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**SUBSTITUTE SENATE BILL 5336**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators McAuliffe, Moyer, Fairley and Winsley; by request of Department of Health)

Read first time 03/01/95.

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 disabled for limited activities; (3) develop food safety  
15 certification programs for food service managers; and (4) authorize the  
16 collection of fees to support the food safety manager certification  
17 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 certification shall be granted to  
18 those individuals who have successfully completed a training and  
19 examination program, approved by the state department of health, that  
20 imparts and tests knowledge of the nature, prevention, and control of  
21 foodborne disease transmission and of methods for identifying and  
22 monitoring critical control points for safeguarding the production,  
23 processing, preparation, and serving of food. Such proof of  
24 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 shall be valid in every city,  
6 town and county in the state, for the period for which it is issued,  
7 and no other health certificate shall be required of such employees by  
8 any municipal corporation or political subdivision of the state, except  
9 certified food safety managers as prescribed in section 5 of this act  
10 or the limited duty permit as prescribed in section 3 of this act. The  
11 cost of the permit shall be uniform throughout the state and shall be  
12 in that amount set by the state board of health. The cost of the  
13 permit shall reflect actual costs of food worker training and  
14 education, administration of the program, and testing of applicants.  
15 The state board of health shall periodically review the costs  
16 associated with the permit program and adjust the fee accordingly. The  
17 board shall also ensure that the fee is not set at an amount that would  
18 prohibit low-income persons from obtaining permits.

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

21 (1) Beginning July 1, 1998, each permanent food service  
22 establishment that prepares, cooks, cools, reheats, hot holds, or cold  
23 holds any unpackaged potentially hazardous foods shall have a food  
24 safety manager, certified by the Washington state department of health.  
25 The food safety manager shall be employed at the food service  
26 establishment at least thirty hours per week or the length of time the  
27 facility is in operation, whichever is less. The food safety manager  
28 is not required to be on-site at all times or to be present on all days  
29 of operation. Retail food stores are not required to have a food  
30 safety manager unless they have a delicatessen, a salad bar, a cafe, or  
31 a restaurant as part of their operation. Retail food stores with  
32 multiple operations in a single building under one ownership shall  
33 require only one certified food safety manager, provided he or she is  
34 responsible for food protection and safety throughout the store.  
35 Public and private schools, higher learning facilities, jails, prisons,  
36 and institutions under the regulatory jurisdiction of the department of  
37 health or the department of social and health services, such as nursing

1 homes and child care facilities with satellite kitchens that only hot  
2 hold or cold hold or both hot hold and cold hold potentially hazardous  
3 foods may be operated with a minimum of one food safety manager for  
4 every ten satellite kitchens. Food service establishments that only  
5 reheat, cold hold, or hot hold completely cooked potentially hazardous  
6 foods prepared in any food processing establishment under the  
7 jurisdiction of the United States department of agriculture, Washington  
8 state department of agriculture, or the food and drug administration  
9 are exempt from the requirements of this section.

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

22 Successful completion of a food safety manager certification  
23 program shall be demonstrated by passage of an approved examination  
24 that tests knowledge of food safety principles.

25 (3) Retail food safety manager training and certification programs  
26 must meet the approval of the state department of health. Retail food  
27 safety manager training and certification programs may be conducted by  
28 food 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 shall perform periodic reviews of ongoing food manager

1 training and certification programs to assure the intent of the rule is  
2 being met.

3 (4) The coordinator of a food safety manager training and  
4 certification course shall, upon completion of the course, forward  
5 names and mailing addresses of applicants who have successfully  
6 completed the course and passed the examination, to the state  
7 department of health.

8 (5) Applicants who have successfully completed the course and  
9 passed the examination shall receive a food safety manager certificate,  
10 through the course coordinator and issued by the state department of  
11 health. The state department of health or the agency's authorized  
12 representative shall issue replacement certificates, upon request, to  
13 certified food safety managers for whom successful course completion  
14 can be confirmed.

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

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

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

35 The fee for the food safety manager certificate and the fee for the  
36 review and approval of food safety manager training programs shall be  
37 uniform throughout the state and shall be set by the state board of  
38 health. Fees to review food safety manager training programs shall

1 reflect actual costs, including review time, recordkeeping, and program  
2 administration, but in no case shall fees exceed three hundred dollars.  
3 Existing manager certification programs that meet minimum program  
4 criteria and are in place prior to July 1, 1997, are exempt from  
5 initial program review fees. The state board of health shall  
6 periodically review the costs associated with these activities and  
7 adjust the fees accordingly.

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