

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-20-16 as follows:

(65 ILCS 5/11-20-16)

Sec. 11-20-16. Retail food establishments.

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

A home rule unit may not regulate retail food establishments in a less restrictive manner than as provided in this Section. This Section is a limitation of home rule powers

under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(b) A municipality may enter into an intergovernmental agreement with a county that provides for the county's certified local health department to perform any or all inspection functions for the municipality. The municipality must pay the county's reasonable costs. A municipality may enter into an intergovernmental agreement with a local health district, as defined in Section 11 of the Public Health District Act and that serves the entire municipality, to regulate and inspect retail food establishments for the municipality. An intergovernmental agreement shall not preclude a municipality or local health district from continuing to license retail food establishments within its jurisdiction.

(b-5) Notwithstanding subsections (a) and (b) of this Section, a retail food establishment that presents a low relative risk of causing foodborne illness according to the criteria set forth in 77 Ill. Adm. Code Part 615 and is located in a municipality having a population of 2,000,000 or more shall either (1) receive one inspection every 2 years; or (2) if required by the local health department, submit one self-inspection report every 2 years. A local health department under this subsection must develop the self-inspection form and an evaluation and enforcement plan for the self-inspection

program and submit the form and plan to the Department of Public Health for approval before they may be used. The evaluation plan must provide for oversight and evaluation of the self-inspection program. The Department of Public Health may adopt rules setting standards for local health departments' evaluation and enforcement plans. The Department of Public Health and a local health department under this Section may adopt rules to enforce this Section, including the imposition of civil money penalties and administrative penalties.

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

(Source: P.A. 98-193, eff. 8-6-13.)

Section 99. Effective date. This Act takes effect upon becoming law.