



Rep. Elaine Nekritz

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09600HB0926ham002

LRB096 09194 RLJ 24105 a

1 AMENDMENT TO HOUSE BILL 926

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

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

7 (55 ILCS 5/5-1115) (from Ch. 34, par. 5-1115)

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

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

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

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

14 (d) A county and a municipality may enter into an
15 intergovernmental agreement that provides for the county's
16 certified local health department to perform any or all
17 inspection functions for the municipality. The municipality
18 must pay the county's reasonable costs. An intergovernmental
19 agreement shall not preclude a municipality from continuing to
20 license retail food 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 in a county having a population of
7 1,000,000 or more inhabitants must regulate and inspect retail
8 food establishments in the municipality. A municipality must
9 regulate and inspect retail food establishments in accordance
10 with applicable federal and State laws pertaining to the
11 operation of retail food establishments including but not
12 limited to the Illinois Food Handling Regulation Enforcement
13 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary
14 Food Preparation Act, the regulations of the Illinois
15 Department of Public Health, and local ordinances and
16 regulations. This subsection shall not apply to a municipality
17 that is served by a certified local health department other
18 than a county certified local health department.

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

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

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

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

16 (30 ILCS 805/8.33 new)

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