

AN ACT concerning health.

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

Section 5. The Food Handling Regulation Enforcement Act is amended by changing Section 3.06 and by adding Section 3.07 as follows:

(410 ILCS 625/3.06)

Sec. 3.06. Food handler training; restaurants.

(a) For the purpose of this Section, "restaurant" means any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption. "Primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

(b) Unless otherwise provided, all food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, must receive or obtain American National Standards Institute-accredited training in basic safe food handling principles within 30 days after employment and every 3 years thereafter. Notwithstanding the provisions of Section 3.05 of this Act, food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew

their training every 3 years. There is no limit to how many times an employee may take the training. The training indicated in subsections (e) and (f) of this Section is transferable between employers, but not individuals. The training indicated in subsections (c) and (d) of this Section is not transferable between individuals or employers. Proof that a food handler has been trained must be available upon reasonable request by a State or local health department inspector and may be provided electronically.

(c) If a business with an internal training program is approved in another state prior to the effective date of this amendatory Act of the 98th General Assembly, then the business's training program and assessment shall be automatically approved by the Department upon the business providing proof that the program is approved in said state.

(d) The Department shall approve the training program of any multi-state business or a franchisee, as defined in the Franchise Disclosure Act of 1987, of any multi-state business with a plan that follows the guidelines in subsection (b) of Section 3.05 of this Act and is on file with the Department by August 1, 2017 ~~March 31, 2015~~.

(e) If an entity uses an American National Standards Institute food handler training accredited program, that training program shall be automatically approved by the Department.

(f) Certified local health departments in counties serving

jurisdictions with a population of 100,000 or less, as reported by the U.S. Census Bureau in the 2010 Census of Population, may have a training program. The training program must meet the requirements of Section 3.05(b) and be approved by the Department. This Section notwithstanding, certified local health departments in the following counties may have a training program:

(1) a county with a population of 677,560 as reported by the U.S. Census Bureau in the 2010 Census of Population;

(2) a county with a population of 308,760 as reported by the U.S. Census Bureau in the 2010 Census of Population;

(3) a county with a population of 515,269 as reported by the U.S. Census Bureau in the 2010 Census of Population;

(4) a county with a population of 114,736 as reported by the U.S. Census Bureau in the 2010 Census of Population;

(5) a county with a population of 110,768 as reported by the U.S. Census Bureau in the 2010 Census of Population;

(6) a county with a population of 135,394 as reported by the U.S. Census Bureau in the 2010 Census of Population.

The certified local health departments in paragraphs (1) through (6) of this subsection (f) must have their training programs on file with the Department no later than 90 days after the effective date of this Act. Any modules that meet the requirements of subsection (b) of Section 3.05 of this Act and are not approved within 180 days after the Department's receipt of the application of the entity seeking to conduct the

training shall automatically be considered approved by the Department.

(g) Any and all documents, materials, or information related to a restaurant or business food handler training module submitted to the Department is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act. Training may be conducted by any means available, including, but not limited to, on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers. There must be at least one commercially available, approved food handler training module at a cost of no more than \$15 per employee; if an approved food handler training module is not available at that cost, then the provisions of this Section 3.06 shall not apply.

(h) The regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited. This subsection (h) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(i) The provisions of this Section apply beginning July 1, 2014. From July 1, 2014 through December 31, 2014, enforcement of the provisions of this Section shall be limited to education and notification of requirements to encourage compliance.

(Source: P.A. 98-566, eff. 8-27-13; 99-62, eff. 7-16-15; 99-78, eff. 7-20-15.)

(410 ILCS 625/3.07 new)

Sec. 3.07. Allergen awareness training.

(a) As used in this Section:

"Certified food service sanitation manager" means a food service sanitation manager certified under Section 3 of this Act.

"Major food allergen" includes milk, eggs, fish, crustaceans, tree nuts, wheat, peanuts, soybeans, and food ingredients that contain protein derived from these foods.

"Primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

"Restaurant" means any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption.

(b) Unless otherwise provided, all certified food service sanitation managers employed by a restaurant must receive or obtain training in basic allergen awareness principles within 30 days after employment and every 3 years thereafter. Training programs must be accredited by the American National Standards Institute or another reputable accreditation agency under the ASTM International E2659-09 (Standard Practice for Certificate Programs). There is no limit to how many times an employee may take the training.

(c) Allergen awareness training must cover and assess knowledge of the following topics:

- (1) the definition of a food allergy;
 - (2) the symptoms of an allergic reaction;
 - (3) the major food allergens;
 - (4) the dangers of allergens and how to prevent cross-contact;
 - (5) the proper cleaning methods to prevent allergen contamination;
 - (6) how and when to communicate to guests and staff about allergens;
 - (7) the special considerations related to allergens from workstations and self-serve areas;
 - (8) how to handle special dietary requests;
 - (9) dealing with emergencies, including allergic reactions;
 - (10) the importance of food labels;
 - (11) how to handle food deliveries in relation to allergens;
 - (12) proper food preparation for guests with food allergies; and
 - (13) cleaning and personal hygiene considerations to prevent contaminating food with allergens.
- (d) If an entity uses an allergen awareness training program accredited by the American National Standards Institute or another reputable accreditation agency under the ASTM International E2659-09 (Standard Practice for Certificate Programs), then that training program meets the requirements of

this Section. The training indicated in this subsection (d) is transferable between employers, but not individuals.

(e) If a business with an internal training program follows the guidelines in subsection (c), and is approved in another state prior to the effective date of this amendatory Act of the 100th General Assembly, then the business's training program and assessment meets the requirements of the Section. The training indicated in this subsection (e) is not transferable between individuals or employers.

(f) The training program of any multi-state business with a plan that follows the guidelines of subsection (c) meets the requirements of this Section. The training indicated in this subsection (f) is not transferable between individuals or employers.

(g) This Section does not apply to a multi-state business or a franchisee, as defined in the Franchise Disclosure Act of 1987, that has a food handler training program that follows the guidelines in subsection (d) of Section 3.06 of this Act; an individual that receives food handler training in accordance with the rules adopted under this Act; or a Category II facility or Category III facility as defined under 77 Ill. Adm. Code 750.10.

(h) Any and all documents, materials, or information related to a restaurant or business allergen awareness training module is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under

Section 7 of the Freedom of Information Act. Training may be conducted by any means available, including, but not limited to, online, computer, classroom, live trainers, remote trainers, and food service sanitation managers who have successfully completed an approved allergen training. Nothing in this subsection (h) shall be construed to require a proctor. Proof that a food service sanitation manager has been trained must be available upon reasonable request by a State or local health department inspector and may be provided electronically.

(i) The regulation of allergen awareness training is considered to be an exclusive function of the State, and local regulation is prohibited. This subsection (i) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(j) The provisions of this Section apply beginning January 1, 2018. From January 1, 2018 through July 1, 2018, enforcement of the provisions of this Section shall be limited to education and notification of requirements to encourage compliance.

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