



Executive Committee

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09600HB0926ham001

LRB096 09194 RLJ 21128 a

1 AMENDMENT TO HOUSE BILL 926

2 AMENDMENT NO. _____. Amend House Bill 926 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 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 and inspection 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

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

7 (c) The license fees which may be imposed under this
8 Section must be reasonably related to the cost of inspecting
9 and regulating the retail food ~~service~~ establishments. License
10 fees for food establishments operated by a unit of local
11 government, school district, or not-for-profit organization
12 may be waived by ordinance of the county board.

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

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

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

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

4 (65 ILCS 5/11-20-15 new)

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

6 (a) A municipality must regulate and inspect retail food
7 establishments in the municipality. A municipality must
8 regulate and inspect retail food establishments in accordance
9 with applicable federal and State laws pertaining to the
10 operation of retail food establishments including but not
11 limited to the Illinois Food Handling Regulation Enforcement
12 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary
13 Food Preparation Act, the regulations of the Illinois
14 Department of Public Health, and local ordinances and
15 regulations.

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

22 (b) A municipality may enter into an intergovernmental
23 agreement with a county that provides for the county's
24 certified local health department to perform any or all

1 inspection functions for the municipality. The municipality
2 must pay the county's reasonable costs. An intergovernmental
3 agreement shall not preclude a municipality from continuing to
4 license and to impose inspection fees on retail food
5 establishments within its jurisdiction.

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

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

14 (30 ILCS 805/8.33 new)

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