

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 Sections 3 and 3.06 as follows:

6 (410 ILCS 625/3) (from Ch. 56 1/2, par. 333)

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

10 By July 1, 1990, the Director of the Department of Public
11 Health in accordance with this Act, shall promulgate rules for
12 the education, examination, and certification of food service
13 establishment managers and instructors of the food service
14 sanitation manager certification education programs. Beginning
15 July 1, 2014, any individual seeking a food service sanitation
16 manager certificate or a food service sanitation manager
17 instructor certificate must complete a minimum of 8 hours of
18 Department-approved training, inclusive of the examination,
19 and receive a passing score on the examination set by the
20 certification exam provider accredited under standards
21 developed and adopted by the Conference for Food Protection or
22 its successor organization. ~~of at least 75% on the examination.~~
23 A food service sanitation manager certificate and a food

1 service sanitation manager instructor certificate shall be
2 valid for 5 years, unless revoked by the Department of Public
3 Health, and shall not be transferable from the individual to
4 whom it was issued. Beginning July 1, 2014, recertification for
5 food service sanitation manager certification shall be
6 accomplished by presenting evidence of completion of 8 hours of
7 Department-approved training, inclusive of the examination,
8 and having received a passing score on the examination set by
9 the certification exam provider accredited under standards
10 developed and adopted by the Conference for Food Protection or
11 its successor organization. ~~of at least 75% on the examination.~~

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 The Department shall charge a fee of \$35 for each new and
18 renewed food service sanitation manager certificate and \$10 for
19 each replacement certificate. All fees collected under this
20 Section shall be deposited into the Food and Drug Safety Fund.

21 Any fee received by the Department under this Section that
22 is submitted for the renewal of an expired food service
23 sanitation manager certificate may be returned by the Director
24 after recording the receipt of the fee and the reason for its
25 return.

26 The Department shall award an Illinois certificate to

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

14 (Source: P.A. 98-566, eff. 8-27-13.)

15 (410 ILCS 625/3.06)

16 Sec. 3.06. Food handler training; restaurants.

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

23 (b) Unless otherwise provided, all food handlers employed
24 by a restaurant, other than someone holding a food service
25 sanitation manager certificate, must receive or obtain

1 American National Standards Institute-accredited training in
2 basic safe food handling principles within 30 days after
3 employment and every 3 years thereafter. Notwithstanding the
4 provisions of Section 3.05 of this Act, food handlers employed
5 in nursing homes, licensed day care homes and facilities,
6 hospitals, schools, and long-term care facilities must renew
7 their training every 3 years. There is no limit to how many
8 times an employee may take the training. The training indicated
9 in subsections (e) and (f) of this Section is transferable
10 between employers, but not individuals. The training indicated
11 in subsections (c) and (d) of this Section is not transferable
12 between individuals or employers. Proof that a food handler has
13 been trained must be available upon reasonable request by a
14 State or local health department inspector and may be provided
15 electronically.

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

22 (d) The Department shall approve the training program of
23 any multi-state business with a plan that follows the
24 guidelines in subsection (b) of Section 3.05 of this Act and is
25 on file with the Department by March 31, 2015 ~~May 15, 2013~~.

26 (e) If an entity uses an American National Standards

1 Institute food handler training accredited program, that
2 training program shall be automatically approved by the
3 Department.

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

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

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

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

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

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

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

24 The certified local health departments in paragraphs (1)
25 through (6) of this subsection (f) must have their training
26 programs ~~program~~ on file with the Department no later than 90

1 days after the effective date of this Act. Any modules that
2 meet the requirements of subsection (b) of Section 3.05 of this
3 Act and are not approved within 180 days after the Department's
4 receipt of the application of the entity seeking to conduct the
5 training shall automatically be considered approved by the
6 Department.

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

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

25 (i) The provisions of this Section apply beginning July 1,
26 2014. From July 1, 2014 through December 31, 2014, enforcement

1 of the provisions of this Section shall be limited to education
2 and notification of requirements to encourage compliance.

3 (Source: P.A. 98-566, eff. 8-27-13; revised 12-10-14.)

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