

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 45 Session of 2009

INTRODUCED BY D. O'BRIEN, BISHOP, BRENNAN, CARROLL, FRANKEL, GRUCELA, HARKINS, MELIO, M. O'BRIEN, READSHAW AND SIPTROTH, JANUARY 26, 2009

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, JANUARY 26, 2009

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, further providing for certification of employees.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 6504(g) and (h) of Title 3 of the
6 Pennsylvania Consolidated Statutes are amended and the section
7 is amended by adding a subsection to read:

8 § 6504. Certification of employees.

9 * * *

10 (g) Training program.--

11 (1) Training programs to prepare candidates for
12 certification examinations and the administration of the
13 examination shall be made available throughout this
14 Commonwealth through cooperation with industry and others and
15 approved by the department. In order to meet the requirements
16 of this paragraph, the department shall promulgate
17 regulations with the approval of the board no later than July

1 1, 2004, which establish training programs providing for the
2 following considerations which include:

3 (i) The existence and operation of a department-
4 approved employee training program on safe food handling
5 conducted by the food establishment.

6 (ii) The limited handling of potentially hazardous
7 food.

8 (iii) The number of hours necessary to prepare
9 employees for safe food handling due to the food
10 establishment's scope of business.

11 (iv) The demonstration of satisfactory knowledge and
12 proficiency in the safe handling of food as approved by
13 the department.

14 (2) The department shall develop and administer a
15 training program for food establishments voluntarily seeking
16 certification under subsection (c) (2). The General Assembly
17 may appropriate funds to offset the cost of the program for
18 food establishments exempt under section 6510(d).

19 (3) On or before December 31, 2010, all training
20 programs to prepare candidates for certification examinations
21 shall include training concerning food allergies, including
22 the nature of food allergies, how to avoid cross-
23 contamination during food preparation and how to respond to
24 customer inquiries relating to food allergies. In addition,
25 courses for renewal of certification offered after December
26 31, 2010, and prior to December 31, 2015, shall include
27 training on food allergies. The food allergy training
28 required by this paragraph may be fulfilled by showing, as
29 part of an otherwise approved training program, a video
30 concerning food allergies and the distribution and review of

1 approved written materials. The board shall recommend, and
2 the department shall approve, videos and written materials
3 for use by approved training programs to satisfy the food
4 allergy training requirement imposed by this paragraph. The
5 department shall also require that certification examinations
6 include questions concerning food allergies as they relate to
7 food preparation. This paragraph does not establish or change
8 any private cause of action. This section does not change any
9 duty under any other statute or the common law, except as
10 this section expressly provides.

11 [(h) Mitigating factor.--

12 (1) If a food establishment complies with this chapter,
13 the compliance shall be given appropriate consideration as a
14 mitigating factor in determining if a food establishment
15 shall be assessed more than the minimum fine or civil penalty
16 required by law in any action to recover fines or penalties
17 for a violation of the act of July 7, 1994 (P.L.421, No.70),
18 known as the Food Act.

19 (2) This subsection shall expire July 1, 2000.]

20 (i) Required reports.--No earlier than July 1, 2012, and no
21 later than December 31, 2017, the department, in consultation
22 with the board, one or more Statewide associations representing
23 food establishments doing business in this Commonwealth and the
24 Department of Health, shall submit a report to the chairman and
25 minority chairman of the Agriculture and Rural Affairs Committee
26 of the Senate and the chairman and minority chairman of the
27 Agriculture and Rural Affairs Committee of the House of
28 Representatives and the Chief Clerk of the Senate and the Chief
29 Clerk of the House of Representatives, which report shall
30 include analysis of the impact of this chapter. The report shall

1 include, but not be limited to, compliance of food
2 establishments with this chapter and propose changes to the
3 chapter consistent with the public health and welfare.

4 Section 2. This act shall take effect in 60 days.