

ORDINANCE NO.: 10350(N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FOOD HANDLER REQUIREMENTS AND RELATED FEES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: The County Department of Environmental Health (DEH) reviewed the food handler program to achieve business process improvements. Among the improvements identified, the following were administratively implemented to upgrade the County's food handler training and testing program to allow the use of on-line examinations to verify food handler proficiency. The Department required and will continue to ensure that food handler trainers use appropriate on-line security measures for on-line testing. In addition, DEH proctored food handler renewal examinations that are required every three years will be phased out in order to require food handler training in addition to testing every three years. The board has also determined that the fees supporting this program should be restructured to separately recover costs associated with services for approving food handler training providers from department oversight of the food training program.

Section 2: Section 61.114 of the County Code is amended to read as follows:

SEC. 61.114. FOOD HANDLER REQUIREMENTS.

(a) Except as provided in subsection (f) of this section no person shall employ a person as a food handler in a food facility unless the food handler: (1) has been issued a current food handler training certificate as provided in subsection (b) or (c) of this section, or (2) is supervised by a food safety certified owner or employee pursuant to the CRFC and has passed a food handler test, as described in subsection (d) below. A person may employ a food handler, however, who for the first ten days of employment has not passed the food handler test.

(b) A person the Director authorizes may issue a food handler training certificate to a person who successfully completes a three hour food sanitation training course and scores a grade of 80% or higher on a proficiency test, provided the Director approves the instructor, the course and the test. The person seeking DEH authorization to issue certificates shall pay the fee specified in section 65.107 of this code. To be approved, the course of instruction shall include all of the following subjects:

- (1) Major causes of foodborne illness.
- (2) Time and temperature control of potentially hazardous foods.
- (3) Proper employee health and hygiene practices.
- (4) Methods to protect food from contamination.
- (5) Required consumer advisories.

- (6) Approved food sources.
- (7) Washing and sanitizing of utensils and equipment.
- (8) Pest control.

(c) A food handler training certificate shall be valid for three years from the date it is issued. A person issued a food handler training certificate continuing employment at the food facility shall obtain a new certificate every three years. The Director or a person the Director authorizes may renew a food handler training certificate for additional three year periods if the food handler is trained and able to obtain a score of 80% or higher on the proficiency test at renewal time. The Director may also require a person with a food handler training certificate to retake the training certificate course or retake and pass the proficiency test after less than three years from the date the certificate is issued.

(d) A food safety certified owner or employee, after covering fundamental principles of food safety practices, may administer a food handler test that the Director prepares. A grade of 80% or higher is a passing grade. The food handler's passing test score shall be valid for three years from the test date or until the food handler ceases working as a food handler at the facility. A food handler continuing employment at the facility shall obtain a passing grade on the food handler test every three years. The Director may require a food handler to retake the test after less than three years.

(e) Until December 31, 2014, the Director may renew a food handler training certificate issued pursuant to subsections (b) or (c) of this section for an additional three year period without further instruction if the food handler is able to obtain a score of 80% or higher on a proficiency test proctored by the Department. A renewal certificate obtained based on a Department-proctored proficiently test may be used at any food facility. The Director may require a food handler to retake the test after less than three years. If the food handler is unable to achieve a score of 80% on the test, the food handler shall repeat a food handler training certificate course under subsection (b) of this section and pass the proficiency test in order to obtain a renewal certificate.

(f) Notwithstanding the requirements of this section, the Director may allow the owner or operator of a temporary food facility to employ a food handler who does not have a current food handler certificate or who has not passed the food handler test within the last three years if: (1) the temporary food facility complies with H & S Code section 113947.1(c) and (2) the food handler is able to demonstrate adequate knowledge of food safety principles related to the operation of the temporary food facility. If a temporary food facility operator has passed the approved and accredited food safety certification examination specified in H & S code sections 113947.2 and 113947.3 the temporary food facility may apply for an annual temporary food facility permit rather than having to obtain a temporary event permit for each temporary event the facility participates in.

Section 3: Amend section 65.107 of the County Code of Regulatory Ordinances is amended to read as follows:

SEC. 65.107. FEES

- (a) (No change)
- (b) (No change)
- (c) (No change)
- (d) (No change)
- (e) (No change)
- (f) MISCELLANEOUS FOOD AND HOUSING FEES:

(1) Food Handler per Section 61.102.

DEH-proctored Renewal Exam: \$20 (This service will be discontinued after December 31, 201)

Duplicate Certificate: \$18 (This service will be discontinued after December 31, 2017)

Education Certificate Food Handler (each certificate): \$3

Food Handler Training Booklets: \$2.50

Food Manager Training Packet: \$10

Exam Materials: \$.25

(2) Services to food handler training providers: hourly rate as stated in 65.107(m) of this code, for time expended.

(3) Pet Shops/Kennels Permit Fee: \$141

(4) Massage Establishments: \$151

(5) Body Art Facilities: \$279

Body Art Practitioners (annual registration): \$95

Body Art Temporary Event Sponsor \$465

Body Art/Temporary Event Late or revised application fee (Less than 14 days prior to event.) \$83

Body Art Temporary Event Booth \$52

Body Art Reinspection Fee (assessed if repeated noncompliance makes reinspection necessary):

Hourly Environmental Health Specialist rate

Notification fee for single-use-needle mechanical ear-piercing only facilities: \$45

(6) Organized Camps

Seasonal: \$453

Year Around: \$918

Section 4: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in San Diego Union, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 6th day of August, 2014.



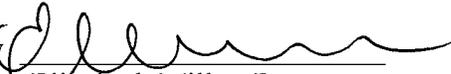
DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 6th day of August, 2014.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



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08-06-14 (11)