



Rep. Sara Feigenholtz

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LRB100 06003 MJP 26343 a

1 AMENDMENT TO HOUSE BILL 2510

2 AMENDMENT NO. _____. Amend House Bill 2510, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Food Handling Regulation Enforcement Act is
6 amended by changing Section 3.06 and by adding Section 3.07 as
7 follows:

8 (410 ILCS 625/3.06)

9 Sec. 3.06. Food handler training; restaurants.

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

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

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

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

24 (d) The Department shall approve the training program of
25 any multi-state business or a franchisee, as defined in the
26 Franchise Disclosure Act of 1987, of any multi-state business

1 with a plan that follows the guidelines in subsection (b) of
2 Section 3.05 of this Act and is on file with the Department by
3 August 1, 2017 ~~March 31, 2015~~.

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

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

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

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

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

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

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

26 (6) a county with a population of 135,394 as reported

1 by the U.S. Census Bureau in the 2010 Census of Population.

2 The certified local health departments in paragraphs (1)
3 through (6) of this subsection (f) must have their training
4 programs on file with the Department no later than 90 days
5 after the effective date of this Act. Any modules that meet the
6 requirements of subsection (b) of Section 3.05 of this Act and
7 are not approved within 180 days after the Department's receipt
8 of the application of the entity seeking to conduct the
9 training shall automatically be considered approved by the
10 Department.

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

24 (h) The regulation of food handler training is considered
25 to be an exclusive function of the State, and local regulation
26 is prohibited. This subsection (h) is a denial and limitation

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

3 (i) The provisions of this Section apply beginning July 1,
4 2014. From July 1, 2014 through December 31, 2014, enforcement
5 of the provisions of this Section shall be limited to education
6 and notification of requirements to encourage compliance.

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

9 (410 ILCS 625/3.07 new)

10 Sec. 3.07. Allergen awareness training.

11 (a) As used in this Section:

12 "Certified food service sanitation manager" means a food
13 service sanitation manager certified under Section 3 of this
14 Act.

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

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

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

23 (b) Unless otherwise provided, all certified food service
24 sanitation managers employed by a restaurant must receive or
25 obtain training in basic allergen awareness principles within

1 30 days after employment and every 3 years thereafter. Training
2 programs must be accredited by the American National Standards
3 Institute or another reputable accreditation agency under the
4 ASTM International E2659-09 (Standard Practice for Certificate
5 Programs). There is no limit to how many times an employee may
6 take the training.

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

9 (1) the definition of a food allergy;

10 (2) the symptoms of an allergic reaction;

11 (3) the major food allergens;

12 (4) the dangers of allergens and how to prevent
13 cross-contact;

14 (5) the proper cleaning methods to prevent allergen
15 contamination;

16 (6) how and when to communicate to guests and staff
17 about allergens;

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

20 (8) how to handle special dietary requests;

21 (9) dealing with emergencies, including allergic
22 reactions;

23 (10) the importance of food labels;

24 (11) how to handle food deliveries in relation to
25 allergens;

26 (12) proper food preparation for guests with food

1 allergies; and

2 (13) cleaning and personal hygiene considerations to
3 prevent contaminating food with allergens.

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

11 (e) If a business with an internal training program follows
12 the guidelines in subsection (c), and is approved in another
13 state prior to the effective date of this amendatory Act of the
14 100th General Assembly, then the business's training program
15 and assessment meets the requirements of the Section. The
16 training indicated in this subsection (e) is not transferable
17 between individuals or employers.

18 (f) The training program of any multi-state business with a
19 plan that follows the guidelines of subsection (c) meets the
20 requirements of this Section. The training indicated in this
21 subsection (f) is not transferable between individuals or
22 employers.

23 (g) This Section does not apply to a multi-state business
24 or a franchisee, as defined in the Franchise Disclosure Act of
25 1987, that has a food handler training program that follows the
26 guidelines in subsection (d) of Section 3.06 of this Act; an

1 individual that receives food handler training in accordance
2 with the rules adopted under this Act; or a Category II
3 facility or Category III facility as defined under 77 Ill. Adm.
4 Code 750.10.

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

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

24 (j) The provisions of this Section apply beginning January
25 1, 2018. From January 1, 2018 through July 1, 2018, enforcement
26 of the provisions of this Section shall be limited to education

1 and notification of requirements to encourage compliance.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".