

**FOOD HANDLER LICENSING AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the General Sanitation chapter in the Utah Health Code by amending provisions related to a food handler.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits a person from acting as a food handler for a food service establishment unless the person successfully completes an approved food handler training program and holds a valid food handler permit;
- ▶ provides for an approved food handler training program, certificate of completion, and a food handler permit, including content of the training, testing, and fees;
- ▶ provides that the Department of Health develop certification exam questions, determine information required to identify each student, and establish rules for suspending or revoking a food handler permit for cause;
- ▶ provides that the Utah Association of Local Health Departments shall approve the content of an approved food handler training program, including approving instructors and each entity providing the program; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 REPEALS AND REENACTS:

32 **26-15-5**, as enacted by Laws of Utah 1981, Chapter 126



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26-15-5** is repealed and reenacted to read:

36 **26-15-5. Requirements for food handlers.**

37 (1) As used in this section:

38 (a) "Approved food handler training program" means a training program as described  
39 by this section and approved by the department.

40 (b) "Food handler" means a person who prepares, stores, or serves food for a food  
41 service establishment.

42 (c) "Food handler permit" means a permit issued by a local health department to allow  
43 a person to work as a food handler.

44 (d) "Food service establishment" has the same meaning as provided in Section  
45 26-15a-102.

46 (2) A person may not work as a food handler for a food service establishment unless  
47 the person successfully completes an approved food handler training program within 14 days of  
48 the day the person begins employment that includes food handler services.

49 (3) An approved food handler training program shall include:

50 (a) at least 75 minutes of training time;

51 (b) a certification exam, which requires a passing score of 75% and consists of:

52 (i) 40 multiple-choice questions developed by the department in consultation with the  
53 National Conference of Local Environmental Health Administrators; and

54 (ii) consisting of four content sections designated by rule of the department with 10  
55 randomly selected questions for each content section; and

56 (c) upon completion, awarding a certificate of completion that is valid for 60 days from  
57 the date of issuance:

58 (i) to a student who:

- 59           (A) completes the training; and  
60           (B) passes the certification exam; and  
61           (ii) which certificate of completion:  
62           (A) includes student identifying information determined by department rule;  
63           (B) is delivered by mail or electronic means; and  
64           (C) is valid with any local health department in the state.  
65           (4) (a) A person may obtain a food handler permit by:  
66           (i) presenting a valid certificate of completion of an approved food handler training  
67 program and an application, approved by the local health department, to a local health  
68 department; and  
69           (ii) paying a food handler permit fee to the local health department.  
70           (b) A local health department may charge a fee that is reasonable and that reflects the  
71 cost of managing the food handler permit program.  
72           (5) (a) A person serving as a food handler for a food service establishment shall obtain  
73 a food handler permit:  
74           (i) before handling any food;  
75           (ii) within 30 days of initial employment with a food service establishment; and  
76           (iii) within seven days of the expiration of an existing food handler permit.  
77           (b) A person who is employed as a food handler by a food service establishment before  
78 July 1, 2013, shall renew any food handler permit or other authorization to serve as a food  
79 handler upon the earlier of:  
80           (i) the expiration of the permit or authorization; or  
81           (ii) July 1, 2015.  
82           (c) Beginning on July 1, 2015, a person may only obtain or renew a food handler  
83 permit by complying with the requirements of Subsections (3) and (4).  
84           (6) (a) A person who holds a valid food handler permit under this section may serve as  
85 a food handler throughout the state without restriction.  
86           (b) A food handler permit is valid for two years from the date of issuance.  
87           (c) In accordance with rules made by the department or rules made by the board of a  
88 local health department, the department or a local health department may suspend or revoke a  
89 food handler permit for cause.

90           (7) The Utah Association of Local Health Departments shall:  
91           (a) approve the content of an approved food handler training program required under  
92 Subsection (3);  
93           (b) approve, as qualified, each instructor who will provide classroom based training;  
94           (c) approve, as qualified, each entity that provides an approved food handler training  
95 program; and  
96           (d) provide a means to authenticate:  
97           (i) documents used in an approved food handler training program;  
98           (ii) the identity of an approved instructor; and  
99           (iii) an entity approved to provide an approved food handler training program.  
100          (8) An approved food handler training program shall:  
101          (a) provide basic instruction on the Centers for Disease Control and Prevention's top  
102 five foodborne illness risk factors, including:  
103           (i) improper hot/cold holding temperatures of potentially hazardous food;  
104           (ii) improper cooking temperatures of food;  
105           (iii) dirty or contaminated utensils and equipment;  
106           (iv) poor employee health and hygiene; and  
107           (v) food from unsafe sources;  
108          (b) be offered through:  
109           (i) a trainer-led class;  
110           (ii) the Internet; or  
111           (iii) through a combination of Subsections (8)(b)(i) and (ii);  
112          (c) maintain a system to verify a certificate of completion of an approved food handler  
113 training program issued under Subsection (3) to the department, a local health department, and  
114 a food service establishment; and  
115          (d) provide to the department unrestricted access to classroom training sessions and  
116 online course materials at any time for audit purposes.  
117          (9) An entity that provides an approved food handler training program may charge a  
118 reasonable fee.  
119          (10) Rules by the department related to this section shall be made in accordance with  
120 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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**Legislative Review Note**  
as of 2-12-13 12:50 PM

**Office of Legislative Research and General Counsel**