 (3) is or will be classified as a supermarket or other grocery
24 retailer in the 2022 North American Industry Classification
25 System under code 445110; (4) accepts or will accept
26 Supplemental Nutrition Assistance Program benefits and Special

1 Supplemental Nutrition Program for Women, Infants, and
2 Children benefits; and (5) provides or will provide for the
3 retail sale of a substantial variety of perishable foods,
4 including fresh or frozen dairy products, fresh produce, and
5 fresh meats, poultry, and fish.

6 "Independently owned" means an applicant that:

7 (1) in a municipality with a population less than
8 1,000,000, owns no more than 4 grocery stores in the State
9 of Illinois and has no more than 500 employees; or

10 (2) in a municipality with a population of 1,000,000
11 or more, owns no more than 10 grocery stores and has no
12 more than 1,500 employees.

13 "Local ownership" means that primary ownership is located
14 within the State of Illinois.

15 "Local governmental unit" means any county, municipality,
16 township, special district, or unit that is designated as a
17 unit of local government by law and exercises limited
18 governmental powers or powers in respect to limited
19 governmental subjects. "Local governmental unit" also includes
20 any school district or community college district.

21 "Not-for-profit corporation" means an organization or
22 institution that is organized and conducted on a
23 not-for-profit basis with no personal profit inuring to anyone
24 as a result of the operation and that is organized according to
25 the General Not For Profit Corporation Act of 1986.

26 "Rural tract" means a census tract that is not an urban

1 tract.

2 "Urban tract" means a census tract having its geographic
3 centroid in an urban area, as defined by the Bureau of the
4 Census for the most recent year in which all relevant data to
5 identify food deserts is available.

6 (Source: P.A. 103-561, eff. 1-1-24.)