

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45244-MG-90A (03/11)

Short Title: Assure Safe Food Via Food Handler Training. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ASSURING SAFE, QUALITY FOOD THROUGH STANDARDIZED, READILY
3 AVAILABLE FOOD HANDLER TRAINING AND TESTING.

4 Whereas, standardized food handler training has been shown to improve food safety
5 and quality, reduce the risk of foodborne illness, protect public health and safety, and mitigate
6 risks to food establishments and their employees and patrons; and

7 Whereas, high-quality, standardized food handler training is inexpensive,
8 convenient, and readily available through multiple commercial sources online and by other
9 means; Now, therefore,

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Article 8 of Chapter 130A of the General Statutes is amended by
12 adding a new Part to read:

13 "Part 6A. Food Handler Training and Testing.

14 "§ 130A-250.5. Definitions.

15 The following definitions apply in this Part:

- 16 (1) Accredited food handler training program. – A food handler training and
17 testing program that has been evaluated and listed by the American National
18 Standards Institute (ANSI) as conforming to American National Standard
19 (ANS) ASTM E2659-09.
20 (2) Food employee. – As defined in Section 1-201.10(B) of the North Carolina
21 Food Code.
22 (3) Food establishment. – As defined in Section 1-201.10(B) of the North
23 Carolina Food Code.
24 (4) Food handler. – A food employee at a food establishment. This term does
25 not include a certified food protection manager as described in Section
26 2-102.12 of the North Carolina Food Code, an employee of a congregate
27 nutrition site as defined in Section 1-201.10(B) of the North Carolina Food
28 Code, or an employee of a risk category I food service establishment as
29 described in 10A NCAC 46 .0213. This term does not include an employee
30 of a grocery store or convenience store but does include a food employee at
31 a separate food establishment located inside a grocery store or convenience
32 store.
33 (5) North Carolina Food Code. – The 2009 Food Code, not including
34 subsequent amendments and editions, established by the U.S. Department of
35 Health and Human Services, Food and Drug Administration, and



1 incorporated into the North Carolina Administrative Code at 15A NCAC
2 18A .2650 with modifications at 15A NCAC 18A .2651, et seq.

3 **"§ 130A-250.6. Food handler training through an accredited food handler training**
4 **program.**

5 (a) Except as provided in G.S. 130A-250.7, all food handlers shall successfully
6 complete an accredited food handler training program on the topics specified in
7 G.S. 130A-250.8. For the purpose of this subsection, successful completion of an accredited
8 food handler training program entails completing the training and achieving a passing score at
9 the conclusion of the training. Food handlers may complete this training an unlimited number
10 of times in order to achieve a passing test score.

11 (b) Food handlers shall successfully complete this training and testing by the later of
12 August 1, 2016, or 30 days after their date of hire as a food handler and at least once every
13 three years thereafter.

14 (c) The accredited food handler training program may be conducted by any means
15 available and in any format, including, but not limited to, online; via computer; or in a
16 classroom, using live or remote trainers or certified food protection managers. Test proctors
17 may be utilized to conduct testing but are not required.

18 (d) The Department shall not enforce the provisions of this section unless there is at
19 least one accredited food handler training program that is commercially available at a cost of no
20 more than fifteen dollars (\$15.00) per food handler.

21 (e) When a food handler successfully completes an accredited food handler training
22 program, the provider of the training shall issue a certificate indicating that the food handler has
23 successfully completed the program. The certificate shall include the name of the program, the
24 name of the food handler, and the date the food handler successfully completed the program.
25 Providers of accredited food handler training shall make certificate verification available to
26 food handlers and food establishments 24 hours a day, 7 days per week.

27 (f) The food handler training certificate shall be the only verification necessary or
28 required by law to demonstrate that a food handler has successfully completed an accredited
29 food handler training program.

30 (g) The food handler training certificate is a minimum qualification for employment as
31 a food handler and remains valid for a period of three years after issuance regardless if the food
32 handler changes employers during that three-year period. A valid certificate for completion of
33 an accredited food handler training program is transferrable between employers.

34 **"§ 130A-250.7. Alternative food handler training through a qualified internal food**
35 **handler training program.**

36 (a) A food handler working for an employer with a qualified internal food handler
37 training program that meets the criteria of subsection (b) of this section may successfully
38 complete that training program as an alternative to the accredited food handler training program
39 required by G.S. 130A-250.6. However, a training certificate issued to a food handler after
40 completion of a qualified internal food handler training program shall only be valid for as long
41 as the employee is employed by the employer with the qualified internal food handler training
42 program. A valid certificate for completion of training through a qualified internal food handler
43 training program is not transferable between employers.

44 (b) For the purpose of this section, a qualified internal food handler training program is
45 one that meets the requirements of G.S. 130A-250.8 and is approved in another state, so long as
46 the food establishment provides the Department with satisfactory evidence of such approval.

47 **"§ 130A-250.8. Content of food handler training and testing.**

48 Food handler training and testing shall cover and assess knowledge of the following topics:

- 49 (1) The relationship between time and temperature with respect to foodborne
50 illness, including (i) the relationship between time and temperature and
51 microorganisms during the various food handling preparation and serving

1 states and (ii) the type, calibration, and use of thermometers in monitoring
2 food temperatures.

3 (2) The relationship between personal hygiene and food safety, including the
4 association of hand contact, personal habits and behaviors, and the food
5 handler's health to foodborne illness, and the recognition of how policies,
6 procedures, and management contribute to improved food safety practices.

7 (3) Methods of preventing food contamination in all stages of food handling,
8 including terms associated with contamination and potential hazards prior to,
9 during, and after food delivery.

10 (4) Procedures for cleaning and sanitizing equipment and utensils.

11 (5) Problems and potential solutions associated with temperature control,
12 preventing cross-contamination, housekeeping, and maintenance.

13 **"§ 130A-250.9. Enforcement.**

14 (a) Any food establishment that employs one or more food handlers shall maintain
15 documentation verifying that each food handler employed by the food establishment has
16 complied with this section by either:

17 (1) Successfully completing an accredited food handler training program as
18 described in G.S. 130A-250.6.

19 (2) Successfully completing a qualified internal food handler training program
20 as described in G.S. 130A-250.7.

21 (b) Any State or local official responsible for inspecting food establishments may
22 request that a food establishment provide such documentation within a reasonable time by any
23 reasonable means, including electronic communication.

24 (c) If, upon request of a State or local official responsible for inspecting food
25 establishments, a food establishment fails to provide such documentation within a reasonable
26 time with respect to one or more employees, the official shall allow the establishment a
27 minimum of 30 days after the request to provide such documentation by reasonable means,
28 including electronic communication.

29 (d) If after 30 days, the food establishment fails to provide such documentation for one
30 or more food handlers, a fine in the amount of twenty-five dollars (\$25.00) per month may be
31 imposed for each food handler for whom documentation is lacking."

32 **SECTION 3.** Notwithstanding G.S. 130A-250.9, from July 1, 2016, through
33 December 31, 2016, enforcement of the provisions of Part 6A of Chapter 130A of the General
34 Statutes, as enacted by this act, shall be limited to providing education and notification to food
35 handlers and food establishments about the requirements of this Part and issuing written
36 warnings for failure to comply with the provisions of this Part. No fines shall be imposed
37 pursuant to G.S. 130A-250.9(d) prior to January 1, 2017.

38 **SECTION 4.** This act becomes effective July 1, 2016.