



Sen. William R. Haine

**Filed: 2/28/2012**

09700SB2961sam001

LRB097 17622 RPM 66154 a

1 AMENDMENT TO SENATE BILL 2961

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2961 by replacing  
3 everything after the enacting clause with the following:

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, 2013, any individual seeking a food service sanitation

1 manager certificate or a food service sanitation manager  
2 instructor certificate must complete a minimum of 8 hours of  
3 Department-approved training, inclusive of the examination,  
4 and receive a score of at least 75% on the examination. A food  
5 service sanitation manager certificate and a food service  
6 sanitation manager instructor certificate shall be valid for 5  
7 years, unless revoked by the Department of Public Health, and  
8 shall not be transferable from the individual to whom it was  
9 issued. Beginning July 1, 2013, recertification for food  
10 service sanitation manager certification ~~Recertification~~ shall  
11 be accomplished by presenting evidence of completion of 8 hours  
12 of Department-approved training, inclusive of the examination,  
13 and having received a score of at least 75% on the examination  
14 ~~ongoing food safety and food sanitation education or~~  
15 ~~re examination, in compliance with rules promulgated by the~~  
16 ~~Director. Existing certificates shall expire on the printed~~  
17 ~~expiration date or 5 years from the effective date of this~~  
18 ~~amendatory Act of 1989.~~

19 For purposes of certification and recertification for food  
20 service sanitation manager certification, the Department shall  
21 accept only Department-approved training and exams recognized  
22 by the American National Standards Institute (ANSI),  
23 Conference for Food Protection, or their successors. ~~Any~~  
24 ~~individual may elect to take the Department of Public Health~~  
25 ~~food service sanitation manager certification examination or~~  
26 ~~take an examination administered by a testing authority~~

1 ~~previously approved by the Department.~~ The Department shall  
2 charge a fee of \$35 for each new and renewed food service  
3 sanitation manager certificate and \$10 for each replacement  
4 certificate. All fees collected under this Section shall be  
5 deposited into the Food and Drug Safety Fund.

6 Any fee received by the Department under this Section that  
7 is submitted for the renewal of an expired food service  
8 sanitation manager certificate may be returned by the Director  
9 after recording the receipt of the fee and the reason for its  
10 return.

11 The Department shall award an Illinois certificate to  
12 anyone presenting a valid certificate issued by another state,  
13 so long as the holder of the certificate has passed a  
14 Conference for Food Protection-approved examination, or proof  
15 of having passed a Conference for Food Protection-approved  
16 examination. The \$35 issuance fee applies. The reciprocal  
17 Illinois certificate shall expire on the same date as the  
18 presented certificate. On or before the expiration date, the  
19 holder must have met the Illinois recertification requirements  
20 in order to be reissued an Illinois certificate. Reciprocity is  
21 only for individuals who have moved to or begun working in  
22 Illinois in the 6 months prior to applying for reciprocity. Any  
23 individual presenting an out-of-state certificate may do so  
24 only once.

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

1 (410 ILCS 625/3.05 new)

2 Sec. 3.05. Food handler training.

3 (a) All food handlers, other than someone holding a food  
4 service sanitation manager certificate, must receive training  
5 in basic safe food handling principles as outlined in  
6 subsection (b) of this Section within 30 days after employment.  
7 There is no limit to how many times an employee may take the  
8 training. Training is not transferable between individuals or  
9 employers. Proof that a food handler has been trained must be  
10 available upon reasonable request by a State or local health  
11 department inspector.

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

14 (1) The relationship between time and temperature with  
15 respect to foodborne illness, including the relationship  
16 between time and temperature and micro-organisms during  
17 the various food handling preparation and serving states,  
18 and the type, calibration, and use of thermometers in  
19 monitoring food temperatures.

20 (2) The relationship between personal hygiene and food  
21 safety, including the association of hand contact,  
22 personal habits and behaviors, and the food handler's  
23 health to foodborne illness, and the recognition of how  
24 policies, procedures, and management contribute to  
25 improved food safety practices.

26 (3) Methods of preventing food contamination in all

1 stages of food handling, including terms associated with  
2 contamination and potential hazards prior to, during, and  
3 after delivery.

4 (4) Procedures for cleaning and sanitizing equipment  
5 and utensils.

6 (5) Problems and potential solutions associated with  
7 temperature control, preventing cross-contamination,  
8 housekeeping, and maintenance.

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

25 (d) Food handler training is considered to be an exclusive  
26 function of the State, and local programs are prohibited. This

1 subsection (d) is a denial and limitation of home rule powers  
2 and functions under subsection (h) of Section 6 of Article VII  
3 of the Illinois Constitution.

4 (e) The provisions of this Section apply beginning July 1,  
5 2015. From July 1, 2015 through December 31, 2015, enforcement  
6 of the provisions of this Section shall be limited to education  
7 and notification of requirements to encourage compliance.

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