

2 **SSB 5336** - H COMM AMD  
3 By Committee on Health Care

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

22 (1) It shall be unlawful for any person to be employed in the  
23 handling of unwrapped or unpackaged food unless he or she shall furnish  
24 and place on file with the person in charge of such establishment, a  
25 food and beverage service worker's permit, as prescribed by the state  
26 board of health. Such permit shall be kept on file by the employer or  
27 kept by the employee on his or her person and open for inspection at  
28 all reasonable hours by authorized public health officials. Such  
29 permit shall be returned to the employee upon termination of  
30 employment. Initial permits shall be valid for two years from the date  
31 of issuance. Subsequent renewal permits shall be valid for ~~((five))~~  
32 three years from the date of issuance.

33 (2) It shall be unlawful for any person to be employed as a  
34 certified food safety manager unless he or she furnishes and places on  
35 file with the person in charge of such establishments, a certified food

1 safety manager certificate. The food safety management certificate  
2 shall be granted to those individuals who have successfully completed  
3 a training and examination program, approved by the state department of  
4 health, that imparts and tests knowledge of the nature, prevention, and  
5 control of foodborne disease transmission and of methods for  
6 identifying and monitoring critical control points for safeguarding the  
7 production, processing, preparation, and serving of food. Such proof  
8 of certification shall be kept on file by the employer or kept by the  
9 employee on his or her person and open for inspection at all reasonable  
10 hours by authorized public health officials. Retail food safety  
11 manager certification is valid for three years from the date of  
12 issuance, unless suspended or revoked by the state department of health  
13 or the local health officer.

14 NEW SECTION. Sec. 3. A new section is added to chapter 69.06 RCW  
15 to read as follows:

16 A person who is unable to pass the required examination for a food  
17 and beverage service worker's permit because of a learning or cognitive  
18 disability may apply for a limited-duty food and beverage worker's  
19 permit, issued by the local health officer. The permit shall prescribe  
20 conditions for employment in the food and beverage industry, which  
21 shall include only those activities having low public health risk. The  
22 state board of health shall determine specific activities for which a  
23 limited duty permit can be issued.

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

26 The permit provided in RCW 69.06.010 or section 3 of this act shall  
27 be valid in every city, town, and county in the state, for the period  
28 for which it is issued, and no other health certificate shall be  
29 required of such employees by any municipal corporation or political  
30 subdivision of the state. The cost of the permit shall be uniform  
31 throughout the state and shall be in that amount set by the state board  
32 of health. The cost of the permit shall reflect actual costs of food  
33 worker training and education, administration of the program, and  
34 testing of applicants. The state board of health shall periodically  
35 review the costs associated with the permit program and adjust the fee  
36 accordingly. The board shall also ensure that the fee is not set at an  
37 amount that would prohibit low-income persons from obtaining permits.

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

3        (1) Any permanent food service establishment that prepares  
4 unpackaged potentially hazardous foods may have a food safety manager,  
5 certified by the Washington state department of health who is  
6 responsible for food protection and safety throughout the  
7 establishment.

8        (2) By July 1, 1998, the state board of health, in consultation  
9 with the state department of health, representatives of local health  
10 agencies, the retail food service industry, and other interested  
11 parties, shall develop rules for: (a) Voluntary food safety manager  
12 training and certification program approval, which shall include  
13 provision of content on the principles of food worker hygiene;  
14 prevention of cross-contamination; proper cooking; rapid cooling and  
15 reheating; proper temperature control; cleaning and sanitation;  
16 foodborne disease transmission prevention; factors affecting microbial  
17 growth and critical control point concepts; qualifications of program  
18 instructors; and provisions for suspension or revocation of program  
19 approval; and (b) provisions for suspension or revocation of food  
20 safety manager certificates.

21        Successful completion of the course shall be demonstrated by  
22 passage of an approved examination that tests knowledge of food safety  
23 principles.

24        (3) Retail food safety manager training and certification programs  
25 must meet the approval of the state department of health in order to  
26 issue official Washington state certificates. Retail food safety  
27 manager training and certification programs may be conducted by food  
28 service industry associations or corporations, local health  
29 departments, Washington State University cooperative extension, public  
30 school districts, community colleges, independent educators, or others.

31        The state department of health shall maintain a list of approved  
32 food safety manager training programs. In order for the programs to be  
33 listed after initial approval, the persons conducting approved training  
34 programs shall be responsible for annually notifying the department  
35 regarding any deviation from approved course content. Minor changes or  
36 alterations to the approved training programs will be reviewed by the  
37 state department of health at no additional cost. The state department  
38 of health may perform periodic reviews of ongoing food manager training  
39 and certification programs.

1 (4) The coordinator of an approved Washington state food safety  
2 manager training and certification course shall, upon completion of the  
3 course, forward names and mailing addresses of applicants who have  
4 successfully completed the course and passed the examination, to the  
5 state department of health. Applicants who have successfully completed  
6 the course and passed the examination shall receive a food safety  
7 manager certificate, through the course coordinator and issued by the  
8 state department of health or local health agency. The state  
9 department of health or the agency's authorized representative shall  
10 issue replacement certificates, upon request, to certified food safety  
11 managers for whom successful course completion can be confirmed.

12 (5) A certified food safety manager may renew the certificate by  
13 taking another approved food safety manager training course or by  
14 taking an approved recertification course with an approved examination.  
15 The coordinator of the approved Washington state food safety manager  
16 recertification course shall, upon completion of the course, forward  
17 names and mailing addresses of applicants who have successfully  
18 completed the course and passed the recertification exam, to the state  
19 department of health. Food safety manager certificates issued through  
20 a recertification course shall be valid for three years from date of  
21 issuance, unless suspended or revoked by the state department of health  
22 or the local health jurisdiction.

23 (6) The state department of health or the local health officer may,  
24 after providing opportunity for hearing, suspend or revoke a food  
25 service manager certificate for numerous critical item violations, or  
26 allowing repeat violations of any critical item, or for interference  
27 with the health officer in the performance of his or her duty, or for  
28 a fraudulent statement on the holder's application, or for fraudulent  
29 use of the certificate.

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

32 The fee for the voluntary Washington state food safety manager  
33 certificate and the fee for the review and approval of food safety  
34 manager training programs shall be uniform throughout the state and  
35 shall be set by the state board of health. Fees to review the  
36 voluntary Washington state food safety manager training programs shall  
37 reflect actual costs, including review time, recordkeeping, and program  
38 administration, but in no case shall fees exceed three hundred dollars.

1 Existing manager certification programs that meet minimum program  
2 criteria and are in place prior to July 1, 1997, are exempt from  
3 initial program review fees. The state board of health shall  
4 periodically review the costs associated with these activities and  
5 adjust the fees accordingly. The department of health shall work in  
6 coordination with representatives of the retail food service industry  
7 to develop an official certified Washington state food safety managers  
8 emblem. The emblem may be posted at establishments that have a  
9 currently employed certified food safety manager."

10 Correct the title accordingly.

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