

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 2,000,000 ~~1,000,000~~ or more inhabitants may license and  
10 regulate and impose license fees on all retail food ~~service~~  
11 establishments in the county except those retail food ~~service~~  
12 establishments which are located within any city, village or  
13 incorporated town in such county ~~not including, however,~~  
14 ~~establishments where food is sold only as merchandise and not~~  
15 ~~prepared to be consumed on the premises.~~

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