

CERTIFICATION OF FOOD HANDLER REQUIREMENTS

TITLE 410 IAC 7-22

Effective December 17, 2006

INDIANA STATE DEPARTMENT OF HEALTH

Indiana State Department of Health
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Preface

Many state and local regulatory food protection agencies throughout the nation have implemented requirements, or are in the process of implementing requirements, that mandate some form of certification for food handlers. The requirements for food handler certification in state and county health jurisdictions are quite diverse, and the requirements are varied. The certification requirements have been somewhat confusing and difficult for the food industry to address effectively. For this reason, the Conference for Food Protection in conjunction with the American National Standards Institute, have developed a national standard for measurement of food safety knowledge, that would have "universal acceptance" by state and local food protection agencies and the food industry in general.

The Indiana legislature adopted IC 16-42-5.2, that provides for mandatory certification of at least one person per food establishment, who oversees food safety operations within the establishment. The proposal for food handler certification was introduced to the legislature on behalf of representatives from Indiana's food industry. The proposal was intended to mandate a standard requirement for food handler certification that would have "universal acceptance" and be recognized by all local and state health department jurisdictions in Indiana. In response to this proposal, Senate Bill 404 was introduced and adopted by the 2001 legislature. The requirement of having a "Certified Food Handler" became effective January 1, 2005. Standards developed by the Conference for Food Protection, and the American National Standards Institute, have been incorporated into this rule to establish a uniform standard for food handler certification in Indiana. Further exemptions were added by the Indiana Legislature over the last 4 years and as a result have been added to this rule.

If further changes to the statute are made we will attempt to update this rule in an expedient manner. However, if changes are made to the statute after the effective date of this rule then always follow the statutory provision rather than a conflicting section of this rule.

Section 7 “Certified food handler” defined

“Certified food handler” means a food handler who holds a certificate recognized by the Conference for Food Protection or an equivalent nationally recognized certification program as determined by the department.

Section 8 “Department” defined

“Department” means the Indiana state department of health.

Section 9 “Food establishment” defined

“Food establishment” means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

Section 10 “Food handler” defined

“Food handler” means an individual who is an owner, an operator, a manager, or an employee of a food establishment; and is responsible for or oversees the storage, preparation, display, or serving of food to the public.

Section 11 “Person-in-charge” defined

“Person-in-charge” means an individual present at a food establishment who is responsible for the food operation at the time of inspection.

Section 12 “Pre-packaged food” defined

“Pre-packaged food” means prior to service and/or receipt of a food, the food is bottled, canned, cartoned, securely wrapped, whether packaged in a food establishment or a food processing plant. Pre-packaged does not include a wrapper, carry-out box or other non-durable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Section 13 “Re-certification” defined

“Re-certification” means requiring a pre-certified individual to pass an accredited certification examination within five (5) years from the date of issue of their most recent certificate issue date, or complying with the accredited testing service’s written policy for re-certification.

Section 14 “Regulatory authority” defined

chapter. This does not apply to a pharmacy that is a food establishment that provides only prepackaged food products for sale.

(i) The certified food handler requirement does not apply to the following institutions:

- (1) Hospitals licensed under IC 16-21;
- (2) Health facilities licensed under IC 16-28;
- (3) Housing with services establishments that are required to file disclosure statements under IC 12-10-15; or
- (4) Continuing care retirement communities required to file disclosure statements under IC 23-2-4.
- (5) Community mental health centers (as defined in IC 12-7-2-38)
- (6) Private mental health institutions licensed under IC 12-25.
- (7) An area agency on aging designated under IC 12-10-1 that provides food under a nutrition service program. However, the premise where the food is prepared is not exempt from the requirements under this chapter.
- (8) A food pantry that:
 - (A) is operated or affiliated with a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 - (B) distributes food, which may include food from the United States Department of Agriculture, to needy persons.

(j) A food bank or other facility that distributes donated food to other organizations is not exempt from the requirements of this rule.

(k) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) is exempt from complying with the requirements of this rule.

(l) This section does not prohibit an exempted organization from waiving the exemption and using a certified food handler.

Section 16 "Assignment of supervision and responsibility"

(a) The food establishment shall have a person-in-charge present at the food establishment during all hours of operation.

(b) From one (1) year beyond the effective date of this rule, any food establishment not exempted from the law, shall maintain at least one (1) copy of this rule on premises at all times. Immediate electronic access to this rule shall be considered acceptable for meeting this requirement.

Section 17 "Qualifications for certification"
