

Superseded 5/12/2020

26-15-5 Requirements for food handlers -- Training program and testing requirements for permit -- Rulemaking.

- (1) As used in this section:
 - (a) "Approved food handler training program" means a training program described by this section and approved by the department.
 - (b) "Food handler" means a person who works with unpackaged food, food equipment or utensils, or food-contact surfaces for a food service establishment.
 - (c) "Food handler permit" means a permit issued by a local health department to allow a person to work as a food handler.
 - (d) "Food service establishment" has the same meaning as provided in Section 26-15a-102.
 - (e) "Provider" means a person or entity that provides an approved food handler training program.
- (2) A person may not work as a food handler for a food service establishment unless the person:
 - (a) successfully completes an approved food handler training program within 14 days after the day on which the person begins employment that includes food handler services; and
 - (b) obtains a food handler permit within 30 days after the day on which the person begins employment that includes food handler services.
- (3) An approved food handler training program shall include:
 - (a) at least 75 minutes of training time;
 - (b) an exam, which requires a passing score of 75% and, except as provided in Subsection (11), consists of:
 - (i) 40 multiple-choice questions developed by the department, in consultation with local health departments; and
 - (ii) four content sections designated by rule of the department with 10 randomly selected questions for each content section; and
 - (c) upon completion, the awarding of a certificate of completion that is valid with any local health department in the state for 30 days after the day on which the certificate is issued:
 - (i) to a student who:
 - (A) completes the training; and
 - (B) passes the exam described in this Subsection (3) or an exam approved by the department in accordance with Subsection (11); and
 - (ii) which certificate of completion:
 - (A) includes student identifying information determined by department rule; and
 - (B) is delivered by mail or electronic means.
- (4)
 - (a) A person may obtain a food handler permit by:
 - (i) providing a valid certificate of completion of an approved food handler training program and an application, approved by the local health department, to a local health department; and
 - (ii) paying a food handler permit fee to the local health department.
 - (b)
 - (i) A local health department may charge a food handler permit fee that is reasonable and that reflects the cost of managing the food safety program.
 - (ii) The department shall establish by rule the maximum amount a local health department may charge for the fee described in Subsection (4)(b)(i).
- (5) A person working as a food handler for a food service establishment shall obtain a food handler permit:
 - (a) before handling any food;
 - (b) within 30 days of initial employment with a food service establishment; and

- (c) within seven days of the expiration of an existing food handler permit.
- (6)
 - (a) A person who holds a valid food handler permit under this section may serve as a food handler throughout the state without restriction.
 - (b) A food handler permit granted after June 30, 2013, is valid for three years from the date of issuance.
- (7) A person may not serve as an instructor of an approved food handler training program, unless the person is registered with a local health department as an instructor.
- (8) The department, in consultation with local health departments, shall:
 - (a) approve the content of an approved food handler training program required under Subsection (3);
 - (b) approve, as qualified, each provider; and
 - (c) in accordance with applicable rules made under Subsection (12), provide a means to authenticate:
 - (i) documents used in an approved food handler training program;
 - (ii) the identity of an approved instructor; and
 - (iii) an approved provider.
- (9) An approved food handler training program shall:
 - (a) provide basic instruction on the Centers for Disease Control and Prevention's top five foodborne illness risk factors, including:
 - (i) improper hot and cold holding temperatures of potentially hazardous food;
 - (ii) improper cooking temperatures of food;
 - (iii) dirty or contaminated utensils and equipment;
 - (iv) poor employee health and hygiene; and
 - (v) food from unsafe sources;
 - (b) be offered through:
 - (i) a trainer-led class;
 - (ii) the Internet; or
 - (iii) a combination of a trainer-led class and the Internet;
 - (c) maintain a system to verify a certificate of completion of an approved food handler training program issued under Subsection (3) to the department, a local health department, and a food service establishment; and
 - (d) provide to the department unrestricted access to classroom training sessions and online course materials at any time for audit purposes.
- (10)
 - (a) A provider that provides an approved food handler training program may charge a reasonable fee.
 - (b) If a person or an entity is not approved by the department to provide an approved food handler training program, the person or entity may not represent, in connection with the person's or entity's name or business, including in advertising, that the person or entity is a provider of an approved food handler training program or otherwise represent that a program offered by the person or entity will qualify an individual to work as a food handler in the state.
- (11)
 - (a) Subject to the approval of the department every three years, a provider may use an exam that consists of questions that do not conform with the provisions of Subsection (3)(b), if:
 - (i) the provider complies with the provisions of this Subsection (11);

- (ii) the provider pays a fee every three years to the department, which fee shall be determined by the department and shall reflect the cost of the review of the alternative test questions; and
 - (iii) an independent instructional design and testing expert provides a written report to the department containing a positive recommendation based on the expert's analysis as described in Subsection 11(b).
- (b)
- (i) A provider may request approval of a different bank of test questions other than the questions developed under Subsection (3) by submitting to the department a proposed bank of at least 200 test questions organized by learning objective in accordance with Subsection (9)(a).
 - (ii) A provider proposing a different bank of test questions under this Subsection (11) shall contract with an independent instructional design and testing expert approved by the department at the provider's expense to analyze the provider's bank of test questions to ensure the questions:
 - (A) effectively measure the applicant's knowledge of the required learning objectives; and
 - (B) meet the appropriate testing standards for question structure.
 - (c) If the department provides written notice to a provider that any test question of the provider's approved exam under this Subsection (11) inadequately tests the required learning objectives, the provider shall make required changes to the question within 30 days after the day on which written notice is received by the provider.
 - (d) A food handler exam offered by a provider may be:
 - (i) a written exam;
 - (ii) an online exam; or
 - (iii) an oral exam, if circumstances require, including when an applicant's language or reading abilities interfere with taking a written or online exam.
 - (e) A provider shall routinely rotate test questions from the test question bank, change the order of test questions in tests, and change the order of multiple-choice answers in test questions to discourage cheating.
- (12)
- (a) When exercising rulemaking authority under this section the department shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The department shall, by rule, establish requirements designed to inhibit fraud for an approved food handler training program described in this section.
 - (c) The requirements described in Subsection (12)(b) may include requirements to ensure that:
 - (i) an individual does not attempt to complete the program or exam in another individual's place;
 - (ii) an individual taking the approved food handler training program is focused on training material and actively engaged throughout the training period;
 - (iii) if the individual is unable to participate online because of technical difficulties, an approved food handler training program provides technical support, such as requiring a telephone number, email, or other method of communication to allow an individual taking the online course or test to receive assistance;
 - (iv) an approved food handler training program provider maintains a system to reduce fraud as to who completes an approved food handler training program, such as requiring a distinct online certificate with information printed on the certificate that identifies a person taking an online course or exam, or requiring measures to inhibit duplication of a certificate of completion or of a food handler permit;
 - (v) the department may audit an approved food handler training program;

- (vi) an individual taking an online course or certification exam has the opportunity to provide an evaluation of the online course or test;
- (vii) an approved food handler training program provider track the Internet protocol address or similar electronic location of an individual who takes an online course or certification exam;
- (viii) an individual who takes an online course or exam uses an electronic signature; or
- (ix) if the approved food handler training program provider learns that a certificate of completion does not accurately reflect the identity of the individual who took the online course or certification exam, an approved food handler training program provider invalidates the certificate of completion.