

SB3195



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3195

Introduced 2/15/2018, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.3
410 ILCS 625/3.4

Amends the Food Handling Regulation Enforcement Act. Abolishes the Farmers' Market Task Force and makes corresponding changes. Makes changes in provisions concerning legislative findings.

LRB100 15824 MJP 30933 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Food Handling Regulation Enforcement Act is
5 amended by changing Sections 3.3 and 3.4 as follows:

6 (410 ILCS 625/3.3)

7 (Text of Section before amendment by P.A. 100-488)

8 Sec. 3.3. Farmers' markets.

9 (a) The General Assembly finds as follows:

10 (1) Farmers' markets, as defined in subsection (b) of
11 this Section, provide not only a valuable marketplace for
12 farmers and food artisans to sell their products directly
13 to consumers, but also a place for consumers to access
14 fresh fruits, vegetables, and other agricultural products.

15 (2) Farmers' markets serve as a stimulator for local
16 economies and for thousands of new businesses every year,
17 allowing farmers to sell directly to consumers and capture
18 the full retail value of their products. They have become
19 important community institutions and have figured in the
20 revitalization of downtown districts and rural
21 communities.

22 (3) Since 1999, the number of farmers' markets has
23 tripled and new ones are being established every year.

1 There is a lack of consistent regulation from one county to
2 the next, resulting in confusion and discrepancies between
3 counties regarding how products may be sold. There
4 continues to be inconsistencies, confusion, and lack of
5 awareness by consumers, farmers, markets, and local health
6 authorities of required guidelines affecting farmers'
7 markets from county to county.

8 (4) (Blank). ~~In 1999, the Department of Public Health~~
9 ~~published Technical Information Bulletin/Food #30 in order~~
10 ~~to outline the food handling and sanitation guidelines~~
11 ~~required for farmers' markets, producer markets, and other~~
12 ~~outdoor food sales events.~~

13 (5) (Blank). ~~While this bulletin was revised in 2010,~~
14 ~~there continues to be inconsistencies, confusion, and lack~~
15 ~~of awareness by consumers, farmers, markets, and local~~
16 ~~health authorities of required guidelines affecting~~
17 ~~farmers' markets from county to county.~~

18 (b) For the purposes of this Section:

19 "Department" means the Department of Public Health.

20 "Director" means the Director of Public Health.

21 "Farmers' market" means a common facility or area where the
22 primary purpose is for farmers to gather to sell a variety of
23 fresh fruits and vegetables and other locally produced farm and
24 food products directly to consumers.

25 (c) (Blank). ~~In order to facilitate the orderly and uniform~~
26 ~~statewide implementation of the standards established in the~~

1 ~~Department of Public Health's administrative rules for this~~
2 ~~Section, the Farmers' Market Task Force shall be formed by the~~
3 ~~Director to assist the Department in implementing statewide~~
4 ~~administrative regulations for farmers' markets.~~

5 (d) This Section does not intend and shall not be construed
6 to limit the power of counties, municipalities, and other local
7 government units to regulate farmers' markets for the
8 protection of the public health, safety, morals, and welfare,
9 including, but not limited to, licensing requirements and time,
10 place, and manner restrictions. This Section provides for a
11 statewide scheme for the orderly and consistent interpretation
12 of the Department of Public Health administrative rules
13 pertaining to the safety of food and food products sold at
14 farmers' markets.

15 (e) (Blank). ~~The Farmers' Market Task Force shall consist~~
16 ~~of at least 24 members appointed within 60 days after August~~
17 ~~16, 2011 (the effective date of this Section). Task Force~~
18 ~~members shall consist of:~~

19 ~~(1) one person appointed by the President of the~~
20 ~~Senate;~~

21 ~~(2) one person appointed by the Minority Leader of the~~
22 ~~Senate;~~

23 ~~(3) one person appointed by the Speaker of the House of~~
24 ~~Representatives;~~

25 ~~(4) one person appointed by the Minority Leader of the~~
26 ~~House of Representatives;~~

1 ~~(5) the Director of Public Health or his or her~~
2 ~~designee;~~

3 ~~(6) the Director of Agriculture or his or her designee;~~

4 ~~(7) a representative of a general agricultural~~
5 ~~production association appointed by the Department of~~
6 ~~Agriculture;~~

7 ~~(8) three representatives of local county public~~
8 ~~health departments appointed by the Director and selected~~
9 ~~from 3 different counties representing each of the~~
10 ~~northern, central, and southern portions of this State;~~

11 ~~(9) four members of the general public who are engaged~~
12 ~~in local farmers' markets appointed by the Director of~~
13 ~~Agriculture;~~

14 ~~(10) a representative of an association representing~~
15 ~~public health administrators appointed by the Director;~~

16 ~~(11) a representative of an organization of public~~
17 ~~health departments that serve the City of Chicago and the~~
18 ~~counties of Cook, DuPage, Kane, Kendall, Lake, McHenry,~~
19 ~~Will, and Winnebago appointed by the Director;~~

20 ~~(12) a representative of a general public health~~
21 ~~association appointed by the Director;~~

22 ~~(13) the Director of Commerce and Economic Opportunity~~
23 ~~or his or her designee;~~

24 ~~(14) the Lieutenant Governor or his or her designee;~~
25 ~~and~~

26 ~~(15) five farmers who sell their farm products at~~

1 ~~farmers' markets appointed by the Lieutenant Governor or~~
2 ~~his or her designee.~~

3 ~~Task Force members' terms shall be for a period of 2 years,~~
4 ~~with ongoing appointments made according to the provisions of~~
5 ~~this Section.~~

6 (f) (Blank). ~~The Task Force shall be convened by the~~
7 ~~Director or his or her designee. Members shall elect a Task~~
8 ~~Force Chair and Co Chair.~~

9 (g) (Blank). ~~Meetings may be held via conference call, in~~
10 ~~person, or both. Three members of the Task Force may call a~~
11 ~~meeting as long as a 5 working day notification is sent via~~
12 ~~mail, e-mail, or telephone call to each member of the Task~~
13 ~~Force.~~

14 (h) (Blank). ~~Members of the Task Force shall serve without~~
15 ~~compensation.~~

16 (i) (Blank). ~~The Task Force shall undertake a comprehensive~~
17 ~~and thorough review of the current Statutes and administrative~~
18 ~~rules that define which products and practices are permitted~~
19 ~~and which products and practices are not permitted at farmers'~~
20 ~~markets and to assist the Department in developing statewide~~
21 ~~administrative regulations for farmers' markets.~~

22 (j) (Blank). ~~The Task Force shall advise the Department~~
23 ~~regarding the content of any administrative rules adopted under~~
24 ~~this Section and Sections 3.4, 3.5, and 4 of this Act prior to~~
25 ~~adoption of the rules. Any administrative rules, except~~
26 ~~emergency rules adopted pursuant to Section 5 45 of the~~

1 ~~Illinois Administrative Procedure Act, adopted under this~~
2 ~~Section without obtaining the advice of the Task Force are null~~
3 ~~and void. If the Department fails to follow the advice of the~~
4 ~~Task Force, the Department shall, prior to adopting the rules,~~
5 ~~transmit a written explanation to the Task Force. If the Task~~
6 ~~Force, having been asked for its advice, fails to advise the~~
7 ~~Department within 90 days after receiving the rules for review,~~
8 ~~the rules shall be considered to have been approved by the Task~~
9 ~~Force.~~

10 (k) (Blank). ~~The Department of Public Health shall provide~~
11 ~~staffing support to the Task Force and shall help to prepare,~~
12 ~~print, and distribute all reports deemed necessary by the Task~~
13 ~~Force.~~

14 (l) (Blank). ~~The Task Force may request assistance from any~~
15 ~~entity necessary or useful for the performance of its duties.~~
16 ~~The Task Force shall issue a report annually to the Secretary~~
17 ~~of the Senate and the Clerk of the House.~~

18 (m) The following provisions shall apply concerning
19 statewide farmers' market food safety guidelines:

20 (1) The Director, in accordance with this Section,
21 shall adopt administrative rules (as provided by the
22 Illinois Administrative Procedure Act) for foods found at
23 farmers' markets.

24 (2) The rules and regulations described in this Section
25 shall be consistently enforced by local health authorities
26 throughout the State.

1 (2.5) Notwithstanding any other provision of law
2 except as provided in this Section, local public health
3 departments and all other units of local government are
4 prohibited from creating sanitation guidelines, rules, or
5 regulations for farmers' markets that are more stringent
6 than those farmers' market sanitation regulations
7 contained in the administrative rules adopted by the
8 Department for the purposes of implementing this Section
9 and Sections 3.4, 3.5, and 4 of this Act. Except as
10 provided for in Sections 3.4 and 4 of this Act, this
11 Section does not intend and shall not be construed to limit
12 the power of local health departments and other government
13 units from requiring licensing and permits for the sale of
14 commercial food products, processed food products,
15 prepared foods, and potentially hazardous foods at
16 farmers' markets or conducting related inspections and
17 enforcement activities, so long as those permits and
18 licenses do not include unreasonable fees or sanitation
19 provisions and rules that are more stringent than those
20 laid out in the administrative rules adopted by the
21 Department for the purposes of implementing this Section
22 and Sections 3.4, 3.5, and 4 of this Act.

23 (3) In the case of alleged non-compliance with the
24 provisions described in this Section, local health
25 departments shall issue written notices to vendors and
26 market managers of any noncompliance issues.

1 (4) Produce and food products coming within the scope
2 of the provisions of this Section shall include, but not be
3 limited to, raw agricultural products, including fresh
4 fruits and vegetables; popcorn, grains, seeds, beans, and
5 nuts that are whole, unprocessed, unpackaged, and
6 unsprouted; fresh herb springs and dried herbs in bunches;
7 baked goods sold at farmers' markets; cut fruits and
8 vegetables; milk and cheese products; ice cream; syrups;
9 wild and cultivated mushrooms; apple cider and other fruit
10 and vegetable juices; herb vinegar; garlic-in-oil;
11 flavored oils; pickles, relishes, salsas, and other canned
12 or jarred items; shell eggs; meat and poultry; fish;
13 ready-to-eat foods; commercially produced prepackaged food
14 products; and any additional items specified in the
15 administrative rules adopted by the Department to
16 implement Section 3.3 of this Act.

17 (n) Local health department regulatory guidelines may be
18 applied to foods not often found at farmers' markets, all other
19 food products not regulated by the Department of Agriculture
20 and the Department of Public Health, as well as live animals to
21 be sold at farmers' markets.

22 (o) (Blank). ~~The Task Force shall issue annual reports to~~
23 ~~the Secretary of the Senate and the Clerk of the House with~~
24 ~~recommendations for the development of administrative rules as~~
25 ~~specified. The first report shall be issued no later than~~
26 ~~December 31, 2012.~~

1 (p) The Department of Public Health and the Department of
2 Agriculture, ~~in conjunction with the Task Force,~~ shall adopt
3 administrative rules necessary to implement, interpret, and
4 make specific the provisions of this Section, including, but
5 not limited to, rules concerning labels, sanitation, and food
6 product safety according to the realms of their jurisdiction ~~in~~
7 ~~accordance with subsection (j) of this Section.~~

8 (q) The Department ~~and the Task Force~~ shall ~~work together~~
9 ~~to~~ create a food sampling training and license program as
10 specified in Section 3.4 of this Act.

11 (Source: P.A. 98-660, eff. 6-23-14; 99-9, eff. 7-10-15; 99-191,
12 eff. 1-1-16; 99-642, eff. 7-28-16.)

13 (Text of Section after amendment by P.A. 100-488)

14 Sec. 3.3. Farmers' markets.

15 (a) The General Assembly finds as follows:

16 (1) Farmers' markets, as defined in subsection (b) of
17 this Section, provide not only a valuable marketplace for
18 farmers and food artisans to sell their products directly
19 to consumers, but also a place for consumers to access
20 fresh fruits, vegetables, and other agricultural products.

21 (2) Farmers' markets serve as a stimulator for local
22 economies and for thousands of new businesses every year,
23 allowing farmers to sell directly to consumers and capture
24 the full retail value of their products. They have become
25 important community institutions and have figured in the

1 revitalization of downtown districts and rural
2 communities.

3 (3) Since 1999, the number of farmers' markets has
4 tripled and new ones are being established every year.
5 There is a lack of consistent regulation from one county to
6 the next, resulting in confusion and discrepancies between
7 counties regarding how products may be sold. There
8 continues to be inconsistencies, confusion, and lack of
9 awareness by consumers, farmers, markets, and local health
10 authorities of required guidelines affecting farmers'
11 markets from county to county.

12 (4) (Blank). ~~In 1999, the Department of Public Health~~
13 ~~published Technical Information Bulletin/Food #30 in order~~
14 ~~to outline the food handling and sanitation guidelines~~
15 ~~required for farmers' markets, producer markets, and other~~
16 ~~outdoor food sales events.~~

17 (5) (Blank). ~~While this bulletin was revised in 2010,~~
18 ~~there continues to be inconsistencies, confusion, and lack~~
19 ~~of awareness by consumers, farmers, markets, and local~~
20 ~~health authorities of required guidelines affecting~~
21 ~~farmers' markets from county to county.~~

22 (6) Recognizing that farmers' markets serve as small
23 business incubators and that farmers' profit margins
24 frequently are narrow, even in direct-to-consumer retail,
25 protecting farmers from costs of regulation that are
26 disproportionate to their profits will help ensure the

1 continued viability of these local farms and small
2 businesses.

3 (b) For the purposes of this Section:

4 "Department" means the Department of Public Health.

5 "Director" means the Director of Public Health.

6 "Farmers' market" means a common facility or area where the
7 primary purpose is for farmers to gather to sell a variety of
8 fresh fruits and vegetables and other locally produced farm and
9 food products directly to consumers.

10 ~~"Task Force" means the Farmers' Market Task Force.~~

11 (c) (Blank). ~~In order to facilitate the orderly and uniform
12 statewide implementation and affordability of the standards
13 established in the Department administrative rules for this
14 Section, the Farmers' Market Task Force shall be formed by the
15 Director to assist the Department in implementing statewide
16 administrative regulations for farmers' markets.~~

17 (d) This Section does not intend and shall not be construed
18 to limit the power of counties, municipalities, and other local
19 government units to regulate farmers' markets for the
20 protection of the public health, safety, morals, and welfare,
21 including, but not limited to, licensing requirements and time,
22 place, and manner restrictions, except as specified in this
23 Act. This Section provides for a statewide scheme for the
24 orderly and consistent interpretation of the Department's
25 administrative rules pertaining to the safety of food and food
26 products sold at farmers' markets.

1 (e) (Blank). ~~The Task Force shall consist of at least 24~~
2 ~~members appointed within 60 days after August 16, 2011 (the~~
3 ~~effective date of this Section). Task Force members shall~~
4 ~~consist of:~~

5 ~~(1) one person appointed by the President of the~~
6 ~~Senate;~~

7 ~~(2) one person appointed by the Minority Leader of the~~
8 ~~Senate;~~

9 ~~(3) one person appointed by the Speaker of the House of~~
10 ~~Representatives;~~

11 ~~(4) one person appointed by the Minority Leader of the~~
12 ~~House of Representatives;~~

13 ~~(5) the Director of Public Health or his or her~~
14 ~~designee;~~

15 ~~(6) the Director of Agriculture or his or her designee;~~

16 ~~(7) a representative of a general agricultural~~
17 ~~production association appointed by the Department of~~
18 ~~Agriculture;~~

19 ~~(8) three representatives of local county public~~
20 ~~health departments appointed by the Director and selected~~
21 ~~from 3 different counties representing each of the~~
22 ~~northern, central, and southern portions of this State;~~

23 ~~(9) four members of the general public who are engaged~~
24 ~~in local farmers' markets appointed by the Director of~~
25 ~~Agriculture;~~

26 ~~(10) a representative of an association representing~~

1 ~~public health administrators appointed by the Director;~~

2 ~~(11) a representative of an organization of public~~
3 ~~health departments that serve the City of Chicago and the~~
4 ~~counties of Cook, DuPage, Kane, Kendall, Lake, McHenry,~~
5 ~~Will, and Winnebago appointed by the Director;~~

6 ~~(12) a representative of a general public health~~
7 ~~association appointed by the Director;~~

8 ~~(13) the Director of Commerce and Economic Opportunity~~
9 ~~or his or her designee;~~

10 ~~(14) the Lieutenant Governor or his or her designee;~~

11 ~~(15) five farmers who sell their farm products at~~
12 ~~farmers' markets appointed by the Lieutenant Governor or~~
13 ~~his or her designee; and~~

14 ~~(16) one person appointed by the Mayor of Chicago.~~

15 ~~Task Force members' terms shall be for a period of 2 years,~~
16 ~~with ongoing appointments made according to the provisions of~~
17 ~~this Section.~~

18 (f) (Blank). ~~The Task Force shall be convened by the~~
19 ~~Director or his or her designee. Members shall elect a Task~~
20 ~~Force Chair and Co-Chair.~~

21 (g) (Blank). ~~Meetings may be held via conference call, in~~
22 ~~person, or both. Three members of the Task Force may call a~~
23 ~~meeting as long as a 5 working day notification is sent via~~
24 ~~mail, e-mail, or telephone call to each member of the Task~~
25 ~~Force.~~

26 (h) (Blank). ~~Members of the Task Force shall serve without~~

1 ~~compensation.~~

2 (i) (Blank). ~~The Task Force shall undertake a comprehensive~~
3 ~~and thorough review of the current Statutes and administrative~~
4 ~~rules that define which products and practices are permitted~~
5 ~~and which products and practices are not permitted at farmers'~~
6 ~~markets and to assist the Department in developing statewide~~
7 ~~administrative regulations for farmers' markets.~~

8 (j) (Blank). ~~The Task Force shall advise the Department~~
9 ~~regarding the content of any administrative rules adopted under~~
10 ~~this Section and Sections 3.4, 3.5, and 4 of this Act prior to~~
11 ~~adoption of the rules. Any administrative rules, except~~
12 ~~emergency rules adopted pursuant to Section 5-45 of the~~
13 ~~Illinois Administrative Procedure Act, adopted under this~~
14 ~~Section without obtaining the advice of the Task Force are null~~
15 ~~and void. If the Department fails to follow the advice of the~~
16 ~~Task Force, the Department shall, prior to adopting the rules,~~
17 ~~transmit a written explanation to the Task Force. If the Task~~
18 ~~Force, having been asked for its advice, fails to advise the~~
19 ~~Department within 90 days after receiving the rules for review,~~
20 ~~the rules shall be considered to have been approved by the Task~~
21 ~~Force.~~

22 (k) (Blank). ~~The Department shall provide staffing support~~
23 ~~to the Task Force and shall help to prepare, print, and~~
24 ~~distribute all reports deemed necessary by the Task Force.~~

25 (l) (Blank). ~~The Task Force may request assistance from any~~
26 ~~entity necessary or useful for the performance of its duties.~~

1 ~~The Task Force shall issue a report annually to the Secretary~~
2 ~~of the Senate and the Clerk of the House.~~

3 (m) The following provisions shall apply concerning
4 statewide farmers' market food safety guidelines:

5 (1) The Director, in accordance with this Section,
6 shall adopt administrative rules (as provided by the
7 Illinois Administrative Procedure Act) for foods found at
8 farmers' markets.

9 (2) The rules and regulations described in this Section
10 shall be consistently enforced by local health authorities
11 throughout the State.

12 (2.5) Notwithstanding any other provision of law
13 except as provided in this Section, local public health
14 departments and all other units of local government are
15 prohibited from creating sanitation guidelines, rules, or
16 regulations for farmers' markets that are more stringent
17 than those farmers' market sanitation regulations
18 contained in the administrative rules adopted by the
19 Department for the purposes of implementing this Section
20 and Sections 3.4, 3.5, and 4 of this Act. Except as
21 provided for in Sections 3.4 and 4 of this Act, this
22 Section does not intend and shall not be construed to limit
23 the power of local health departments and other government
24 units from requiring licensing and permits for the sale of
25 commercial food products, processed food products,
26 prepared foods, and potentially hazardous foods at

1 farmers' markets or conducting related inspections and
2 enforcement activities, so long as those permits and
3 licenses do not include unreasonable fees or sanitation
4 provisions and rules that are more stringent than those
5 laid out in the administrative rules adopted by the
6 Department for the purposes of implementing this Section
7 and Sections 3.4, 3.5, and 4 of this Act.

8 (3) In the case of alleged non-compliance with the
9 provisions described in this Section, local health
10 departments shall issue written notices to vendors and
11 market managers of any noncompliance issues.

12 (4) Produce and food products coming within the scope
13 of the provisions of this Section shall include, but not be
14 limited to, raw agricultural products, including fresh
15 fruits and vegetables; popcorn, grains, seeds, beans, and
16 nuts that are whole, unprocessed, unpackaged, and
17 unsprouted; fresh herb springs and dried herbs in bunches;
18 baked goods sold at farmers' markets; cut fruits and
19 vegetables; milk and cheese products; ice cream; syrups;
20 wild and cultivated mushrooms; apple cider and other fruit
21 and vegetable juices; herb vinegar; garlic-in-oil;
22 flavored oils; pickles, relishes, salsas, and other canned
23 or jarred items; shell eggs; meat and poultry; fish;
24 ready-to-eat foods; commercially produced prepackaged food
25 products; and any additional items specified in the
26 administrative rules adopted by the Department to

1 implement Section 3.3 of this Act.

2 (n) Local health department regulatory guidelines may be
3 applied to foods not often found at farmers' markets, all other
4 food products not regulated by the Department of Agriculture
5 and the Department of Public Health, as well as live animals to
6 be sold at farmers' markets.

7 (o) (Blank). ~~The Task Force shall issue annual reports to~~
8 ~~the Secretary of the Senate and the Clerk of the House with~~
9 ~~recommendations for the development of administrative rules as~~
10 ~~specified. The first report shall be issued no later than~~
11 ~~December 31, 2012.~~

12 (p) The Department of Public Health and the Department of
13 Agriculture, ~~in conjunction with the Task Force,~~ shall adopt
14 administrative rules necessary to implement, interpret, and
15 make specific the provisions of this Section, including, but
16 not limited to, rules concerning labels, sanitation, and food
17 product safety according to the realms of their jurisdiction ~~in~~
18 ~~accordance with subsection (j) of this Section.~~

19 (q) The Department ~~and the Task Force~~ shall ~~work together~~
20 ~~to~~ create a food sampling training and license program as
21 specified in Section 3.4 of this Act.

22 (r) In addition to any rules adopted pursuant to subsection
23 (p) of this Section, the following provisions shall be applied
24 uniformly throughout the State, including to home rule units,
25 except as otherwise provided in this Act:

26 (1) Farmers market vendors shall provide effective

1 means to maintain potentially hazardous food, as defined in
2 Section 4 of this Act, at 41 degrees Fahrenheit or below.
3 As an alternative to mechanical refrigeration, an
4 effectively insulated, hard-sided, cleanable container
5 with sufficient ice or other cooling means that is intended
6 for the storage of potentially hazardous food shall be
7 used. Local health departments shall not limit vendors'
8 choice of refrigeration or cooling equipment and shall not
9 charge a fee for use of such equipment. Local health
10 departments shall not be precluded from requiring an
11 effective alternative form of cooling if a vendor is unable
12 to maintain food at the appropriate temperature.

13 (2) Handwashing stations may be shared by farmers'
14 market vendors if handwashing stations are accessible to
15 vendors.

16 (Source: P.A. 99-9, eff. 7-10-15; 99-191, eff. 1-1-16; 99-642,
17 eff. 7-28-16; 100-488, eff. 6-1-18.)

18 (410 ILCS 625/3.4)

19 Sec. 3.4. Product samples.

20 (a) For the purpose of this Section, "food product
21 sampling" means food product samples distributed free of charge
22 for promotional or educational purposes only.

23 (b) Notwithstanding any other provision of law, except as
24 provided in subsection (c) of this Section, a vendor who
25 engages in food product sampling at a farmers' market may do so

1 without obtaining a State or local permit to provide those food
2 product samples, provided the vendor complies with the State
3 and local permit requirements to sell the food product to be
4 sampled and with the food preparation, food handling, food
5 storage, and food sampling requirements specified in the
6 administrative rules adopted by the Department to implement
7 Section 3.3 and Section 3.4 of this Act.

8 The Department of Public Health is instructed to ~~work with~~
9 ~~the Farmers' Market Task Force as created in Section 3.3 of~~
10 ~~this Act to~~ establish a food sampling at farmers' market
11 training and certification program to fulfill this
12 requirement. The Department shall adopt rules for the food
13 sampling training and certification program and product
14 sampling requirements at farmers' markets ~~in accordance with~~
15 ~~subsection (j) of Section 3.3~~. The Department may charge a
16 reasonable fee for the training and certification program. The
17 Department may delegate or contract authority to administer the
18 food sampling training to other qualified public and private
19 entities.

20 (c) Notwithstanding the provisions of subsection (b) of
21 this Section, the Department of Public Health, the Department
22 of Agriculture, a local municipal health department, or a
23 certified local health department may inspect a vendor at a
24 farmers' market to ensure compliance with the provisions in
25 this Section. If an imminent health hazard exists or a vendor's
26 product has been found to be misbranded, adulterated, or not in

1 compliance with the permit exemption for vendors pursuant to
2 this Section, then the regulatory authority may invoke
3 cessation of sales until it deems that the situation has been
4 addressed.

5 (Source: P.A. 98-660, eff. 6-23-14; 99-78, eff. 7-20-15.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.