

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 3.06 and by adding Section 3.07 as
6 follows:

7 (410 ILCS 625/3.06)

8 Sec. 3.06. Food handler training; restaurants.

9 (a) For the purpose of this Section, "restaurant" means any
10 business that is primarily engaged in the sale of ready-to-eat
11 food for immediate consumption. "Primarily engaged" means
12 having sales of ready-to-eat food for immediate consumption
13 comprising at least 51% of the total sales, excluding the sale
14 of liquor.

15 (b) Unless otherwise provided, all food handlers employed
16 by a restaurant, other than someone holding a food service
17 sanitation manager certificate, must receive or obtain
18 American National Standards Institute-accredited training in
19 basic safe food handling principles within 30 days after
20 employment and every 3 years thereafter. Notwithstanding the
21 provisions of Section 3.05 of this Act, food handlers employed
22 in nursing homes, licensed day care homes and facilities,
23 hospitals, schools, and long-term care facilities must renew

1 their training every 3 years. There is no limit to how many
2 times an employee may take the training. The training indicated
3 in subsections (e) and (f) of this Section is transferable
4 between employers, but not individuals. The training indicated
5 in subsections (c) and (d) of this Section is not transferable
6 between individuals or employers. Proof that a food handler has
7 been trained must be available upon reasonable request by a
8 State or local health department inspector and may be provided
9 electronically.

10 (c) If a business with an internal training program is
11 approved in another state prior to the effective date of this
12 amendatory Act of the 98th General Assembly, then the
13 business's training program and assessment shall be
14 automatically approved by the Department upon the business
15 providing proof that the program is approved in said state.

16 (d) The Department shall approve the training program of
17 any multi-state business or a franchisee, as defined in the
18 Franchise Disclosure Act of 1987, of any multi-state business
19 with a plan that follows the guidelines in subsection (b) of
20 Section 3.05 of this Act and is on file with the Department by
21 August 1, 2017 ~~March 31, 2015~~.

22 (e) If an entity uses an American National Standards
23 Institute food handler training accredited program, that
24 training program shall be automatically approved by the
25 Department.

26 (f) Certified local health departments in counties serving

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

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

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

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

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

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

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

20 The certified local health departments in paragraphs (1)
21 through (6) of this subsection (f) must have their training
22 programs on file with the Department no later than 90 days
23 after the effective date of this Act. Any modules that meet the
24 requirements of subsection (b) of Section 3.05 of this Act and
25 are not approved within 180 days after the Department's receipt
26 of the application of the entity seeking to conduct the

1 training shall automatically be considered approved by the
2 Department.

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

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

21 (i) The provisions of this Section apply beginning July 1,
22 2014. From July 1, 2014 through December 31, 2014, enforcement
23 of the provisions of this Section shall be limited to education
24 and notification of requirements to encourage compliance.

25 (Source: P.A. 98-566, eff. 8-27-13; 99-62, eff. 7-16-15; 99-78,
26 eff. 7-20-15.)

1 (410 ILCS 625/3.07 new)

2 Sec. 3.07. Allergen awareness training.

3 (a) As used in this Section:

4 "Certified food service sanitation manager" means a food
5 service sanitation manager certified under Section 3 of this
6 Act.

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

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

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

15 (b) Unless otherwise provided, all certified food service
16 sanitation managers employed by a restaurant must receive or
17 obtain training in basic allergen awareness principles within
18 30 days after employment and every 3 years thereafter. Training
19 programs must be accredited by the American National Standards
20 Institute or another reputable accreditation agency under the
21 ASTM International E2659-09 (Standard Practice for Certificate
22 Programs). There is no limit to how many times an employee may
23 take the training.

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

- 1 (1) the definition of a food allergy;
- 2 (2) the symptoms of an allergic reaction;
- 3 (3) the major food allergens;
- 4 (4) the dangers of allergens and how to prevent
5 cross-contact;
- 6 (5) the proper cleaning methods to prevent allergen
7 contamination;
- 8 (6) how and when to communicate to guests and staff
9 about allergens;
- 10 (7) the special considerations related to allergens
11 from workstations and self-serve areas;
- 12 (8) how to handle special dietary requests;
- 13 (9) dealing with emergencies, including allergic
14 reactions;
- 15 (10) the importance of food labels;
- 16 (11) how to handle food deliveries in relation to
17 allergens;
- 18 (12) proper food preparation for guests with food
19 allergies; and
- 20 (13) cleaning and personal hygiene considerations to
21 prevent contaminating food with allergens.
- 22 (d) If an entity uses an allergen awareness training
23 program accredited by the American National Standards
24 Institute or another reputable accreditation agency under the
25 ASTM International E2659-09 (Standard Practice for Certificate
26 Programs), then that training program meets the requirements of

1 this Section. The training indicated in this subsection (d) is
2 transferable between employers, but not individuals.

3 (e) If a business with an internal training program follows
4 the guidelines in subsection (c), and is approved in another
5 state prior to the effective date of this amendatory Act of the
6 100th General Assembly, then the business's training program
7 and assessment meets the requirements of the Section. The
8 training indicated in this subsection (e) is not transferable
9 between individuals or employers.

10 (f) The training program of any multi-state business with a
11 plan that follows the guidelines of subsection (c) meets the
12 requirements of this Section. The training indicated in this
13 subsection (f) is not transferable between individuals or
14 employers.

15 (g) This Section does not apply to a multi-state business
16 or a franchisee, as defined in the Franchise Disclosure Act of
17 1987, that has a food handler training program that follows the
18 guidelines in subsection (d) of Section 3.06 of this Act; an
19 individual that receives food handler training in accordance
20 with the rules adopted under this Act; or a Category II
21 facility or Category III facility as defined under 77 Ill. Adm.
22 Code 750.10.

23 (h) Any and all documents, materials, or information
24 related to a restaurant or business allergen awareness training
25 module is confidential and shall not be open to public
26 inspection or dissemination and is exempt from disclosure under

1 Section 7 of the Freedom of Information Act. Training may be
2 conducted by any means available, including, but not limited
3 to, online, computer, classroom, live trainers, remote
4 trainers, and food service sanitation managers who have
5 successfully completed an approved allergen training. Nothing
6 in this subsection (h) shall be construed to require a proctor.
7 Proof that a food service sanitation manager has been trained
8 must be available upon reasonable request by a State or local
9 health department inspector and may be provided
10 electronically.

11 (i) The regulation of allergen awareness training is
12 considered to be an exclusive function of the State, and local
13 regulation is prohibited. This subsection (i) is a denial and
14 limitation of home rule powers and functions under subsection
15 (h) of Section 6 of Article VII of the Illinois Constitution.

16 (j) The provisions of this Section apply beginning January
17 1, 2018. From January 1, 2018 through July 1, 2018, enforcement
18 of the provisions of this Section shall be limited to education
19 and notification of requirements to encourage compliance.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.