

No. 2000-124

AN ACT

HB 2216

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for certification advisory board and programs, for employee certification and for exemptions for food employee certification.

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

Section 1. Sections 6503(d) and 6504(c), (f) and (g) of Title 3 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6503. Certification advisory board and programs.

* * *

(d) Certification of supervisory employees.—The supervisory employees shall be certified by the department following the completion of [**industry-specific**] training programs recommended by the advisory board and approved by the department. The department shall adopt food safety protection and training standards for the certification of supervisory employees who are responsible for the storage, preparation, display or serving of foods to the public in establishments regulated by the department or local health organizations. These standards shall be adopted by the department to ensure that, upon successfully passing a test, the supervisory employee has demonstrated adequate food protection knowledge. These standards shall also provide for a certification program which authorizes private or public agencies to conduct and approve tests and certify the results of these tests to the department. At least one supervisory employee of a food establishment shall have passed the test and received a certificate attesting thereto. Employees shall have a period of 90 days after employment to pass the required test.

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§ 6504. Certification of employees.

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(c) Compliance.—

(1) Compliance with this chapter by a food establishment shall be optional until July 1, [**2001**] **2003**. Section 6503(e) (relating to certification advisory board and programs) shall not apply to a food establishment prior to July 1, [**2001**] **2003**, unless that food establishment complies with this chapter. On or after July 1, [**2001**] **2003**, compliance with this chapter by a food establishment shall be mandatory unless a resolution to the contrary has been adopted *prior to December 1, 2002*, in accordance with this subsection. The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause to be placed on their respective calendars for the first

legislative [days] *day* after [the date two months prior to July 1, 2001] *November 1, 2002*, the question, in the form of a resolution, of whether the food employee certification program shall remain optional for food employees of food establishments in this Commonwealth. If a majority of the members elected to each house approve such a resolution, the resolution shall be presented to the Governor for approval or disapproval in accordance with section 9 of Article III of the Constitution of Pennsylvania.

(2) A food establishment exempt under section 6510(d) (relating to exemptions) may voluntarily seek certification under this section.

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(f) Period of certification.—Certification shall be in effect for five years. Renewal of certification shall be *based* on the [basis] *completion* of [attendance at] courses recommended by the advisory board and approved by the department. The courses shall not include a written examination.

(g) Training program.—

(1) Training programs to prepare candidates for certification examinations and the administration of the examination shall be made available throughout this Commonwealth through cooperation with industry and others and approved by the department.

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

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Section 2. Section 6510 of Title 3 is amended by adding a subsection to read:

§ 6510. Exemptions.

* * *

(d) Exempt organizations.— Except as set forth in section 6504(c)(2) (relating to certification of employees), the following organizations are exempt from this chapter:

(1) A food establishment managed by an organization which is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

(2) A food establishment managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.

(3) A food establishment managed by an organization which is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and

secondary public, private and parochial school systems on a not-for-profit basis.

Section 3. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE