



Rep. Kelly Burke

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1 AMENDMENT TO SENATE BILL 1495

2 AMENDMENT NO. _____. Amend Senate Bill 1495 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 Sections 3.05 and
6 3.06 as 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

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, 2014, 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 training approved by the Department and
22 certification exams accredited under standards developed and
23 adopted by the Conference for Food Protection or its successor.
24 ~~Any individual may elect to take the Department of Public~~
25 ~~Health food service sanitation manager certification~~
26 ~~examination or take an examination administered by a testing~~

1 ~~authority previously approved by the Department.~~ The
2 Department shall charge a fee of \$35 for each new and renewed
3 food service sanitation manager certificate and \$10 for each
4 replacement certificate. All fees collected under this Section
5 shall be 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 provides proof of
14 having passed an examination accredited under standards
15 developed and adopted by the Conference for Food Protection or
16 its successor. 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. Non-restaurant food handler training.

3 (a) All food handlers not employed by a restaurant as
4 defined in Section 3.06 of this Act, other than someone holding
5 a food service sanitation manager certificate, must receive or
6 obtain training in basic safe food handling principles as
7 outlined in subsection (b) of this Section within 30 days after
8 employment. There is no limit to how many times an employee may
9 take the training. Training is not transferable between
10 individuals or employers. Proof that a food handler has been
11 trained must be available upon reasonable request by a State or
12 local health department inspector and may be in an electronic
13 format.

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

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

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

1 improved food safety practices.

2 (3) Methods of preventing food contamination in all
3 stages of food handling, including terms associated with
4 contamination and potential hazards prior to, during, and
5 after delivery.

6 (4) Procedures for cleaning and sanitizing equipment
7 and utensils.

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

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

12 Any and all documents, materials, or information related to a
13 restaurant or business food handler training module submitted
14 to the Department is confidential and shall not be open to
15 public inspection or dissemination and is exempt from
16 disclosure under Section 7 of the Freedom of Information Act.
17 Any modules complying with subsection (b) of this Section and
18 not approved within 180 days after the Department's receipt of
19 the business application shall automatically be considered
20 approved. If a training module has been approved in another
21 state, then it shall automatically be considered approved in
22 Illinois so long as the business provides proof that the
23 training has been approved in another state. Training may be
24 conducted by any means available, including, but not limited
25 to, on-line, computer, classroom, live trainers, remote
26 trainers, and certified food service sanitation managers.

1 Nothing in this subsection (c) shall be construed to require a
2 proctor. There must be at least one commercially available,
3 approved food handler training module at a cost of no more than
4 \$15 per employee; if an approved food handler training module
5 is not available at that cost, then the provisions of this
6 Section 3.05 shall not apply.

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

12 (e) The provisions of this Section apply beginning July 1,
13 2016. From July 1, 2016 through December 31, 2016, enforcement
14 of the provisions of this Section shall be limited to education
15 and notification of requirements to encourage compliance.

16 (410 ILCS 625/3.06 new)

17 Sec. 3.06. Food handler training; restaurants.

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

24 (b) Unless otherwise provided, all food handlers employed
25 by a restaurant, other than someone holding a food service

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

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

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

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

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

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

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

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

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

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

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

25 The certified local health departments in paragraphs (1)
26 through (6) of this subsection (f) must have their training

1 program on file with the Department no later than 90-days after
2 the effective date of this Act. Any modules that meet the
3 requirements of subsection (b) of Section 3.05 of this Act and
4 are not approved within 180 days after the Department's receipt
5 of the application of the entity seeking to conduct the
6 training shall automatically be considered approved by the
7 Department.

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

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

26 (i) The provisions of this Section apply beginning July 1,

1 2014. From July 1, 2014 through December 31, 2014, enforcement
2 of the provisions of this Section shall be limited to education
3 and notification of requirements to encourage compliance.

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