

1 **FOOD HANDLER PERMIT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Health Code related to food handler permits and
10 food safety managers.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ subject to rules established by the Department of Health, exempts an individual
14 from food handler permit requirements and food safety manager requirements at an
15 event that is sponsored by a charitable organization where the organization provides
16 food, free of charge, to a disadvantaged group; and

17 ▶ makes technical and conforming amendments.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **26-15a-105**, as last amended by Laws of Utah 2008, Chapter 382

25 ENACTS:

26 **26-15-5.1**, Utah Code Annotated 1953



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

29 Section 1. Section **26-15-5.1** is enacted to read:

30 **26-15-5.1. Exemptions to food handler requirements.**

31 (1) The requirements of Section 26-15-5 do not apply to an individual who handles
32 food:

33 (a) at an event sponsored by a charitable organization where the organization provides
34 food to a disadvantaged group free of charge; and

35 (b) in compliance with rules established by the department under Subsection (2).

36 (2) The department may establish additional requirements, in accordance with Title
37 63G, Chapter 3, Utah Administrative Rulemaking Act, for individuals handling food at an
38 event sponsored by a charitable organization under Subsection (1).

39 Section 2. Section **26-15a-105** is amended to read:

40 **26-15a-105. Exemptions to food service establishment requirements.**

41 (1) The following are not subject to the provisions of Section 26-15a-104:

42 (a) special events sponsored by municipal or nonprofit civic organizations, including
43 food booths at school sporting events and little league athletic events and church functions;

44 (b) temporary event food services approved by a local health department;

45 (c) vendors and other food service establishments that serve only commercially
46 prepackaged foods and beverages as defined by the department by rule;

47 (d) private homes not used as a commercial food service establishment;

48 (e) health care facilities licensed under Chapter 21, Health Care Facility Licensing and
49 Inspection Act;

50 (f) bed and breakfast establishments at which the only meal served is a continental
51 breakfast as defined by the department by rule;

52 (g) residential child care providers;

53 (h) child care providers and programs licensed under Chapter 39, Utah Child Care
54 Licensing Act;

55 (i) back country food service establishments; [~~and~~]

56 (j) an event that is sponsored by a charitable organization, if, at the event, the
57 organization:

58 (i) provides food to a disadvantaged group free of charge; and

59 (ii) complies with rules established by the department under Subsection (3); and
60 [(j)] (k) a lowest risk or permitted food establishment category determined by a risk
61 assessment evaluation established by the department by administrative rule adopted in
62 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

63 (2) Nothing in this section may be construed as exempting a food service establishment
64 described in Subsection (1) from any other applicable food safety laws of this state.

65 (3) The department may establish additional requirements, in accordance with Title
66 63G, Chapter 3, Utah Administrative Rulemaking Act, for charitable organizations providing
67 food for free under Subsection (1)(j).

Legislative Review Note
as of 2-28-14 5:35 PM

Office of Legislative Research and General Counsel