

HOSPITALITY ALERT

NEW LAW REQUIRES SAFETY TRAINING FOR CALIFORNIA EMPLOYEES WHO HANDLE FOOD — MOST CALIFORNIA RESTAURANT EMPLOYEES WILL NEED TO TAKE AND PASS A FOOD SAFETY TEST BY JULY 1, 2011

On September 25, 2010, California Governor Arnold Schwarzenegger signed Senate Bill 602, known as the “California Food Handler Card Law.”ⁱ This new law requires all “food handlers” in the State to have a food handler card on or before July 1, 2011. The law was designed to reduce the potential for foodborne illness by guaranteeing consumers that restaurant employees and other “food handlers” will have a reasonable level of training in food safety practices.

Who Qualifies as a Food Handler?

Under the new law, a “food handler” is any person in California involved in the “preparation, storage, or service of food in a food facility.”ⁱⁱ California employees who prepare, store, and/or serve food in a “temporary food facility” are not considered “food handlers” under the new law, nor are employees who already have an accredited food safety certificate.ⁱⁱⁱ

All “food handlers” in California must obtain a food handler card on or before July 1, 2011.^{iv} For “food handlers” who are hired after July 1, 2011, the employee will have 30 days from the date of hire to obtain the card.^v

Obtaining a Food Handler Card

To obtain a food handler card, a California “food handler” will need to take and successfully pass a food safety training course and examination.^{vi} The course and exam must be taken from one of the following accredited food safety manager certification programs:

(1) National Restaurant Association Education Foundation (ServSafe®), www.nraef.org; (2) Thomson Prometric, www.prometric.com; or (3) National Registry of Food Safety Professionals, www.nrfsp.com.

At least one of the State-approved courses must cost less than \$15, including the examination and certificate.^{vii} The course and 40-question exam may be taken either online or in-person,^{viii} and both are designed to be completed in a total of 2.5 hours.^{ix} An applicant must score 70% or higher to pass the exam and obtain the necessary food handler card.^x

A food handler card is valid for 3 years from the date of the issuance, regardless of whether the food handler changes employers during that period.^{xi}

Enforcement

Local health department enforcement officials are responsible for ensuring that restaurants and other food facilities meet their obligations under the new law^{xii}, including (1) ensuring that employee “food handlers” possess a valid food handler card for the duration of their employment, and (2) maintaining records of compliance that can be shown to local enforcement officers upon request. A violation is a misdemeanor and may be punishable by a fine on the employer of \$100 per day of operation in violation.^{xiii}

Who’s Exempt?

Some companies and employees are exempt from California’s new food handler card law.^{xiv} Specific exemptions exist for “food handlers” in Riverside, San Bernardino, and San Diego counties and for “food handlers” employed by certified farmer’s markets, commissaries, grocery stores (except for separately owned facilities), mobile support units, public and

private school cafeterias, restricted food service facilities, and retail stores where a majority of sales are from a pharmacy.^{xv}

In addition, a food facility is not covered by the new law if that facility (1) is subject to a collective bargaining agreement with its food handlers, or (2) provides accredited in-house safety training to all “food handlers” during normal work hours at no cost to these employees.^{xvi}

All other “food handlers” employed in restaurants, bars, hotels, catering companies, and other California food facilities are covered by the new law and must be in compliance by July 1, 2011.

Suggestions for California Employers

We strongly encourage all California “food handlers” and food facilities to determine whether they are covered or exempt from California’s new Food Handler Card Law. If you have questions about the new law’s applicability to your business, or if you want referrals to course and/or examination providers in your area, contact your local county health department.

Alameda County Environmental Health
www.acgov.org/aceh/food/index.htm

Los Angeles County Public Health Department
www.lapublichealth.org/eh/fhgde/cert.htm

Marin County Environmental Health Services
www.co.marin.ca.us/ehs/

Monterey County Health Department
www.mtyhd.org/

Napa County Environmental Management
www.countyofnapa.org/DEM/

Sacramento County Environmental Management
www.emd.saccounty.net/

San Diego County Environmental Health
www.sdcounty.ca.gov/deh/food/foodhandler.html

San Francisco Department of Public Health
www.sfdph.org/dph/EH/Food/FoodCert/default.asp

Santa Barbara County Public Health Department
www.countyofsb.org/phd/

Santa Clara County Dept. of Environmental Health
<http://www.sccgov.org/portal/site/deh>

Sonoma County Environmental Health Division
www.sonoma-county.org/health/eh/food_handler.htm

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ⁱ S.B. 602, codified at Cal. Health & Safety Code §113790, §113947.2, §113947.3, and §113948,

ⁱⁱ Cal. Health & Safety Code §113790

ⁱⁱⁱ *Ibid.*

^{iv} Cal. Health & Safety Code §113948(a)(1)

^v *Ibid.*

^{vi} Cal. Health & Safety Code §113947.3 and §113948

^{vii} Cal. Health & Safety Code §113948(g)

^{viii} Cal. Health & Safety Code §113948(b) and (c)

^{ix} *Ibid.*

^x *Ibid.*

^{xi} Cal. Health & Safety Code §113948(a)(2)

^{xii} Cal. Health & Safety Code §113947.3(b)(1)

^{xiii} Cal. Health & Safety Code §113947.6

^{xiv} Cal. Health & Safety Code §113948(d)

^{xv} Cal. Health & Safety Code §§113948(d)(1)-(8)

^{xvi} Cal. Health & Safety Code §113948(d)(9)