

House Bill 3012 Update

Relating to food handlers and other food service employees

A county, a public health district or the Department of State Health Services (DSHS) can only mandate the requirements of Section 1 of HB 3012 (Items 1 & 2 below) after the appropriate legal proceedings have been adopted.

The Texas 81st Legislature recently passed legislation in House Bill 3012 which amended Health and Safety Code (HSC), Chapter 437.0057 and Chapter 438.034. The bill's 3 main components are:

1. Food Handler Certification authority for a county, public health district and the department. A county, public health district and the department may require certification for each food handler who is employed by a food service establishment. The certification requirements may not be more stringent than the requirements of Subchapter D, Chapter 438. The bill does not mandate certification.

2. Posting a Sign or Written Agreement Form for Food Service Employee Responsibility: The Health and Human Services Executive Commissioner approved on January 4, 2010, the Food Employee Reporting Sign and Food Employee Reporting Agreement Form, which meets the HB 3012 mandate. Effective on January 1, 2010, a county, public health district and the department may require a food establishment to utilize one of the new health condition reporting reinforcement strategies: 1. post the approved sign alerting employees about their responsibility to report certain health conditions to their employer or, 2. require that *each* employee sign the approved written agreement form. The food establishment may choose whether they will post the approved sign or have the food employees sign the approved form. The sign and form are posted on the FEG website: www.dshs.state.tx.us/foodestablishments/announce.shtm

3. Statutory requirements for bare-hand contact. This amends Texas Health and Safety Code, Chapter 438.034. The bill prohibits bare-hand contact with food unless documentation is maintained listing the food and activities that involve bare-hand contact. The following requirements are specified in the bill:

a. Documentation is maintained at the establishment listing the foods and food handling activities that involve bare-hand contact.

b. The food or food handling activities identified will require two or more of the following contamination control measures:

- (1) require employees to perform double hand washing;
- (2) require employees to use fingernail brushes while hand washing;
- (3) require employees to use a hand sanitizer after hand washing;
- (4) implement an incentive program that encourages employees not to come to work when ill; and
- (5) any other contamination control measure approved by the regulatory authority.

House Bill 3012 may be viewed and downloaded from the Texas Legislature Online website at: <http://www.capitol.state.tx.us/>.