FREQUENTLY ASKED QUESTIONS
House Bill 3012
Relating to food handlers and other food service employee

SECTION 1. (437.0057 Health and Safety Code) REGULATION OF FOOD HANDLERS.

A county, a public health district or the Department of State Health Services (DSHS) can mandate the requirements of Section 1 of HB 3012 after adoption through appropriate legal proceedings.

FOOD HANDLER CERTIFICATION

1. When can the DSHS or a Local Health Jurisdiction require food establishments to require certification of food handlers?
DSHS or a Local Health Jurisdiction can mandate the requirements of this Section of HB 3012 after the appropriate legal proceedings have been authorized and completed.

2. Are there any exceptions to certification of food handlers?
An establishment that handles pre-packaged food and does not prepare or package food is not required to employ certified food handlers under this Section.

HEALTH CONDITION REPORTING REINFORCEMENT STRATEGIES:
1. Food Employee Reporting Sign, or 2. Food Employee Reporting Written Agreement Form

1. What are the health condition reporting reinforcement strategies under HB 3012?
The food establishment has the option of posting the Food Employee Reporting Sign or have food employees sign the Food Employee Reporting Agreement Form.

2. When can the DSHS or a Local Health Jurisdiction require food establishments to utilize one of the new reporting reinforcement strategies to post the Food Employee Reporting Sign or to have employees sign the Food Employee Reporting Agreement Form?
DSHS or a Local Health Jurisdiction can mandate the requirements of this Section of HB 3012 after the appropriate legal proceedings have been authorized and completed.

3. Can the DSHS or a Local Health Jurisdiction require food establishments to post the Food Employee Reporting Sign AND have employees sign a Food Employee Reporting Agreement Form?
No, HB 3012 allows for posting the approved sign or using the approved form, but does not allow both to be required.

4. Once the requirement has been adopted, does a Food Establishment have the option of choosing the health condition reporting reinforcement strategy?
Yes, a food establishment may choose whether they will post the approved sign <u>or</u> have the food employees sign the approved form.

5. Can changes be made to the sign or form as long as the information is consistent?
No, there can be no changes to the approved sign or form. HB 3012 mandated the executive commissioner of the Health and Human Services Commission adopt the form of the sign and the form of the employee agreement under Section 437.0057(e), Health and Safety Code. The sign and form were approved on January 4, 2010 and are now posted on the Food Establishments Group Webpage at http://www.dshs.state.tx.us/foodestablishments/pubs.shtm#general.

6. Is the Food Employee Reporting Agreement Form considered a medical record?
The Food Employee Reporting Agreement Form is a not medical record. The form is asking the employee to agree that they would inform the supervisor if they experience certain symptoms of foodborne illness, are exposed to certain illnesses or have a diagnosis of a certain illness in the future.

7. What is a conditional employee?
A conditional employee means a potential food employee to whom a job offer is made. The individual is conditional on responses to subsequent medical questions or examination designed to identify potential food employees who may be suffering from a disease that can be transmitted through food. This is done in compliance with Title 1 of the Americans with Disabilities Act of 1990. Model Form 1-A Conditional Employee and Food Employee Interview can be located at: http://www.dshs.state.tx.us/foodestablishments/clarifications.shtm#Guide

8. Will the approved Food Employee Reporting Sign and Food Employee Reporting Agreement Form be available in other languages?
Yes, the department will have a Spanish translation of the sign and form.

SECTION 2. (438.034 Health and Safety Code) EMPLOYEE CLEANLINESS

The requirements of Section 2 of HB 3012 became effective on September 1, 2009.

1. What must a food establishment do if they have activities that involve bare hand contact?
The following requirements are specified in HB 3012.

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.

2. When can the DSHS or a Local Health Jurisdiction require that food establishments be in compliance with the bare-hand contact provisions?
DSHS or a Local Health Jurisdiction shall mandate the requirements of this Section of HB 3012 after September 1, 2009.

3. Will these provisions be added to the Texas Food Establishment Rules (TFER)?
Yes, the additional requirement of documentation at the establishment listing the foods and food handling activities will be added to §229.164(e)(1) of the TFER during the next amendment.
The 2nd provision is currently addressed in §229.164(e)(1)(D)(ii) of the TFER