

R392. Health and Human Services, Population Health, Environmental Health.

R392-103. Food Handler Training and Certificate.

R392-103-1. Purpose.

- (1) This rule requires adherence to uniform statewide standards for training and testing food handlers, issuing food handler certificates and permits, and paying and receiving fees.
- (2) The Centers for Disease Control and Prevention has identified five risk factors associated with foodborne illness outbreaks. Four of the five risk factors result from improper handling of food by food handlers or poor personal hygiene of food handlers.
- (3) Proper application of the required training principles will empower food handlers to prevent and safeguard against foodborne illnesses. Testing of food handlers confirms that the food handler gained an understanding of correct food protection principles. A food handler permit that is recognized statewide provides a tool for local health officers to verify that food handlers have received state approved training and testing.
- (4) State and local monitoring of the food handler training, certificate, and permitting process is critical to promoting and protecting public health. Coordination between this process, the routine inspection of regulated facilities, and the investigation of foodborne illness outbreaks is necessary to respond quickly and effectively to identified and suspected risks to public health.

R392-103-2. Authority.

This rule is authorized by Sections 26B-7-413 and 26B-1-202, and Subsections 26B-1-202(1) and 26B-1-202(26).

R392-103-3. Definitions.

- (1) "Certificate" means the documentation of food handler training completion indicating passing of a department approved exam.
- (2) "Cross Contact" means the unintentional transfer of an allergen from a food or food-contact surface containing an allergen to a food or food-contact surface that does not contain the allergen.
- (3) "Cross Contamination" means the process by which microorganisms are unintentionally transferred with harmful effect to food or food contact surfaces from other food, food contact surfaces, food handlers, or equipment.
- (4) "Department" means the Utah Department of Health and Human Services.
- (5) "Double Handwash" means to wash hands in a handwashing sink immediately after using the toilet room or changing a diaper and then washing the hands again after entering the food preparation or food service area, but before handling food.
- (6) "Food Handler" means a person who works with unpackaged food, food equipment or utensils, or food-contact surfaces for a food establishment or food truck as defined in Rules R392-100 or R392-102 respectively.
- (7) "Food Handler Applicant" or "applicant" means a person who is seeking or receiving training from an approved food handler training provider, or a person who holds a certificate and has made application with a Local Health Officer to obtain a food handler permit.
- (8) "Food Handler Permit" or "permit" means a permit issued by a local health department to allow a person to work as a food handler.
- (9) "Food Service Establishment" has the same meaning as provided in Section 26B-7-401.
- (10) "Independent Instructional Design and Testing Expert" means a person who has received training and has a graduate degree from an accredited university with a certification in psychometrics and expertise in instructional design.
- (11) "Instructor" means an individual who is qualified to instruct an approved food handler program on behalf of a provider.
- (12) "Local Health Department" has the same meaning as provided in Subsection 26A-1-102(5).
- (13) "Local Health Officer" means the director of the jurisdictional local health department as defined in Title 26A, Chapter 1, or designated representative.
- (14) "Person in Charge" means the person present at a food service establishment or temporary food service event who is responsible for its operation at the time of inspection by the local health officer.
- (15) "Training Provider" means an entity that provides a food handler training program and exam approved by the department.

R392-103-4. Food Handler Permit Issuing Procedure, Reciprocity, and Renewal.

- (1) Except when Subsections R392-103-4(15) and (16) apply, a person may not work as a food handler for a food service establishment or temporary event unless the person:
 - (a) obtains a certificate within 14 days after the day on which the person begins employment as a food handler; and
 - (b) obtains a food handler permit within 30 days after the day on which the person begins employment as a food handler.
- (2) A food handler shall obtain a food handler permit no later than 7 days after the expiration of the food handler's existing permit.
- (3) Replacement of lost permits shall only be issued by the local health department having jurisdiction. A local health department may charge a fee for replacement of a lost or misplaced permit.

(4) A training provider shall promptly issue a certificate to any food handler applicant who receives the training provider's department approved training and passes a department approved exam.

(5)(a) Using a data template approved by the department, a training provider shall transmit via email the information described in Subsection R392-103-7(10)(a) to the local health department having jurisdiction within seven days of a certificate's issuance.

(b) This data transmission shall serve as notification to the local health department that an applicant has completed an approved course and exam.

(i) A training provider shall complete each required field on the department-approved data template.

(ii) No provider or local health department may require changes to the data template or require additional information unless approved by the department.

(6) To prevent fraud, the training provider shall number each issued certificate using a unique numbering system.

(7) The certificate shall contain the following information:

(a) name of the person to whom the certificate is issued;

(b) date of issuance; and

(c) name of the issuing training provider.

(8) Upon issuance, the certificate shall be valid for 30 days. A local health officer shall accept the certificate as proof that the food handler applicant completed department approved training and testing.

(9) A local health officer shall issue a food handler permit when:

(a) an applicant provides to the local health department a valid certificate of an approved food handler training program; or

(b) the local health department has received notification of an applicant receiving training and passing an approved exam by the training provider as required in Subsection R392-103-4(5); and

(c) the local health department has received a food handler permit fee, which shall be no more than \$15 and shall be uniform statewide.

(10) The front of an issued food handler permit shall contain the following information:

(a) a title that reads, "Utah Food Handler Permit";

(b) the name of the food handler;

(c) the permit expiration date;

(d) the identification number that includes the training provider's 2-letter unique identifier followed by up to 8 alphanumeric characters;

(e) the name of local health department issuing the permit;

(f) the phrase, "This Permit is Not a Legal Form of Identification" stated at the bottom of the permit; and

(g) the Utah state seal.

(11) The back of an issued food handler permit shall contain the following statements:

(a) "Permit must be presented upon request by the local health officer"; and

(b) "Permit may be revoked for cause".

(12) A local health officer shall accept any food handler permit issued under authority of this rule until the date of expiration, revocation, or suspension of the food handler permit.

(13) Except for temporary food service events, the person in charge of a food establishment shall provide, upon request of the local health officer, a copy of a food handler permit for each food handler working in the food establishment. For temporary events, the person in charge is not required to maintain copies of food handler permits, but at least one present person must be able to show that person's current food handler permit to the local health officer.

(14) Food handler permits shall be valid statewide for 3 years from the date of issuance. Food handler permits may be renewed every 3 years by completing an approved food handler training course, passing an exam administered by an approved food handler training provider, and receiving a food handler permit from a local health officer.

(15) The local health officer shall accept a food handler permit issued to a back country outfitter by the United States Department of the Interior, or by a public health authority in Arizona, Colorado, Idaho, Nevada, or Wyoming. This applies only to food handling done at a back country food establishment and meeting the exemption requirements of Subsection 26B-7-401(5).

(16) A person who has met the requirements of Rule R392-101 to become certified as a food safety manager shall be exempt from the requirement to obtain a food handler permit under this section.

R392-103-5. Suspension or Revocation of Food Handler Permits.

(1) A local health officer may revoke or suspend a food handler permit if:

(a) a food handler is ill with a disease that may be transmitted through the handling of food;

(b) the local health officer documents in two or more inspections within two years that the same food handler has at least twice failed to apply the same training objective listed in Subsection R392-103-6(2); or

(c) a food handler shows willful disregard for food safety or food protection in a manner that has the potential to endanger public health.

(2) The local health officer may confiscate any food handler permit that the local health officer cannot authenticate or that has been revoked or suspended.

(3) A food handler may reapply to a local health department for reinstatement of a revoked or suspended food handler permit by requesting a hearing with the local health officer and demonstrating to the local health officer's satisfaction that the food handler permit may be reinstated.

R392-103-6. Food Handler Training Requirements.

(1) A person or entity shall receive approval from the department before offering training to food handlers in the state. An approved food handler training program shall:

- (a) include at least 75 minutes of training time offered either in an internet-based course, a trainer-led course, or a combination of both;
- (b) contain basic training information regarding the Centers for Disease Control top 5 risk factors associated with foodborne illness; and
- (c) only contain information that is consistent with the FDA national model food code standard incorporated by reference in Rule R392-100.

(2) A training provider shall ensure that the food handler training program contains each of the following specific training objectives:

- (a) Food Protection - Limiting Harmful Pathogens
 - (i) Define time or temperature control for safety foods (TCS).
 - (ii) Provide a comprehensive list of foodborne pathogen sources.
 - (iii) Discuss ideal conditions for bacterial growth in food.
 - (iv) List the temperature danger zone.
 - (v) List proper hot and cold holding temperatures of food requiring time or temperature control for safety.
 - (vi) List the appropriate temperatures for refrigerators and hot holding equipment.
 - (vii) Describe the approved procedures for thawing frozen foods.
 - (viii) Describe the approved methods for cooling food.
 - (ix) Describe approved and unapproved food sources.
 - (x) Describe the correct procedures for date marking and discarding food.
 - (xi) Identify the conditions in which time can be used as a public health control without temperature control.
- (b) Food Protection - Destroying Harmful Pathogens and Preventing Food Contamination
 - (i) List the required final cook temperatures for foods.
 - (ii) Describe the procedure and list the final temperature for reheating leftovers for hot holding.
 - (iii) Describe the relationship between cooking time and temperature in killing microorganisms.
 - (iv) Define cross contamination.
 - (v) List the possible sources of cross contamination when handling food.
 - (vi) Discuss how a food handler might contaminate food.
 - (vii) Identify steps to prevent cross contamination.
 - (viii) Stress the importance of eliminating bare-hand contact with ready-to-eat food.
 - (ix) Describe how, when, and where to use utensils or gloves.
 - (x) Define and give examples of the major food allergens.
 - (xi) Describe the range of symptoms, including the types of mild reactions to anaphylactic shock or death, that an individual having an allergic reaction may experience after exposure to a food allergen.
 - (xii) Identify steps to prevent cross-contact of food allergens, and stress that cooking does not remove an allergen from food.
- (c) Equipment, Utensils, and Linens
 - (i) Explain the difference between cleaning and sanitizing, and describe the correct procedures for each.
 - (ii) Identify when surfaces should be cleaned and sanitized.
 - (iii) Identify the commonly-used chemicals approved for sanitizing food-contact surfaces.
 - (iv) Describe how to test chemical concentration of sanitizing solutions used on food-contact surfaces, and stress its importance.
 - (v) Describe the 3-compartment sink method of cleaning, rinsing, and sanitizing utensils and how to correctly dry dishes.
 - (vi) Describe the correct procedure for cleaning and sanitizing utensils and equipment when using a warewashing machine.
 - (vii) Describe the correct procedures for storing cleaned dishes and utensils, laundered linens, and single-service and single-use articles.
 - (viii) Describe the procedures for safe chemical storage and use.
 - (ix) Describe the correct procedures for handling, storage, and removal of solid waste.
- (d) Employee Health and Hygiene
 - (i) List the reportable foodborne illness diagnoses as well as reportable symptoms, past illnesses, and history of exposure that a food handler must report to the person in charge.
 - (ii) Describe the personal hygiene practices a food handler must follow to prevent food contamination.
 - (iii) Describe the proper hand washing procedure and when a double hand wash is required.
 - (iv) Describe how hands become contaminated and when and where hand washing should occur.

- (v) List approved jewelry, clothing, and hair restraints.
- (vi) Describe the correct procedures to prevent a foodborne illness from a cut, burn, or other wound.
- (vii) Describe the conditions in which an employee may eat, drink, or use any form of tobacco as well as the precautions to take after these activities.
- (viii) Define a foodborne illness.
- (ix) List the population groups that are the most vulnerable to foodborne illness.
- (3) Each time a food handler permit is renewed, the food handler must take a training course from an approved food handler training provider before the food handler may take a food handler exam.
- (4) Each provider of a trainer-led food handler program shall demonstrate to the department that each instructor has received food protection management training equivalent to the requirements of Section R392-101-3, as determined by the department.
- (5) Subsection R392-103-6(4) does not apply to any instructor who:
 - (a) is an educator in a public or private school; and
 - (b) teaches a food program that includes food safety in a public or private school in which the instructor is an educator.
- (6) Prior to training program approval, a representative of an internet-based food handler course shall demonstrate to the department that the representative has received food protection management training equivalent to the requirements of Section R392-101-3, as determined by the department.
- (7) A training provider shall maintain a list of past and current instructors denoting the dates the instructor taught food handler courses. A training provider shall provide the instructor list to the department upon request. Online training providers shall maintain a list or database of courses taught online according to course version and training date.
- (8) A training provider shall maintain a system to verify a certificate upon request of the department, the local health department, or the food establishment where the food handler is employed.
- (9) A training provider may charge a reasonable fee. A training provider may collect both the training fee and food handler permit fee at the same time from the applicant when the applicant initially pays for the training course.
- (10) If a person or entity is not approved by the department to provide an approved food handler training program, the person or entity may not represent, in connection with the person's or entity's name of business, including in advertising, that the person or entity is a provider of an approved food handler training program or otherwise represent that a program offered by the person or entity will qualify a person to work as a food handler.

R392-103-7. Exam Requirements.

- (1) A training provider shall use the bank of food handler exam questions issued by the department and obtained through application to the department, or a department approved set of questions as described in Subsection R392-103-7(2). Exams shall contain 40 multiple choice questions with 10 randomly selected questions from each content section listed in Subsection R392-103-6(2)(a) through R392-103-6(2)(d). A training provider shall routinely rotate exam questions from the exam question bank, and randomize the order of exam questions as well as the answer order of the multiple-choice questions.
- (2) If a training provider elects not to use the department issued questions, the training provider may request approval of a different bank of exam questions. For approval, the training provider shall pay to the department a fee to review the exam questions. The fee shall reflect actual costs, but shall not exceed \$500. The training provider shall also submit to the department the proposed bank of at least 200 exam questions organized by the required content sections and covering the learning objectives listed in this rule with at least 25 questions from each content section. In addition, the training provider shall contract, at their own expense, with a department approved independent instructional design and testing expert to evaluate the proposed bank of exam questions. The independent instructional design and testing expert shall analyze a training provider's bank of exam questions to determine if the exam questions effectively measure the applicant's knowledge of the learning objectives outlined in this rule and meet the appropriate testing standards for question structure. To be approved, the independent instructional design and testing expert must provide the department with a positive recommendation based on the expert's analysis. The department must approve any change in the provider offered bank of exam questions before implementation. Exam approval is good for three years, after which a provider shall reapply for exam approval.
- (3) If the department finds that a question inadequately tests comprehension of the learning objectives, the department may invalidate the question and may require the training provider to revise or remove the exam question. A training provider shall update any invalidated exam questions no more than 30 days after receiving written notice from the department.
- (4) In order to pass the required exam, a food handler applicant shall correctly answer at least 75% of the exam questions.
- (5) A training provider may offer a written, oral, or online food handler exam. As circumstances dictate, a training provider may offer an oral exam individually to a food handler applicant having language or reading comprehension difficulties or other mental or physical limitations that may interfere with the applicant's ability to complete a written or an online exam.
- (6) A training provider shall implement procedures to prevent cheating on exams. A training provider shall ensure that exam questions are protected from:
 - (a) unauthorized access;
 - (b) copy or alteration; and
 - (c) access to food handler applicants outside of established exam time.
- (7) A training provider shall provide the following information to a food handler applicant at the beginning of the course:

- (a) food handler permits are valid for 3 years statewide; and
 - (b) lost or misplaced permits may be reissued by the applicant's local health department for a fee.
- (8) A training provider shall inform a food handler applicant, at the beginning of the course, that the food handler applicant is strictly prohibited from engaging in any of the following practices:
- (a) downloading exams onto a flash drive or other portable electronic device;
 - (b) distributing the exam in any way to another person;
 - (c) taking notes during the exam;
 - (d) using a cell phone or other recording device during the exam; or,
 - (e) conversing with any other person or receiving aid to answer questions during the exam process.
- (9) A training provider shall invalidate the certificates of any food handler applicant involved in the violation of any of the exam security requirements listed in Subsection R392-103-7(8). A food handler applicant involved in violation of the exam security requirements shall receive a certificate from a training provider only after the food handler applicant has successfully completed an additional training course and a proctored exam.
- (10)(a) A training provider shall maintain records for at least three years of each food handler applicant's:
- (i) name;
 - (ii) mailing address;
 - (iii) email address;
 - (iv) primary phone number;
 - (v) date of birth;
 - (vi) date of exam;
 - (vii) exam score;
 - (viii) certificate expiration date; and
 - (ix) name of instructor.
- (b) A training provider shall provide this record to the local health department receiving application from the food handler applicant within seven days as required in Subsection R392-103-4(5).
- (11) A training provider shall implement procedures to prevent the duplication of certificates such as the use of a void pantograph, invisible watermarks, copy-evident or security paper, or the use of electronic copy protection features.
- (12) A training provider shall proctor any exam offered in person either in written form or on a computer located at the training facility.
- (13) A training provider shall require a food handler applicant to provide a signature attesting that the applicant has complied with exam requirements.
- (14) A training provider shall offer a course and exam evaluation to food handler applicants.
- (15) An internet-based training provider shall implement procedures to reasonably inhibit fraudulent attempts to circumvent the food handler training and exam requirements in this rule such as a person taking an exam in place of another person. A training provider shall implement procedures to reasonably ensure a food handler applicant taking an approved course and exam is focused on training materials and actively engaged throughout the training period.
- (16) An internet-based training provider offering an exam over the internet shall meet the following additional protocols:
- (a) The training provider shall log the start and end time of each online exam.
 - (b) The training provider shall monitor any repeat attempts to pass an online exam, and shall require a food handler applicant to retake a food handler training course after three failed attempts to pass the exam.
 - (c) The training provider shall track the Internet Protocol (IP) address or similar electronic location identifier of a food handler applicant who begins an online exam.
 - (d) The training provider shall require a food handler applicant to provide an electronic signature before taking an online exam to attest that the applicant will comply with exam requirements.
 - (e) The training provider shall require a food handler applicant to provide all applicant information required by this rule and shall electronically link the information to the exam before the exam may be offered.
 - (f) The training provider shall present a minimum of four pre-exam questions at the end of each learning section. The food handler applicant shall correctly answer 75% of the pre-exam questions before being allowed to proceed to the next section. The training provider shall ensure that the food handler applicant completes all pre-exam questions before proceeding to the online exam.
 - (g) The department and local health officers will evaluate exam protocols during the training program approval process. The department may audit the training program at any time to determine that the existing protocols are preventing fraudulent activities.
- (17) An internet-based training provider shall maintain all documentation of fraud prevention measures required in Subsection R392-103-7(16)(a) through R392-103-7(16)(e) for 3 years, and may be required to submit copies of this documentation to the department in response to any of the following events:
- (a) upon initial application submittal to the department for food handler training program approval;
 - (b) when applying to the department for training program revalidation as required in Subsection R392-103-8(5);
 - (c) during an audit by the department; or
 - (d) at the written request of the department.

(18) An internet-based training provider shall provide technical support to users by way of the internet, phone, or other method in case technical difficulties occur.

(19) An internet-based training provider shall monitor exam protocols and perform a self-review at least monthly to assess that the system is working and to ensure that each exam meets exam protocols before issuing a certificate.

R392-103-8. Training Provider Approval and Auditing.

(1) A food handler training provider that has been approved by the department before the effective date of this rule may continue to provide food handler training and testing as previously approved until three years from the effective date of this rule, at which time full compliance with this rule is required.

(2) To be considered for approval after the effective date of this rule, a prospective training provider shall submit to the department:

(a) a completed application;

(b) a written summary describing how the training program meets each training objective listed in Subsection R392-103-6(2);

(c) a copy of the course curriculum, including slides, handouts, talking points, script, videos, brochures, or any additional information used during the course, or full access to the online course; and

(d) a copy of the exam questions, if applicable, as described in Subsection R392-103-7(2).

(3) As part of the approval process, the department shall provide prospective training providers with either a hard copy or electronic copy of this rule. Training providers shall sign an affidavit provided by the department stating that the training provider will comply with the requirements of this rule and abide by confidentiality agreements when using department provided exam questions.

(4) During the initial approval process and any subsequent audits, a training provider shall grant access to the department to audit or authenticate any documents used in the food handler training as well as the identity of instructors and training providers.

(5) A training provider shall submit an application to the department for training program revalidation every 3 years from the date of initial approval by the department. The training provider shall follow the requirements of Subsection R392-103-8(2) to apply for revalidation.

(6) In order to determine and verify compliance with this rule, the department may conduct an audit of the training provider's program. The department may conduct audits routinely, randomly, or in response to a complaint. A training provider shall allow the department unrestricted access to the following:

(a) course training and testing materials;

(b) online training sites; and

(c) classroom training sessions.

(7)(a) If the department finds that a training provider is non-compliant during an audit, the department shall revoke the registration and remove the training provider from the list of approved food handler training providers in Utah. The training provider shall then immediately cease and desist training and issuing certificates until the department has verified that the issues of non-compliance have been corrected.

(b) The department shall notify the local health departments when a training provider has been removed from or added to the list of approved food handler training providers in Utah.

(c) The local health officer shall refuse to accept certificates issued by a training provider as described in Subsection R392-103-8(7)(a) from the date the training provider was found to be in non-compliance until the violation is corrected and the department has again issued written approval and placed the training provider on the list of approved food handler training providers in Utah.

(8) A training provider shall comply with the Americans with Disability Act (ADA) access requirements regardless of the size of the training operation.

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