



Sen. Iris Y. Martinez

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09900SB0046sam001

LRB099 00326 JLK 32776 a

1 AMENDMENT TO SENATE BILL 46

2 AMENDMENT NO. _____. Amend Senate Bill 46 as follows:

3 on page 1, line 5, by replacing "Section 3" with "Sections 3
4 and 3.06"; and

5 on page 3, below line 14, by inserting the following:

6 "(410 ILCS 625/3.06)

7 Sec. 3.06. Food handler training; restaurants.

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

14 (b) Unless otherwise provided, all food handlers employed
15 by a restaurant, other than someone holding a food service

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

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

23 (d) The Department shall approve the training program of
24 any multi-state business with a plan that follows the
25 guidelines in subsection (b) of Section 3.05 of this Act and is
26 on file with the Department by March 31, 2015 ~~May 15, 2013~~.

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

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

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

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

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

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

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

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

25 The certified local health departments in paragraphs (1)
26 through (6) of this subsection (f) must have their training

1 programs ~~program~~ on file with the Department no later than 90
2 days after the effective date of this Act. Any modules that
3 meet the requirements of subsection (b) of Section 3.05 of this
4 Act and are not approved within 180 days after the Department's
5 receipt of the application of the entity seeking to conduct the
6 training shall automatically be considered approved by the
7 Department.

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

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

26 (i) The provisions of this Section apply beginning July 1,

1 2014. From July 1, 2014 through December 31, 2014, enforcement
2 of the provisions of this Section shall be limited to education
3 and notification of requirements to encourage compliance.

4 (Source: P.A. 98-566, eff. 8-27-13; revised 12-10-14.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".