

IEHA Office

From: David Banaszynski <David.Banaszynski@Hoffmanestates.org>
Sent: Wednesday, July 19, 2017 7:59 AM
To: IEHA Office
Subject: FW: Illinois Food Safety Advisory Committee Update

Hi Paul, please forward this message to the membership and put it on the website. Thanks!

Greetings Members!

Below is an update from the June 29, 2017, Illinois Food Safety Advisory Committee meetings. Thanks go to Carey Panier of Peoria County for putting this together.

I would like to encourage everyone to take advantage of the JCAR comment period in the hopes to extend the implementation date from July 1, 2018, to January 1, 2019. Because of the delay in having a finalized and approved inspection form, many locals (specifically those working with CDP) will not have a useable electronic form until maybe March if the final version isn't approved until December.

There are five pieces of legislation that have passed both houses and have been sent to the Governor. Many of these will be effective January 1, 2018, and some may impact implementation of the new State Food Code.

HB 3684 – Elimination of FSSMC

Synopsis As Introduced

Amends the Food Handling Regulation Enforcement Act. Provides that beginning January 1, 2018, any individual who has completed specified training requirements shall be considered a certified food service sanitation manager or a certified food service sanitation manager instructor. Removes provisions providing that a food service sanitation manager certificate or food service sanitation manager instructor certificate shall be provided by the Department of Public Health and removes corresponding provisions concerning the Department charging specified fees for the certificates. Removes provisions concerning recertification and certificate reciprocity. Provides that beginning January 1, 2018, a food service sanitation manager certificate or food service sanitation manager instructor certificate issued by an exam provider shall be valid for 5 years and nontransferable (currently, the certificates are provided by the Department, valid for 5 years, nontransferable, and may be revoked by the Department). Effective January 1, 2018.

- Training will still be required; amendments will be needed to State Food Code in order to adopt the section of the FDA Model Food Code pertaining to Certified Food Protection Manager requirements.

HB 2510 – Allergen Training Requirement

Synopsis As Introduced

Amends the Food Handling Regulation Enforcement Act. Provides that all food service establishments shall have at least one certified food service sanitation manager who has undergone training that follows nationally recognized industry standards for allergen safety and allergen awareness available on the premises at all times that the food service establishment is in operation. Provides that all individuals seeking food service sanitation manager certification or food service sanitation manager recertification shall undergo training that follows nationally recognized industry standards for allergen safety and allergen awareness. Provides that any costs for the allergen safety and allergen awareness training shall be borne by the individual seeking the training. Effective immediately.

- Violation #58 is being proposed to add to the new State inspection form for allergen training requirement
- January 1 – July 1, 2018 enforcement is limited to education and notification of requirements to encourage compliance.

- Some establishments may be excluded from this requirement.

HB 3036 Farmers Markets – Cottage Food

Synopsis As Introduced

Amends the Food Handling Regulation Enforcement Act. Makes changes to provisions concerning farmers' markets. Provides that the Department of Public Health shall work with the Farmers' Market Task Force to address farmers' market vendor complaints regarding the reasonableness of local health departments' fees and sanitation provisions. Provides that farmers' market vendors shall provide effective means to maintain potentially hazardous food at a specified temperature. Provides that handwashing stations may be shared by farmers' market vendors. Makes changes to provisions concerning cottage food operations. Changes references from "cottage food operation" to "producer". Makes changes to provisions concerning the regulation of producers. Add provisions concerning the kinds of transactions exempt from specified regulation. Removes provisions concerning potentially hazardous foods. Removes an exemption from provisions concerning the regulation of producers that applies when the gross receipts from the sale of food do not exceed \$36,000 in a calendar year. Provides that no later than December 31, 2017, the Department shall include in the Department's cottage food operation application form a statement containing specified content. Makes changes to definitions. Makes other changes.

- Allows for additional items; now stating items that CANNOT be produced as opposed to listing out what CAN be produced. Effective January 1, 2018.

SB 2057 Public Health Dist-Leaseholds

Synopsis As Introduced

Amends the Public Health District Act. Provides that a board of health, and its medical health officer or administrator, may not regulate private residential leaseholds (a private residential structure not open to the public which is leased to more than one person and contains a communal kitchen used by the lessees and guests of the lessees) unless it regulates private single-family residential property in a similar manner. Amends the Counties Code and the Food Handling Regulation Enforcement Act making similar changes. Limits home rule powers.

- Pertains to regulation of places such as Fraternity and Sorority Houses.

SB 0312 Catfish Labeling-Restaurants

Synopsis As Introduced

Amends the Foreign Bank Representative Office Act. Makes a technical change in the short title Section.

Senate Floor Amendment No. 2

Deletes reference to:

[205 ILCS 650/1](#)

Adds reference to:

410 ILCS 620/21.4 new

Replaces everything after the enacting clause. Amends the Illinois Food, Drug and Cosmetic Act. Adds provisions concerning the labeling of catfish by restaurants. Provides that a restaurant shall not label a menu item as containing catfish unless the item contains catfish. Provides that an individual may file a complaint alleging a mislabeling under these provisions with the Department of Public Health or a local health department. Provides that if the Department of Public Health or a local health department receives 2 separate complaints for a restaurant, then the Department of Public Health or local health department shall inspect the menu, books, records, and inventory of the restaurant to determine whether, in the Department of Public Health's or local health department's discretion, the item advertised on the restaurant's menu is consistent with the books, records, and inventory of the restaurant. Contains other provisions concerning complaints. Provides that for a third or subsequent violation, the Department of Public Health or local health department shall (1) impose a \$5,000 fine, (2) suspend a restaurant's license, or (3) both. Contains other provisions concerning penalties and violations. Provides that the Department of Public Health may adopt any rules necessary to implement these provisions. Defines terms. Effective July 1, 2018.

Senate Floor Amendment No. 3

Adds definitions for "primarily engaged" and "restaurant".

With regards to proposed code amendments which impact the inspection form, IDPH FDD is working with their legal department and proposed amendments will hopefully go to the full State Board of Health in September, JCAR in September, with the earliest it may make it through the approval process by December. Proposed changes include, but are not limited to adding #58 for allergen training requirement, removing the grading matrix (Pass, Pass w/Conditions, and Fail), and changing FSSMC to Certified Food Protection Manager (#2).

IDPH FDD is also working to remove the form from the rules to prevent issues when going through rulemaking when edits are needed outside of the rulemaking process in order to get to LHDs in a more timely fashion.

I encourage everyone to review and submit comments once the amendments are in JCAR and open for comments.

Sincerely,

David Banaszynski
President
IEHA

