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MEMORANDUM

DATE: December 27, 2017

TO: Illinois Local Health Department Environmental Health Administrators and Local Health Department Administrators

FROM: Jessica McAnelly, IDPH Division of Food, Drugs and Dairies Chief

SUBJECT: Legislative Changes Guidance

The primary purpose of this memo is to provide awareness and guidance for local health departments on major legislative changes that affect the retail food program. For questions, please email: dph.food@illinois.gov

Allergen Awareness Training:

With the adoption of PA 100-0367, amendments to the Food Handling Regulation Enforcement Act were made to include an Allergen Awareness Training requirement, Section 3.07. New regulations go into effect January 1, 2018. Enforcement begins July 1, 2018. Link to legislation: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0367>

Who needs to be trained?

- All certified food protection managers (CFPMs) working in a Category I “restaurant” must complete additional allergen training using an approved allergen awareness training program. A “restaurant” is defined as any business that is primarily engaged in the sale of ready-to-eat food for immediate consumption.
- “Non-restaurants” are exempt: for example, grocery stores, convenience stores, daycares, schools, assisted living or long term care facilities. Also, food handlers (those without CFPM certifications), and certified food protection managers for risk category 2 or 3 establishments (see Illinois Food Code, for risk category definitions) are exempt.
- Certificate of course completion must be kept at the establishment, made available to the health inspector upon request and will be a “Good Retail Practices” item #58 on the inspection report (rule change for inspection report is in progress).

What type of training is approved?

- An allergen awareness training program that is accredited by the American National Standards Institute (ANSI) or another reputable accreditation agency under the ASTM International E2659-09 (Standard Practice Programs: <https://www.foodallergy.org/education-awareness/community-resources/restaurant-workers>)
- ANSI ASTM accredited allergen training programs are automatically approved and this type of training is transferable between employers.

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- Internal training programs are approved, if they were approved in another state prior to effective date of the bill. This proof can be provided to the local health department inspector at time of inspection. This type of training is not transferable.
- Re-certification is every 3 years.

Certified Food Protection Manager:

Effective January 1, 2018, per PA 100-0194, the Illinois Food Service Sanitation Manager Certification (FSSMC) will be eliminated. IDPH will no longer issue FSSMC certifications, post course listings, or certify instructors/proctors on or after January 1, 2018. An ANSI accredited Certified Food Protection Manager (CFPM) certification obtained through a course and passing the exam are still required, but students will not need to apply for the additional Illinois FSSMC certificate. Link to legislation:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=91&GA=100&DocTypeId=HB&DocNum=3684&GAID=14&LegID=105636&SpecSess=&Session>

See Proposed Rule Changes to Illinois Food Service Sanitation Code SIREN memo for rules changes and enforcement guidance.

The City of Chicago will still maintain their certification.

Cottage Food:

With the adoption of PA 100-35, amendments to the Food Handling Regulation Enforcement Act were made to the Cottage Food Operation section 4. Link to legislation:

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0035>

The Act now states that any homemade food or drink may be produced by a Cottage Food Operation except those food items listed specifically in the Act. The list of prohibited foods includes: meat, poultry, fish, seafood, shellfish, dairy and eggs (not used as an ingredient), certain pastries with potentially hazardous fillings or toppings, garlic-in-oil, certain canned foods, sprouts, cut leafy greens, cut tomato or melon, certain mushrooms and alcohol. See the Act for the exact list.