



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5111

Introduced 2/8/2024, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

410 ILCS 625/3.07

Amends the Food Handling Regulation Enforcement Act. Provides that all food handlers employed by a restaurant, retail food establishment, nursing home, school, or day care center and certified food service sanitation managers employed by a restaurant, retail food establishment, nursing home, school, or day care center (instead of 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. Defines "retail food establishment".

LRB103 35430 RPS 65496 b

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 3.07 as follows:

6 (410 ILCS 625/3.07)

7 Sec. 3.07. Allergen awareness training.

8 (a) As used in this Section:

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

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

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

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

20 "Retail food establishment" means any business that sells
21 food directly to consumers, including, but not limited to,
22 restaurants, bakeries, grocery stores, and food trucks.

23 (b) Unless otherwise provided, all food handlers employed

1 by a restaurant, retail food establishment, nursing home,
2 school, or day care center and certified food service
3 sanitation managers employed by a restaurant, retail food
4 establishment, nursing home, school, or day care center must
5 receive or obtain training in basic allergen awareness
6 principles within 30 days after employment and every 3 years
7 thereafter. Training programs must be accredited by the
8 American National Standards Institute or another reputable
9 accreditation agency under the ASTM International E2659-09
10 (Standard Practice for Certificate Programs). There is no
11 limit to how many times an employee may take the training.

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

14 (1) the definition of a food allergy;

15 (2) the symptoms of an allergic reaction;

16 (3) the major food allergens;

17 (4) the dangers of allergens and how to prevent
18 cross-contact;

19 (5) the proper cleaning methods to prevent allergen
20 contamination;

21 (6) how and when to communicate to guests and staff
22 about allergens;

23 (7) the special considerations related to allergens
24 from workstations and self-serve areas;

25 (8) how to handle special dietary requests;

26 (9) dealing with emergencies, including allergic

1 reactions;

2 (10) the importance of food labels;

3 (11) how to handle food deliveries in relation to
4 allergens;

5 (12) proper food preparation for guests with food
6 allergies; and

7 (13) cleaning and personal hygiene considerations to
8 prevent contaminating food with allergens.

9 (d) If an entity uses an allergen awareness training
10 program accredited by the American National Standards
11 Institute or another reputable accreditation agency under the
12 ASTM International E2659-09 (Standard Practice for Certificate
13 Programs), then that training program meets the requirements
14 of this Section. The training indicated in this subsection (d)
15 is transferable between employers, but not individuals.

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

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

1 employers.

2 (g) This Section does not apply to a multi-state business
3 or a franchisee, as defined in the Franchise Disclosure Act of
4 1987, that has a food handler training program that follows
5 the guidelines in subsection (d) of Section 3.06 of this Act;
6 an individual that receives food handler training in
7 accordance with the rules adopted under this Act; or a
8 Category II facility or Category III facility as defined under
9 77 Ill. Adm. Code 750.10.

10 (h) Any and all documents, materials, or information
11 related to a restaurant or business allergen awareness
12 training module is confidential and shall not be open to
13 public inspection or dissemination and is exempt from
14 disclosure under Section 7 of the Freedom of Information Act.
15 Training may be conducted by any means available, including,
16 but not limited to, online, computer, classroom, live
17 trainers, remote trainers, and food service sanitation
18 managers who have successfully completed an approved allergen
19 training. Nothing in this subsection (h) shall be construed to
20 require a proctor. Proof that a food service sanitation
21 manager has been trained must be available upon reasonable
22 request by a State or local health department inspector and
23 may be provided electronically.

24 (i) The regulation of allergen awareness training is
25 considered to be an exclusive function of the State, and local
26 regulation is prohibited. This subsection (i) is a denial and

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

3 (j) The provisions of this Section apply beginning January
4 1, 2018. From January 1, 2018 through July 1, 2018,
5 enforcement of the provisions of this Section shall be limited
6 to education and notification of requirements to encourage
7 compliance.

8 (Source: P.A. 100-367, eff. 8-25-17.)