

**Senator Curtis S. Bramble** proposes the following substitute bill:

**FOOD HANDLER LICENSING AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Johnny Anderson

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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 and for inhibiting fraud;
- ▶ provides that the department in consultation with local health departments shall approve the content of an approved food handler training program, including approving instructors and each entity providing the program; and
- ▶ provides for rulemaking by the department.



26 **Money Appropriated in this Bill:**

27 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 Section **26-15-5** is repealed and reenacted to read: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 (e) "Provider" means a person or entity that provides an approved food handler training  
47 program.

48 (2) A person may not work as a food handler for a food service establishment unless  
49 the person:

50 (a) successfully completes an approved food handler training program within 14 days  
51 after the day on which the person begins employment that includes food handler services; and

52 (b) obtains a food handler permit within 30 days after the day on which the person  
53 begins employment that includes food handler services.

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

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

56 (b) a certification exam, which requires a passing score of 75% and except as provided

57 in Subsection (9)(b), consists of:

58 (i) 40 multiple-choice questions developed by the department, in consultation with  
59 local health departments; and

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

62 (c) upon completion, the awarding of a certificate of completion that is valid with any  
63 local health department in the state for 30 days after the day on which the certificate is issued:

64 (i) to a student who:

65 (A) completes the training; and

66 (B) passes the certification exam; and

67 (ii) which certificate of completion:

68 (A) includes student identifying information determined by department rule; and

69 (B) is delivered by mail or electronic means.

70 (4) (a) A person may obtain a food handler permit by:

71 (i) presenting a valid certificate of completion of an approved food handler training  
72 program and an application, approved by the local health department, to a local health  
73 department; and

74 (ii) paying a food handler permit fee to the local health department.

75 (b) A local health department may charge a fee that is reasonable and that reflects the  
76 cost of managing the food safety program.

77 (5) A person serving as a food handler for a food service establishment shall obtain a  
78 food handler permit:

79 (a) before handling any food;

80 (b) within 30 days of initial employment with a food service establishment; and

81 (c) within seven days of the expiration of an existing food handler permit.

82 (6) (a) A person who holds a valid food handler permit under this section may serve as  
83 a food handler throughout the state without restriction.

84 (b) A food handler permit granted after June 30, 2013, is valid for two years from the  
85 date of issuance.

86 (7) The department, in consultation with local health departments, shall:

87 (a) approve the content of an approved food handler training program required under

88 Subsection (3):

89 (b) approve, as qualified, each instructor who will provide classroom based training;

90 (c) approve, as qualified, each provider; and

91 (d) in accordance with applicable rules made under Subsection (10), provide a means

92 to authenticate:

93 (i) documents used in an approved food handler training program;

94 (ii) the identity of an approved instructor; and

95 (iii) an approved provider.

96 (8) An approved food handler training program shall:

97 (a) provide basic instruction on the Centers for Disease Control and Prevention's top

98 five foodborne illness risk factors, including:

99 (i) improper hot and cold holding temperatures of potentially hazardous food;

100 (ii) improper cooking temperatures of food;

101 (iii) dirty or contaminated utensils and equipment;

102 (iv) poor employee health and hygiene; and

103 (v) food from unsafe sources;

104 (b) be offered through:

105 (i) a trainer-led class;

106 (ii) the Internet; or

107 (iii) a combination of a trainer-led class and the Internet;

108 (c) maintain a system to verify a certificate of completion of an approved food handler

109 training program issued under Subsection (3) to the department, a local health department, and

110 a food service establishment; and

111 (d) provide to the department unrestricted access to classroom training sessions and

112 online course materials at any time for audit purposes.

113 (9) (a) A provider that provides an approved food handler training program may charge

114 a reasonable fee.

115 (b) Subject to the approval of the department every three years, a provider may use a

116 certification exam that consists of questions that do not conform with the provisions of

117 Subsection (3)(b), if the provider:

118 (i) uses substantially similar questions that adequately test the student's knowledge of

119 the concepts under Subsection (8)(a) as determined by the department; and

120 (ii) pays a fee of \$2,000 every three years to the department to be deposited into the  
121 General Fund.

122 (10) (a) Rules by the department related to this section shall be made in accordance  
123 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

124 (b) The department shall, by rule, establish requirements designed to inhibit fraud for  
125 an approved food handler training program described in this section.

126 (c) The requirements described in Subsection (10)(b) may include requirements to  
127 ensure that:

128 (i) an individual has taken the online course or certification exam and not attempted to  
129 allow another individual to complete the course or exam in the individual's place;

130 (ii) an individual taking the online course or certification exam is focused on training  
131 material throughout the entire training period;

132 (iii) an individual is actively engaged online during the time the individual is taking the  
133 online course or test;

134 (iv) if the individual is unable to participate online because of technical difficulties, an  
135 approved food handler training program provides technical support, such as requiring a  
136 telephone number, email, or other method of communication to allow an individual taking the  
137 online course or test to receive assistance;

138 (v) an approved food handler training program provider has a system to reduce fraud as  
139 to who completes an online course or certification exam, such as requiring a distinct online  
140 certificate with information printed on the certificate that identifies the person taking the online  
141 course or certification exam, or requiring measures to inhibit duplication of a certificate of  
142 completion or a food handler permit;

143 (vi) the department may audit online courses or certification exams;

144 (vii) an individual taking an online course or certification exam has the opportunity to  
145 provide an evaluation of the online course or test;

146 (viii) an approved food handler training program provider track the Internet protocol  
147 address or similar electronic location of an individual who takes an online course or  
148 certification exam;

149 (ix) an individual who takes an online course or certification exam use an electronic

150 signature; or

151 (x) if the approved food handler training program provider learns that a certificate of  
152 completion does not accurately reflect the identity of the individual who took the online course  
153 or certification exam, an approved food handler training program provider invalidates the  
154 certificate of completion.