

1 AN ACT concerning regulation.

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 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
17 manager certificate or a food service sanitation manager
18 instructor certificate must complete a minimum of 8 hours of
19 Department-approved training, inclusive of the examination,
20 and receive a score of at least 75% on the examination. A food
21 service sanitation manager certificate and a food service
22 sanitation manager instructor certificate shall be valid for 5
23 years, unless revoked by the Department of Public Health, and

1 shall not be transferable from the individual to whom it was
2 issued. Beginning July 1, 2014, recertification for food
3 service sanitation manager certification ~~Recertification~~ shall
4 be accomplished by presenting evidence of completion of 8 hours
5 of Department-approved training, inclusive of the examination,
6 and having received a score of at least 75% on the examination
7 ~~ongoing food safety and food sanitation education or~~
8 ~~re-examination, in compliance with rules promulgated by the~~
9 ~~Director. Existing certificates shall expire on the printed~~
10 ~~expiration date or 5 years from the effective date of this~~
11 ~~amendatory Act of 1989.~~

12 For purposes of certification and recertification for food
13 service sanitation manager certification, the Department shall
14 accept only training approved by the Department and
15 certification exams accredited under standards developed and
16 adopted by the Conference for Food Protection or its successor.
17 ~~Any individual may elect to take the Department of Public~~
18 ~~Health food service sanitation manager certification~~
19 ~~examination or take an examination administered by a testing~~
20 ~~authority previously approved by the Department. The~~
21 Department shall charge a fee of \$35 for each new and renewed
22 food service sanitation manager certificate and \$10 for each
23 replacement certificate. All fees collected under this Section
24 shall be deposited into the Food and Drug Safety Fund.

25 Any fee received by the Department under this Section that
26 is submitted for the renewal of an expired food service

1 sanitation manager certificate may be returned by the Director
2 after recording the receipt of the fee and the reason for its
3 return.

4 The Department shall award an Illinois certificate to
5 anyone presenting a valid certificate issued by another state,
6 so long as the holder of the certificate provides proof of
7 having passed an examination accredited under standards
8 developed and adopted by the Conference for Food Protection or
9 its successor. The \$35 issuance fee applies. The reciprocal
10 Illinois certificate shall expire on the same date as the
11 presented certificate. On or before the expiration date, the
12 holder must have met the Illinois recertification requirements
13 in order to be reissued an Illinois certificate. Reciprocity is
14 only for individuals who have moved to or begun working in
15 Illinois in the 6 months prior to applying for reciprocity. Any
16 individual presenting an out-of-state certificate may do so
17 only once.

18 (Source: P.A. 89-641, eff. 8-9-96.)

19 (410 ILCS 625/3.05 new)

20 Sec. 3.05. Non-restaurant food handler training.

21 (a) All food handlers not employed by a restaurant as
22 defined in Section 3.06 of this Act, other than someone holding
23 a food service sanitation manager certificate, must receive or
24 obtain training in basic safe food handling principles as
25 outlined in subsection (b) of this Section within 30 days after

1 employment. There is no limit to how many times an employee may
2 take the training. Training is not transferable between
3 individuals or employers. Proof that a food handler has been
4 trained must be available upon reasonable request by a State or
5 local health department inspector and may be in an electronic
6 format.

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

9 (1) The relationship between time and temperature with
10 respect to foodborne illness, including the relationship
11 between time and temperature and micro-organisms during
12 the various food handling preparation and serving states,
13 and the type, calibration, and use of thermometers in
14 monitoring food temperatures.

15 (2) The relationship between personal hygiene and food
16 safety, including the association of hand contact,
17 personal habits and behaviors, and the food handler's
18 health to foodborne illness, and the recognition of how
19 policies, procedures, and management contribute to
20 improved food safety practices.

21 (3) Methods of preventing food contamination in all
22 stages of food handling, including terms associated with
23 contamination and potential hazards prior to, during, and
24 after delivery.

25 (4) Procedures for cleaning and sanitizing equipment
26 and utensils.

1 (5) Problems and potential solutions associated with
2 temperature control, preventing cross-contamination,
3 housekeeping, and maintenance.

4 (c) Training modules must be approved by the Department.
5 Any and all documents, materials, or information related to a
6 restaurant or business food handler training module submitted
7 to the Department is confidential and shall not be open to
8 public inspection or dissemination and is exempt from
9 disclosure under Section 7 of the Freedom of Information Act.
10 Any modules complying with subsection (b) of this Section and
11 not approved within 180 days after the Department's receipt of
12 the business application shall automatically be considered
13 approved. If a training module has been approved in another
14 state, then it shall automatically be considered approved in
15 Illinois so long as the business provides proof that the
16 training has been approved in another state. Training may be
17 conducted by any means available, including, but not limited
18 to, on-line, computer, classroom, live trainers, remote
19 trainers, and certified food service sanitation managers.
20 Nothing in this subsection (c) shall be construed to require a
21 proctor. There must be at least one commercially available,
22 approved food handler training module at a cost of no more than
23 \$15 per employee; if an approved food handler training module
24 is not available at that cost, then the provisions of this
25 Section 3.05 shall not apply.

26 (d) The regulation of food handler training is considered

1 to be an exclusive function of the State, and local regulation
2 is prohibited. This subsection (d) is a denial and limitation
3 of home rule powers and functions under subsection (h) of
4 Section 6 of Article VII of the Illinois Constitution.

5 (e) The provisions of this Section apply beginning July 1,
6 2016. From July 1, 2016 through December 31, 2016, enforcement
7 of the provisions of this Section shall be limited to education
8 and notification of requirements to encourage compliance.

9 (410 ILCS 625/3.06 new)

10 Sec. 3.06. Food handler training; restaurants.

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

17 (b) Unless otherwise provided, all food handlers employed
18 by a restaurant, other than someone holding a food service
19 sanitation manager certificate, must receive or obtain
20 American National Standards Institute-accredited training in
21 basic safe food handling principles within 30 days after
22 employment and every 3 years thereafter. Notwithstanding the
23 provisions of Section 3.05 of this Act, food handlers employed
24 in nursing homes, licensed day care homes and facilities,
25 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 with a plan that follows the
18 guidelines in subsection (b) of Section 3.05 of this Act and is
19 on file with the Department by May 15, 2013.

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

24 (f) Certified local health departments in counties serving
25 jurisdictions with a population of 100,000 or less, as reported
26 by the U.S. Census Bureau in the 2010 Census of Population, may

1 have a training program. The training program must meet the
2 requirements of Section 3.05(b) and be approved by the
3 Department. This Section notwithstanding, certified local
4 health departments in the following counties may have a
5 training program:

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

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

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

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

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

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

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

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

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

19 (i) The provisions of this Section apply beginning July 1,
20 2014. From July 1, 2014 through December 31, 2014, enforcement
21 of the provisions of this Section shall be limited to education
22 and notification of requirements to encourage compliance.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.