**Section 750.410 Food Product Sampling Handler Certificate for Farmers' Markets**

a) Food Product Sampling Handler Certificate Application Requirements

1) Individuals possessing a valid certified food protection manager certification shall submit the following:

A) An application provided by the Department; and

B) Payment of the $10 application fee.

2) Individuals who do not possess a valid certified food protection manager certification shall submit the following:

A) Evidence of successful completion of a food handler training course as outlined in Subpart B;

B) Evidence of successful completion of DPH farmers' market food sampling handler training;

C) An application provided by the Department; and

D) Payment of the $40 application fee.

b) Certificate

1) Certificates are valid 36 months from the issue date.

2) Sampling certificates are not transferable between individuals.

3) Sampling certificates are required for all persons who engage in performing tasks such as unpacking, cutting, slicing, preparing or distributing food product samples.

c) Replacement sampling certificates issued under this Subpart will have the same expiration date as the original certificate:

d) All persons possessing a valid original sampling certificate or a copy of the certificate shall display the certificate at the point of sale.

e) Suspension or Revocation of a Sampling Certificate

1) Any violation of this Subpart by the food product sampling handler that creates a potential health hazard shall result in suspension of the sampling certificate by the Department or a certified local health department, unless the violation is corrected during the inspection. The following procedures shall be followed for the suspension of a certificate:

A) The certified local health department shall notify the sampling certificate holder in writing, at the time of suspension, stating the reason for the suspension and corrective measures needed to reinstate the certificate.

B) The sampling certificate holder shall apply, in writing, to the certified local health department responsible for suspending the certificate to request reinstatement of the certificate. If the certified local health department considers the violations to be corrected, the certificate shall be reinstated.

C) The certified local health department shall, within five days after the suspension and sampling certificate reinstatement, notify the Department in writing of the suspension and certificate reinstatement. The certified local health department shall forward to the Department a copy of the inspection, including the reason for suspension and resolution of the suspension, if any.

D) If the issue is not resolved, the holder of the sampling certificate may apply to the Department for reinstatement of the certificate, in writing, to request a conference to determine whether the holder is in compliance with this Subpart.

2) If the sampling certificate holder receives two or more suspensions in a 12-month period, the Department will revoke the certificate. The Department will notify the certificate holder of the Department's intent to revoke the certificate and will provide an opportunity for a hearing in accordance with Practice and Procedure in Administrative Hearings. If the certificate holder does not file a request for a hearing with the Department within 10 days following service of the notice, the certificate will be revoked.

f) Exemption

A vendor who possesses a permit from the local health department to conduct food service is exempted from the training and permit requirements of this Subpart. A permit to conduct food service is valid only in the jurisdiction of the issuing local health department.