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**SUBSTITUTE HOUSE BILL 1329**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Dyer, Dellwo, Cody and Conway; by request of Department of Health)

Read first time 02/28/95.

1 AN ACT Relating to food sanitation and safety; amending RCW  
2 69.06.010 and 69.06.020; adding new sections to chapter 69.06 RCW;  
3 adding a new section to chapter 43.70 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In honor of the child victims of E. coli  
6 0157:H7, the legislature finds that measures to promote the results of  
7 food safety research and proper food protection practices and to  
8 educate the food industry and the public about food safety may  
9 contribute to a reduction in the number of cases of foodborne illness  
10 that occur each year in the state of Washington.

11 The purpose of this act is to: (1) Increase the frequency that  
12 food workers must demonstrate a knowledge of food safety principles;  
13 (2) authorize the issuance of special food worker permits to the  
14 learning or cognitively disabled for limited activities; (3) develop  
15 voluntary food safety certification programs for food service managers;  
16 and (4) authorize the collection of fees to support the voluntary food  
17 safety manager certification program.

1       **Sec. 2.** RCW 69.06.010 and 1987 c 223 s 5 are each amended to read  
2 as follows:

3       (1) It shall be unlawful for any person to be employed in the  
4 handling of unwrapped or unpackaged food unless he or she shall furnish  
5 and place on file with the person in charge of such establishment, a  
6 food and beverage service worker's permit, as prescribed by the state  
7 board of health. Such permit shall be kept on file by the employer or  
8 kept by the employee on his or her person and open for inspection at  
9 all reasonable hours by authorized public health officials. Such  
10 permit shall be returned to the employee upon termination of  
11 employment. Initial permits shall be valid for two years from the date  
12 of issuance. Subsequent renewal permits shall be valid for ((five))  
13 three years from the date of issuance.

14       (2) It shall be unlawful for any person to be employed as a  
15 certified food safety manager unless he or she furnishes and places on  
16 file with the person in charge of such establishments, a certified food  
17 safety manager certificate. The food safety management certificate  
18 shall be granted to those individuals who have successfully completed  
19 a training and examination program, approved by the state department of  
20 health, that imparts and tests knowledge of the nature, prevention, and  
21 control of foodborne disease transmission and of methods for  
22 identifying and monitoring critical control points for safeguarding the  
23 production, processing, preparation, and serving of food. Such proof  
24 of certification shall be kept on file by the employer or kept by the  
25 employee on his or her person and open for inspection at all reasonable  
26 hours by authorized public health officials. Retail food safety  
27 manager certification is valid for three years from the date of  
28 issuance, unless suspended or revoked by the state department of health  
29 or the local health officer.

30       NEW SECTION. **Sec. 3.** A new section is added to chapter 69.06 RCW  
31 to read as follows:

32       A person who is unable to pass the required examination for a food  
33 and beverage service worker's permit because of a learning or cognitive  
34 disability may apply for a limited-duty food and beverage worker's  
35 permit, issued by the local health officer. The permit shall prescribe  
36 conditions for employment in the food and beverage industry, which  
37 shall include only those activities having low public health risk. The

1 state board of health shall determine specific activities for which a  
2 limited duty permit can be issued.

3 **Sec. 4.** RCW 69.06.020 and 1987 c 223 s 6 are each amended to read  
4 as follows:

5 The permit provided in RCW 69.06.010 or section 3 of this act shall  
6 be valid in every city, town, and county in the state, for the period  
7 for which it is issued, and no other health certificate shall be  
8 required of such employees by any municipal corporation or political  
9 subdivision of the state. The cost of the permit shall be uniform  
10 throughout the state and shall be in that amount set by the state board  
11 of health. The cost of the permit shall reflect actual costs of food  
12 worker training and education, administration of the program, and  
13 testing of applicants. The state board of health shall periodically  
14 review the costs associated with the permit program and adjust the fee  
15 accordingly. The board shall also ensure that the fee is not set at an  
16 amount that would prohibit low-income persons from obtaining permits.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.06 RCW  
18 to read as follows:

19 (1) Any permanent food service establishment that prepares  
20 unpackaged potentially hazardous foods may have a food safety manager,  
21 certified by the Washington state department of health who is  
22 responsible for food protection and safety throughout the  
23 establishment.

24 (2) By July 1, 1998, the state board of health, in consultation  
25 with the state department of health, representatives of local health  
26 agencies, the retail food service industry, and other interested  
27 parties, shall develop rules for: (a) Voluntary food safety manager  
28 training and certification program approval, which shall include  
29 provision of content on the principles of food worker hygiene;  
30 prevention of cross-contamination; proper cooking; rapid cooling and  
31 reheating; proper temperature control; cleaning and sanitation;  
32 foodborne disease transmission prevention; factors affecting microbial  
33 growth and critical control point concepts; qualifications of program  
34 instructors; and provisions for suspension or revocation of program  
35 approval; and (b) provisions for suspension or revocation of food  
36 safety manager certificates.

1 Successful completion of the course shall be demonstrated by  
2 passage of an approved examination that tests knowledge of food safety  
3 principles.

4 (3) Retail food safety manager training and certification programs  
5 must meet the approval of the state department of health in order to  
6 issue official Washington state certificates. Retail food safety  
7 manager training and certification programs may be conducted by food  
8 service industry associations or corporations, local health  
9 departments, Washington State University cooperative extension, public  
10 school districts, community colleges, independent educators, or others.

11 The state department of health shall maintain a list of approved  
12 food safety manager training programs. In order for the programs to be  
13 listed after initial approval, the persons conducting approved training  
14 programs shall be responsible for annually notifying the department  
15 regarding any deviation from approved course content. Minor changes or  
16 alterations to the approved training programs will be reviewed by the  
17 state department of health at no additional cost. The state department  
18 of health may perform periodic reviews of ongoing food manager training  
19 and certification programs.

20 (4) The coordinator of an approved Washington state food safety  
21 manager training and certification course shall, upon completion of the  
22 course, forward names and mailing addresses of applicants who have  
23 successfully completed the course and passed the examination, to the  
24 state department of health. Applicants who have successfully completed  
25 the course and passed the examination shall receive a food safety  
26 manager certificate, through the course coordinator and issued by the  
27 state department of health or local health agency. The state  
28 department of health or the agency's authorized representative shall  
29 issue replacement certificates, upon request, to certified food safety  
30 managers for whom successful course completion can be confirmed.

31 (5) A certified food safety manager may renew the certificate by  
32 taking another approved food safety manager training course or by  
33 taking an approved recertification course with an approved examination.  
34 The coordinator of the approved Washington state food safety manager  
35 recertification course shall, upon completion of the course, forward  
36 names and mailing addresses of applicants who have successfully  
37 completed the course and passed the recertification exam, to the state  
38 department of health. Food safety manager certificates issued through  
39 a recertification course shall be valid for three years from date of

1 issuance, unless suspended or revoked by the state department of health  
2 or the local health jurisdiction.

3 (6) The state department of health or the local health officer may,  
4 after providing opportunity for hearing, suspend or revoke a food  
5 service manager certificate for numerous critical item violations, or  
6 allowing repeat violations of any critical item, or for interference  
7 with the health officer in the performance of his or her duty, or for  
8 a fraudulent statement on the holder's application, or for fraudulent  
9 use of the certificate.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70 RCW  
11 to read as follows:

12 The fee for the voluntary Washington state food safety manager  
13 certificate and the fee for the review and approval of food safety  
14 manager training programs shall be uniform throughout the state and  
15 shall be set by the state board of health. Fees to review the  
16 voluntary Washington state food safety manager training programs shall  
17 reflect actual costs, including review time, recordkeeping, and program  
18 administration, but in no case shall fees exceed three hundred dollars.  
19 Existing manager certification programs that meet minimum program  
20 criteria and are in place prior to July 1, 1997, are exempt from  
21 initial program review fees. The state board of health shall  
22 periodically review the costs associated with these activities and  
23 adjust the fees accordingly. The department of health shall work in  
24 coordination with representatives of the retail food service industry  
25 to develop an official certified Washington state food safety managers  
26 emblem. The emblem may be posted at establishments that have a  
27 currently employed certified food safety manager.

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