

1 AN ACT concerning local government.

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

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

6 (55 ILCS 5/5-1115) (from Ch. 34, par. 5-1115)

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

8 (a) The county board of any county having a population of
9 1,000,000 or more inhabitants may license and regulate and
10 impose license fees on all retail food ~~service~~ establishments
11 in the county except those retail food ~~service~~ establishments
12 which are located within any city, village or incorporated town
13 in such county ~~not including, however, establishments where~~
14 ~~food is sold only as merchandise and not prepared to be~~
15 ~~consumed on the premises.~~

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

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

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

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

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

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

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

22 (65 ILCS 5/11-20-15 new)

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

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

1 1,000,000 or more inhabitants must regulate and inspect retail
2 food establishments in the municipality. A municipality must
3 regulate and inspect retail food establishments in accordance
4 with applicable federal and State laws pertaining to the
5 operation of retail food establishments including but not
6 limited to the Illinois Food Handling Regulation Enforcement
7 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary
8 Food Preparation Act, the regulations of the Illinois
9 Department of Public Health, and local ordinances and
10 regulations. This subsection shall not apply to a municipality
11 that is served by a certified local health department other
12 than a county certified local health department.

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

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

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

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

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

8 (30 ILCS 805/8.33 new)

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