



## CALIFORNIA FOOD HANDLER LAW

*By Christine H. Long, Esq.*

### **What is the law and when does the law take effect?**

All food handlers must have a California Food Handler Card on or before July 1, 2011. Employees hired after June 1, 2011 will have 30 days from the date of hire to acquire a food handler card.

### **Who is a food handler?**

A food handler is a person who is involved in the preparation, storage or service of food in a food facility. The definition includes most restaurant employees, including wait staff, chefs, head cooks, cooks, bussers, bartenders, hosts/hostesses who handle food and supervisory personnel such as general manager or managers.

### **Who is exempt from the new law?**

Individuals who hold a valid manager's food safety certification such as ServSafe Food Protection Manager Certification

Food facilities that are subject to an existing local food handler card program

Food facilities that are subject to a collective bargaining agreement with its food handlers

Food handlers who are employed by any of the following:

- certified farmer's market
- commissaries
- grocery stores, except for separately-owned food facilities within the grocery store
- licensed health care facilities
- mobile support units
- public and private school cafeterias
- restricted food service facilities
- retail stores where a majority of sales are from a pharmacy.

### **How can employees get trained?**

The law stipulates that one training course must be available at no more than \$15 to ensure affordability and prevent hardship for the food handler. Training can be online or through a trainer-led program. Employees can take the training and test online at [www.calfoodhandler.com](http://www.calfoodhandler.com).

### **Does the food facility have to pay its employees for the training and test or for their time?**

If the food facility provides an in-house training program that meets all 3 requirements of SB 602, the training must be offered at no cost to the employee during normal working hours AND employees must be paid for their time. However, if employees obtain training and testing on their own online, such as the ServSafe Starters California Food Handler Training Program, the employer is not mandated to pay for the training or the card.

### **Can the food facility provide in-house food safety training to all employees involved in the preparation, storage or service of food?**

Yes, if all of the following conditions are met:

1. The food facility uses a training course that has been approved for use by the food facility in another state that has adopted the requirements of Subpart 2-103.11 of the 2001 edition of the model Food Code, not including the April 2004 update, published by the federal Food and Drug Administration; and
2. Upon request, the food facility provides evidence satisfactory to the local enforcement officer demonstrating that the food facility training program has been approved for use in another state pursuant to the above provision; and
3. The training is provided during normal work hours, and at no cost to the employee.

**Can food facilities buy the ServSafe California Training and Test to provide as part of the hire package?**

Yes, employers can purchase the online program in bulk and provide their employees with redeemable access codes that can be distributed at the employer's discretion. Go to [www.calfoodhandler.com](http://www.calfoodhandler.com).

**What are the food facility's responsibilities regarding records?**

Each food facility must maintain records documenting that each employee possesses a valid California Food Handler Card that can be provided to local enforcement officials upon request.

**What is the Penalty if the facility is not in compliance?**

A violation may be punishable by a fine of up to \$100 for each day of operation in violation.

*For more information, please contact:  
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**Christine H. Long**, a partner at Berliner Cohen, represents and counsels hospitality clients on all matters related to their operation. She provides advice and counsel on employment matters and represents clients in litigation in matters relating to employment, contracts, partnerships, and real estate.

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