

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

6 (65 ILCS 5/11-20-16)

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

8 (a) A municipality in a county having a population of
9 2,000,000 or more inhabitants must regulate and inspect retail
10 food establishments in the municipality. A municipality must
11 regulate and inspect retail food establishments in accordance
12 with applicable federal and State laws pertaining to the
13 operation of retail food establishments including but not
14 limited to the Illinois Food Handling Regulation Enforcement
15 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary
16 Food Preparation Act, the regulations of the Illinois
17 Department of Public Health, and local ordinances and
18 regulations. This subsection shall not apply to a municipality
19 that is served by a certified local health department other
20 than a county certified local health department.

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

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

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

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

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

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

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

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