



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1546

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3

from Ch. 56 1/2, par. 333

410 ILCS 625/3.05 new

Amends the Food Handling Regulation Enforcement Act. Provides that beginning July 1, 2014, any individual seeking a food service sanitation manager certificate or a food service sanitation manager instructor certificate must complete a minimum of 8 hours of Department of Public Health-approved training, inclusive of the examination, and receive a score of at least 75% on the examination. Provides that for purposes of certification and recertification for food service sanitation manager certification, the Department shall accept only Department-approved training and exams accredited under standards developed and adopted by the Conference for Food Protection or its successor. Provides that the Department shall award an Illinois certificate to anyone presenting a valid certificate issued by another state, so long as the holder of the certificate provides proof of having passed an examination accredited under standards developed and adopted by the Conference for Food Protection or its successor. Sets forth provisions concerning reciprocity. Provides that all food handlers, other than someone holding a food service sanitation manager certificate, must receive training in basic safe food handling principles within 30 days after employment. Sets forth the subject matter that is to be covered in training and the requirements concerning departmental approval. Provides that food handler training is considered to be an exclusive function of the State, and local programs are prohibited. Preempts home rule. Makes other changes. Effective immediately.

LRB098 05623 RPM 35661 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 Section 3 and by adding Section 3.05 as
6 follows:

7 (410 ILCS 625/3) (from Ch. 56 1/2, par. 333)

8 Sec. 3. Each food service establishment shall be under the
9 operational supervision of a certified food service sanitation
10 manager in accordance with rules promulgated under this Act.

11 By July 1, 1990, the Director of the Department of Public
12 Health in accordance with this Act, shall promulgate rules for
13 the education, examination, and certification of food service
14 establishment managers and instructors of the food service
15 sanitation manager certification education programs. Beginning
16 July 1, 2014, any individual seeking a food service sanitation
17 manager certificate or a food service sanitation manager
18 instructor certificate must complete a minimum of 8 hours of
19 Department-approved training, inclusive of the examination,
20 and receive a score of at least 75% on the examination. A food
21 service sanitation manager certificate and a food service
22 sanitation manager instructor certificate shall be valid for 5
23 years, unless revoked by the Department of Public Health, and

1 shall not be transferable from the individual to whom it was
2 issued. Beginning July 1, 2014, recertification for food
3 service sanitation manager certification ~~Recertification~~ shall
4 be accomplished by presenting evidence of completion of 8 hours
5 of Department-approved training, inclusive of the examination,
6 and having received a score of at least 75% on the examination
7 ~~ongoing food safety and food sanitation education or~~
8 ~~re-examination, in compliance with rules promulgated by the~~
9 ~~Director. Existing certificates shall expire on the printed~~
10 ~~expiration date or 5 years from the effective date of this~~
11 ~~amendatory Act of 1989.~~

12 For purposes of certification and recertification for food
13 service sanitation manager certification, the Department shall
14 accept only training approved by the Department and
15 certification exams accredited under standards developed and
16 adopted by the Conference for Food Protection or its successor.
17 ~~Any individual may elect to take the Department of Public~~
18 ~~Health food service sanitation manager certification~~
19 ~~examination or take an examination administered by a testing~~
20 ~~authority previously approved by the Department. The~~
21 Department shall charge a fee of \$35 for each new and renewed
22 food service sanitation manager certificate and \$10 for each
23 replacement certificate. All fees collected under this Section
24 shall be deposited into the Food and Drug Safety Fund.

25 Any fee received by the Department under this Section that
26 is submitted for the renewal of an expired food service

1 sanitation manager certificate may be returned by the Director
2 after recording the receipt of the fee and the reason for its
3 return.

4 The Department shall award an Illinois certificate to
5 anyone presenting a valid certificate issued by another state,
6 so long as the holder of the certificate provides proof of
7 having passed an examination accredited under standards
8 developed and adopted by the Conference for Food Protection or
9 its successor. The \$35 issuance fee applies. The reciprocal
10 Illinois certificate shall expire on the same date as the
11 presented certificate. On or before the expiration date, the
12 holder must have met the Illinois recertification requirements
13 in order to be reissued an Illinois certificate. Reciprocity is
14 only for individuals who have moved to or begun working in
15 Illinois in the 6 months prior to applying for reciprocity. Any
16 individual presenting an out-of-state certificate may do so
17 only once.

18 (Source: P.A. 89-641, eff. 8-9-96.)

19 (410 ILCS 625/3.05 new)

20 Sec. 3.05. Food handler training.

21 (a) All food handlers, other than someone holding a food
22 service sanitation manager certificate, must receive training
23 in basic safe food handling principles as outlined in
24 subsection (b) of this Section within 30 days after employment.
25 There is no limit to how many times an employee may take the

1 training. Training is not transferable between individuals or
2 employers. Proof that a food handler has been trained must be
3 available upon reasonable request by a State or local health
4 department inspector.

5 (b) Food handler training must cover and assess knowledge
6 of the following topics:

7 (1) The relationship between time and temperature with
8 respect to foodborne illness, including the relationship
9 between time and temperature and micro-organisms during
10 the various food handling preparation and serving states,
11 and the type, calibration, and use of thermometers in
12 monitoring food temperatures.

13 (2) The relationship between personal hygiene and food
14 safety, including the association of hand contact,
15 personal habits and behaviors, and the food handler's
16 health to foodborne illness, and the recognition of how
17 policies, procedures, and management contribute to
18 improved food safety practices.

19 (3) Methods of preventing food contamination in all
20 stages of food handling, including terms associated with
21 contamination and potential hazards prior to, during, and
22 after delivery.

23 (4) Procedures for cleaning and sanitizing equipment
24 and utensils.

25 (5) Problems and potential solutions associated with
26 temperature control, preventing cross-contamination,

1 housekeeping, and maintenance.

2 (c) Training modules must be approved by the Department.

3 Any modules not approved within 90 days after the Department's
4 receipt of the business application shall automatically be
5 considered approved. If a training module has been approved in
6 another state, then it shall automatically be considered
7 approved in Illinois so long as the business provides proof
8 that the training has been approved in another state. Training
9 may be conducted by any means available, including, but not
10 limited to, on-line, computer, classroom, live trainers,
11 remote trainers, and food service sanitation manager
12 instructors. Nothing in this subsection (c) shall be construed
13 to require a proctor. There should be at least one commercially
14 available, approved food handler training module at a cost of
15 no more than \$15 per employee; if an approved food handler
16 training module is not available at that cost, then the
17 provisions of this Section 3.05 shall not apply.

18 (d) Food handler training is considered to be an exclusive
19 function of the State, and local programs are prohibited. This
20 subsection (d) is a denial and limitation of home rule powers
21 and functions under subsection (h) of Section 6 of Article VII
22 of the Illinois Constitution.

23 (e) The provisions of this Section apply beginning July 1,
24 2016. From July 1, 2016 through December 31, 2016, enforcement
25 of the provisions of this Section shall be limited to education
26 and notification of requirements to encourage compliance.

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