

# **Washtenaw County**

## **Proposed Regulation for a Food Handler Education Program**

### **PREAMBLE & PURPOSE**

The intent of this regulation is to safeguard the health, safety and welfare of the public from the spread of illness and injury through food; to require a food employee to complete food safety training and demonstrate knowledge in the safe preparation, storage and service of food; and to provide for food safety card requirements and fees.

### **ARTICLE I - TITLE**

This regulation shall be known as the Washtenaw County Regulation for a Food Handler Education Program.

### **ARTICLE II - AUTHORITY**

This regulation is adopted pursuant to authority conferred upon local health departments by the Michigan Public Health Code, Act 368, P.A. of 1978 as amended, MCL 333.1101 et seq., MCL 333.2435(d) and MCL 333.2441(1), and also Section 289.2129 (4) of P.A. 92 of 2000, the Michigan Food Law of 2000, as amended.

### **ARTICLE III - JURISDICTION AND ADMINISTRATION**

#### **Section 3:1**

This regulation shall have effect throughout Washtenaw County in all areas incorporated and unincorporated, which includes cities, villages and townships.

#### **Section 3:2**

The Health Officer shall have responsibility for administering and enforcing this regulation, including all amendments hereafter adopted, unless otherwise specifically stated.

### **ARTICLE IV - DEFINITIONS**

The following terms used in this regulation are defined as follows:

#### **Section 4:1**

“Applicant” means an individual applying to obtain an initial or renewal food safety card or limited duty food safety card.

#### **Section 4:2**

“Department” means the Washtenaw County Department of Public Health.

#### **Section 4:3**

“Food safety card” means a food service employee’s paper permit verifying completion of food safety training and approval to work in a food service establishment as required under this regulation.

#### Section 4:4

“Food service employee” means an individual who works (or intends to work) in a licensed food service establishment and who handles, prepares, stores or serves unpackaged food or beverages; who handles or washes food service equipment, utensils or food-contact surfaces; or who may contribute to the transmission of infectious diseases through the nature of his/her contact with food products and/or equipment and facilities.

Food service worker does not include the following:

1. Persons who simply assist residents or patients in institutional facilities with meals.
2. Students in K-12 schools who periodically assist with school meal service.

#### Section 4:5

“Food service establishment” means a fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving to the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. Food service establishment does not include the following:

1. A motel that serves continental breakfasts only.
2. A bed and breakfast that has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one or more of which are available to rent to transient tenants.
3. A bed and breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfast only.
4. A childcare organization regulated under Act 116 of P.A. 1973, MCL 722.111 - MCL 722.128, unless the establishment is carrying out an operation considered by the Health Officer also to be a food service establishment.

#### Section 4:6

“Health Officer” means the Director of the Washtenaw County Public Health Department or his/her authorized representative.

#### Section 4:7

“Limited duty food safety card” means a food safety card issued to a person with disabilities who will only be approved to carry out low public health risk duties in a food service establishment.

#### Section 4:8

“Person” means any individual, firm, partnership, party, corporation, company, government entity or association.

#### Section 4:9

“Temporary food establishment” means a food establishment which operates at a fixed location for a temporary period not to exceed fourteen (14) consecutive days.

### **ARTICLE V - EXEMPTIONS**

#### Section 5:1

Food service employees who hold a valid manager certification approved under MCL 289.2129 are exempt from this regulation.

Section 5:2

Food service employees at a temporary food establishment are exempt from this regulation.

Section 5:3

Volunteers who handle or prepare foods are exempt from this regulation, provided they work under the direction of an individual who either holds a valid food manager certification approved under MCL 289.2129 or a valid Washtenaw County Food Safety Card.

Section 5:4

Food service employees of establishments not licensed by Washtenaw County but operating within Washtenaw County are exempt from this regulation.

Section 5:5

Vending machine locations are exempt from this regulation.

**ARTICLE VI - REQUIREMENTS**

Section 6:1

All food service employees must obtain a food safety card within thirty (30) calendar days from the beginning of work at a licensed food service establishment.

Section 6:2

Operators of any food service establishment must provide information or training regarding pertinent safe food handling practices to food service workers prior to beginning food handling duties if the employee does not hold a valid food safety card. Documentation that the information or training has been provided to the individual must be available for inspection by the Health Officer.

Section 6:3

In order to qualify for issuance of an initial or renewal food safety card, an applicant must complete food safety training administrated and/or approved by the Department and demonstrate his/her knowledge of safe food handling practices.

Section 6:5

Instruction content shall include topics related to safe food preparation, storage and service, including food borne illness causes and symptoms; food service employee health and hygiene; proper hand washing techniques; approved food source; hot holding, cold holding, cooking and cooling of potentially hazardous foods; cross-contamination prevention; and cleaning and sanitization.

Section 6:6

Upon payment of the required fee and the applicant's satisfactory completion of the training, the applicant will receive a Washtenaw County Food Safety Card.

Section 6:7

A copy of the Washtenaw County Food Safety Card or the applicable information will be kept on file at the Department.

Section 6:8

Copies of Washtenaw County Food Safety Cards for all current food service workers shall be kept on file by the food service establishment and must be available for inspection by the Health Officer.

Section 6:9

All Washtenaw County Food Safety Cards are valid for two years from the date of issuance.

Section 6:10

All Washtenaw County Food Safety Cards shall be valid throughout Washtenaw County.

Section 6:11

Replacement or duplicate Washtenaw County Food Safety Cards will be issued to food service employees upon verification of the original food safety card by the Department and payment of the established fee.

Section 6:12

The Washtenaw County Food Safety Card will contain the following information:

1. The identification of the card as a Washtenaw County Food Safety Card or Washtenaw County Limited Duty Food Safety Card, as applicable;
2. Printed or typed name of the food service employee;
3. Signature of the food service employee;
4. Card expiration date;
5. Signature of the Health Officer or his/her designee;
6. List of approved activities for Limited Duty Food Safety Cards, as applicable; and
7. Any other identifier or information deemed necessary by the Health Officer.

**ARTICLE VII - LIMITED DUTY FOOD SAFETY CARDS**

Section 7:1

The Health Officer may issue a Limited Duty Food Safety Card when necessary to reasonably accommodate a person with a disability.

Section 7:2

A person applying to obtain a Limited Duty Food Safety Card shall communicate to the Health Officer which low public health risk activities (e.g., dishwashing, bussing tables, filling condiment containers, etc.) he or she will be performing.

Section 7:3

The Health Officer may require the applicant to complete the food safety training associated with the issuance of standard food safety cards.

Section 7:4

The Health Officer shall list the approved activities on the Washtenaw County Limited Duty Food Safety Card.

Section 7:5

The fee and length of validity of the Washtenaw County Limited Duty Food Safety Card is the same as standard food safety cards.

Section 7:6

The food service establishment shall ensure that the individual is provided with information to safely perform the activities listed on the Limited Duty Food Safety Card.

**ARTICLE VIII - ENFORCEMENT**

Section 8:1

All food workers must complete the required food safety training by February 1, 2012.

Section 8:2

Failure of a food service employee to obtain a valid Washtenaw County Food Safety Card shall result in a notice given to the employee and to the employer(s) to complete the course in 30 days.

Section 8:3

Failure of a food service employee to obtain a valid Washtenaw County Food Safety Card in 30 days as noted in Section 8:2 will result in a notice given to the employee and to the employer(s) to complete the course in 14 days.

Section 8:4

Failure of a food service employee to obtain a valid Washtenaw County Food Safety Card in 14 days as noted in Section 8:3 will result in a notice given to the employee and to the employer(s) that the employee is not allowed to work in a food service establishment until he or she obtains a valid Washtenaw County Food Safety Card.

Section 8:5

Foodservice establishments that violate this regulation will face the penalties set forth in the Washtenaw County Procedures for the Administration and Enforcement of the Michigan Food Law of 2000, as amended. The failure to comply with this regulation will be viewed as a chronic or continuing violation as defined in the enforcement procedures.

**ARTICLE IX - SEVERABILITY**

If any provision, section or word of this regulation, or the enforcement thereof, is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of this regulation. To this end, each of the provisions and sections of this regulation are severable.

**ARTICLE X - EFFECTIVE DATE**

This Regulation shall take effect February 1, 2010.