

# **CALIFORNIA FOOD HANDLER CARD LAW GUIDELINES**

## **FREQUENTLY ASKED QUESTIONS AND ANSWERS**

**October 2011**

Pursuant to SB 602 enacted into law in 2010, Health and Safety Code 113790 et seq., (“California Food Handler Card Law”), food handlers, as defined, will be required to obtain a food handler card after taking a food safety training course and passing an assessment. These frequently asked questions are intended to provide guidance for food handlers, industry, and training providers as this law is implemented.

The questions and answers noted in this document reflect the current language of the California Food Handler Law and the statutory revisions. To allow time for implementation, from July 1, 2011 until January 1, 2012 enforcement of the law will be limited to education and notifications of requirements for compliance.

All cards issued in compliance with the existing requirements of the California Food Handler Card Law shall be valid for 3 years from date of issuance.

To view the Food Handler Card Law, visit: [California Food Handler Card Law \(SB 602\)](#) and Senate Bill 303.

### **A. Employee/Food Handlers**

A1. Q: What type of positions fall under the California Food Handler Card Law?

A: Most restaurant positions are subject to the California Food Handler Card Law. Food handlers are defined as individuals involved in the preparation, storage or service of food in a food facility. However, certain statutory exemptions exist including food handlers in: temporary food facilities (food booths), certified farmers’ markets, commissaries, grocery stores (including convenience stores), licensed health care facilities, mobile support units, public and private school cafeterias, restricted food service facilities, retail stores where the majority of sales are from a pharmacy, certain food facilities with approved in-house food safety training, food facilities subject to a collective bargaining agreement, food handlers subject to the local food handler programs in the counties of Riverside, San Bernardino and San Diego and food handlers holding a valid Manager’s Food Safety Certificate pursuant to current food safety law. The definition therefore effectively includes most restaurant employees such as those holding the positions of, but not limited to: wait staff, chefs, head cooks, cooks, bussers, bartenders, host/hostesses that handle food, beverage pourers (including

alcoholic beverage pourers), and supervisory personnel, such as the general manager or managers (unless they are certified under the existing food managers certification program). The law applies to both salaried and hourly food handlers. For more information, see also D1 and D3.

A2. Q: How do I get a California food handler card?

A: 1.) COURSE: You must take a course (meeting the specifications for courses as outlined in the law).

2) ASSESSMENT (herein after referred to as “test”) You must take a test and pass with a score of 70 percent or higher. There are several providers who may offer the course. However, the test and food handler card must be issued from a certification organization that is accredited as meeting the requirements of the Conference for Food Protection’s “Standards for Accreditation of Food Protection Manager Certification Programs.”

These organizations are:

AboveTraining/StateFoodSafety.com: [www.StateFoodSafety.com](http://www.StateFoodSafety.com)

National Registry of Food Safety Professionals: [www.NRFSP.com](http://www.NRFSP.com)

National Restaurant Association (ServSafe® *California Food Handler Program*):  
[www.FoodHandlerUSA.com](http://www.FoodHandlerUSA.com)

Premier Food Safety: [www.premierfoodsafety.com](http://www.premierfoodsafety.com)

Prometric: [www.prometric.com/foodsafety](http://www.prometric.com/foodsafety)

TAP Series: [www.tapseries.com/4u/cali](http://www.tapseries.com/4u/cali)

A3: Q: Do I need a new California food handler card for every restaurant where I work?

A: Generally, no. The California food handler card is valid for three years from the date of issuance and belongs to the individual food handler it is issued to, regardless of whether the food handler changes employers during that period or whether the food handler works for two or more different restaurants concurrently. However, food handlers in Riverside, San Bernardino and San Diego counties are subject to pre-existing local food handler card programs and pursuant to the California Food Handler Card Law, food handlers in these three counties are exempt from the California Food Handler Card Law while working in these three counties. However, if a food handler works in one of these three counties, and also works in a restaurant outside one of

these three counties, then they would have to obtain a California Food Handler Card for the restaurant outside these three counties in addition to being subject to a local food handler card requirement for the three counties.

A4. Q: Is my California food handler card valid anywhere in California?

A: A California food handler card is valid everywhere in California except in Riverside, San Bernardino and San Diego counties which have pre-existing local food handler card programs.

A5. Q: Where can I take the food handler training and test?

A: The California Food Handler Card law states that food handler training courses and tests may be offered through a trainer-led class and test, or online. Currently, there are several organizations who can issue valid food handler cards are:

AboveTraining/StateFoodSafety.com: [www.StateFoodSafety.com](http://www.StateFoodSafety.com)

National Registry of Food Safety Professionals: [www.NRFSP.com](http://www.NRFSP.com)

National Restaurant Association (ServSafe® *California Food Handler Program*):  
[www.FoodHandlerUSA.com](http://www.FoodHandlerUSA.com)

Premier Food Safety: [www.premierfoodsafety.com](http://www.premierfoodsafety.com)

Prometric: [www.prometric.com/foodsafety](http://www.prometric.com/foodsafety)

TAP Series: [www.tapseries.com/4u/cali](http://www.tapseries.com/4u/cali)

A6. Q: I have a food handler card issued from another state. Are food handler cards from other states compliant with the California Food Handler Law?

A: No. Other state's food handler cards are not valid in California.

A7. Q: I am a restaurant manager and have a valid Manager's Food Safety Certification pursuant to existing California law (CalCode). Do I need a California food handler card?

A: No. Anyone who holds a valid Manager's Food Safety Certification doesn't need a California food handler card. However, if you're a manager without the Manager's Food

Safety Certification and you are a food handler, you'll need a California food handler card.

A8. Q: I'm interested in working in the restaurant business but don't have a California food handler card yet. Do I need to obtain one prior to employment in a restaurant?

A: You must obtain a food handler card within 30 days of hire. The law states that food handlers hired prior to June 1, 2011 must obtain a food handler card on or before July 1, 2011. Food handlers hired on or after June 1, 2011 have to obtain a food handler card within 30 days after the date of hire.

A9. Q: I'm a high school student and work in a restaurant part-time and only during the summer. Do I still need a card?

A: Yes. Regardless of age or the amount of time working in a restaurant, food handlers must have a valid California food handler card for the duration of employment as a food handler.

A10. Q: I currently work in a restaurant. Am I responsible for taking the food handler course and test, or is my employer responsible for offering me the food handler course and test?

A: As a food handler, you are responsible for taking the food handler course and test. This is required by the California Food Handler Card Law for food handlers. Food handlers must obtain a valid California food handler card from an organization as specified (see "Only accredited Food Protection Manager Certification organizations can offer valid Food Handler Cards" section above) and maintain a valid food handler card for the duration of his or her employment as a food handler. The food handler card is issued to the individual food handler taking and passing the test, and is valid for three years from the date of issuance, regardless of whether the food handler changes employers during that period.

A11. Q: What documentation is my employer required to keep?

A: Under this law, employers are responsible for maintaining records documenting that each food handler employed by them possesses a valid food handler card. These records must be provided to the local enforcement officer upon request. An example of

proper documentation would be for the employer to maintain copies of the food handlers' cards on file and have them available upon request by the health inspector.

A12. Q: Is my employer responsible for paying for my food handler card course and test under the new law?

A: No. The California Food Handler Card law does not require employers to pay for the food handler's training and test. The food handler card is the property of the restaurant employee, which allows the employee to change jobs without having to obtain a new food handler card.

A13. Q: I just obtained a California food handler card for my current restaurant employer. However, what if I get a new job in another restaurant, do I need to take the test again?

A: No. A California food handler card is issued to the individual food handler and can be used wherever the food handler works, whether it is a new restaurant or multiple restaurant concurrently. The only exception is for the three exempt counties of Riverside, San Bernardino and San Diego.

A14. Q: Do volunteers who serve food at soup kitchens, food banks or volunteer run restaurants have to have a California food handler card?

A: No, volunteers are not required to obtain a California food handler card. The law only applies to food handlers who are "hired" by subject food facilities. Food handlers who work in a food facility on a regular basis and benefit financially from the business are not considered volunteers (e.g., family members/owners).

A15. Q: What if I only work part-time (e.g., one day a week) or am a temporary employee (e.g., for two months), do I still need to obtain a California food handler card?

A: Yes. The law applies to all subject food handlers irrespective of whether they work part-time, full-time or are a temporary employee.

A16. Q: I am a non-union employee, but work at a restaurant that is unionized. Do I have to obtain a California food handler card?

A: No. The law provides that if a food facility is subject to a collective bargaining agreement with its food handlers, then the food facility is exempt (meaning that all food handlers employed by that food facility are exempt).

A17. Q: I work at a demonstration booth serving samples of food at a grocery store. Do I have to obtain a food handler card?

A: No. If you are an employee of the grocery store or demonstration company, then you do not have to obtain a food handler card as grocery stores are exempt and demonstration companies are not permitted as food facilities.

A18. Q: Is a food handler that is required to have a food handler card also required to have the card in his/her possession while working?

A: No. the employer is required to maintain records verifying that the employee(s) has a valid food handler card.

A19. Q: What is the definition of a grocery store for purposes of this law?

A: Grocery stores are exempt from the California Food Handler Card Law. Grocery store is defined as a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter. "Grocery store" included convenience stores.

A20. Q: I work in a food warehouse and stock prepackaged non-potentially hazardous foods. Do I need to obtain a food handler card?

A: If you are handling food items, such as hand-stocking shelves, and are employed at a non-exempt food facility (e.g. restaurant, bar, deli food facility, sports stadium, or food court), then you are required to have a food handler card. However, if you work in a food distribution center or commercial warehouse that is not permitted as a retail food facility and you are handling only case goods which will be distributed to retail facilities, you do not need to obtain a food handler card.

A21. Q: I work at a hotel and as a guest service, cookies are prepared for guests and we deliver them to the guests' rooms. Do I need a food handler card?

A: The law applies to places that are permitted as a food facility. While hotels themselves are not permitted as food facilities generally, certain parts or locations within a hotel are separately permitted as food facilities. So, if you are employed at the hotel's restaurant, work in the kitchen that provides room service to hotel guests, or if the facility is permitted as a food facility (e.g. restaurant, bar, cafeteria, deli), then yes, a food handler card is required because these are permitted as food facilities.

## **B. Employers**

B1. Q: What are employer's responsibilities under the California Food Handler Card Law?

A: The law requires employers to maintain records satisfactory to the local enforcement officer documenting that each food handler employed by the food facility possesses a valid food handler card, and shall provide those records to the local enforcement officer upon request. Failure to maintain records that all food handlers meet the requirements of the Food Handler Law would constitute a violation of the California Retail Food Law. An example of acceptable records would be to maintain copies of the employees' food handler cards at the food facility.

B2. Q: How do employers know which employees need a food handler card?

A: Most restaurant positions are subject to the California Food Handler Card Law. Food handlers are defined as individuals involved in the preparation, storage or service of food in a food facility. However, certain statutory exemptions exist including food handlers in: temporary food facilities, certified farmers' markets, commissaries, grocery stores (including convenience stores), 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, certain food facilities with approved in-house food safety training, food facilities subject to a collective bargaining agreement, food handlers subject to the local food handler programs in the counties of Riverside, San Bernardino and San Diego and food handlers holding a valid Food Protection Manager Certification pursuant to current food safety law. (For more information, see also A1.)

B3. Q: Does the California Food Handler Law require employers to pay for their employees training and test?

A: No. The California Food Handler Card Law does not require employers to pay for the food handler's training and test. The food handler card is the property of the employee. However, if an employer avails itself of the exemption provided in the law authorizing employers to use a food safety training program approved for use in another state (as specified), then the training must be provided during normal work hours, at no cost to the employee.

B4. Q: When do all of my current employees need to have a California food handler card?

A: Food handlers who are hired prior to June 1, 2011, must obtain a valid California food handler card on or before July 1, 2011. Food handlers hired on or after June 1, 2011, must obtain a valid food handler card within 30 days after the hire date.

B5. Q: My restaurant offers in-house food safety training to my employees – are we in compliance with the California Food Handler Card Law?

A: Maybe. An in-house food safety training program is compliant with the California Food Handler Card Law if certain requirements 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 described in 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 above provision; and
- (3) The training is provided during normal work hours, and at no cost to the employee.

(For more information, see also Section D, questions D1 and D2.)

B6. Q: What if my employees are illiterate?

A: All accredited training providers must be in compliance with the Americans with Disabilities Act (ADA). This would mean reasonable appropriate accommodations would have to be made such as offering an oral examination or test in standardized secure conditions.

B7. Q: What if my employees don't speak English?

A: Often training providers are able to offer the training and test in other languages, but there is no legal requirement to do so under the state law. Often training providers offer courses/tests in different languages. Please contact the training providers directly for more information.

### **C. Training and Test**

C1. Q: Where can food handlers receive a food handler card?

A: 1.) COURSE: You must take a course (meeting the specifications for courses as outlined in the law).

2) ASSESSMENT (herein after referred to as "test") You must take a test and pass with a score of 70 percent or higher. There are several providers who may offer the course. However, the test and food handler card must be issued from a certification organization that is accredited as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs." These organizations are:

AboveTraining/StateFoodSafety.com: [www.StateFoodSafety.com](http://www.StateFoodSafety.com)

National Registry of Food Safety Professionals: [www.NRFSP.com](http://www.NRFSP.com)

National Restaurant Association (ServSafe® *California Food Handler Program*):  
[www.FoodHandlerUSA.com](http://www.FoodHandlerUSA.com)

Premier Food Safety: [www.premierfoodsafety.com](http://www.premierfoodsafety.com)

Prometric: [www.prometric.com/foodsafety](http://www.prometric.com/foodsafety)

TAP Series: [www.tapseries.com/4u/cali](http://www.tapseries.com/4u/cali)

C2. Q: How long will the course and test take?

A: The law states that the course and test must be designed to be completed within approximately two-and-a-half hours and that the test must have at least 40 questions.

C3. Q: What is covered by the course?

A; The law requires that the course provides basic, introductory instruction on the below listed six elements:

- 1) Food-borne illness, including terms associated with food-borne illness, micro-organisms, hepatitis A, and toxins that can contaminate food and the illness that can be associated with contamination, definition and recognition of potentially hazardous foods, chemical, biological, and physical contamination of food, and the illnesses that can be associated with food contamination, and major contributing factors for food-borne illness.
- 2) The relationship between time and temperature with respect to food-borne illness, including the relationship between time and temperature and micro-organisms during the various food handling, preparation, and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.
- 3) The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to food-borne illness, and the recognition of how policies, procedures, and management contribute to improved food safety practices.
- 4) Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during, and after delivery.
- 5) Procedures for cleaning and sanitizing equipment and utensils.
- 6) Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping and maintenance.

C4. Q: Does the California food handler card expire?

A; Yes. A California food handler card is valid for three years from the date of issuance. Food handlers must retake the course and test upon expiration in order to maintain a valid food handler card.

C5. Q: What happens if a food handler needs special arrangements to complete their training and testing?

A: Training providers, as part of their accreditation, must adhere to Americans with Disabilities Act (ADA) guidelines. This includes evaluation requests for special arrangements for learning and testing. If the “condition” does not fall under the scope of the ADA guidelines, it would be up to the discretion of the training provider. The main consideration would be if the special arrangement does not unfairly affect the individuals who are not receiving special arrangements. All of the policies and procedures of the training provider must be fair and equitable.

C6. Q: How much does a food handler card cost?

A; There is only one stipulation in the law regarding food handler cards. At least one food handler training and testing provider must offer the course for \$15.00 or less; however, it is up to each food handler training and testing provider to determine the cost of their products and services.

C7. Q: What happens to my food handler card if I move?

A: A California food handler card is valid statewide, except for in the counties of Riverside, San Bernardino, and San Diego, which are exempt from the law based on having a previous food handler program in place.

#### **D. Enforcement**

D1. Q: What evidence will be acceptable to the Ventura County Environmental Health Division regarding the exemption of food handlers which work for food facilities that provide approved in-house food safety training to their employees?

A; California will use Florida’s approved vendor list as one way to determine which companies have an approved Food Handler Training program. Employees working for companies on Florida’s list are exempt from the food handler card requirements if the training is provided free of charge to employees during normal work hours. A list of companies operating in California and exempted by Florida can be found at:  
[http://www.myfloridalicense.com/dbpr/hr/food-lodging/documents/fs\\_training\\_list.pdf](http://www.myfloridalicense.com/dbpr/hr/food-lodging/documents/fs_training_list.pdf)

D2.Q: What happens if a food handler takes a course or test that is not approved?

A; Upon inspection, if a food handler is found to have taken a course or test that is not approved, operators are advised by inspectors that the employee must retake the training or test from an approved provider to be in compliance with the law.

D3. Q: I heard that there are changes to the California Food Handler Card Law this year. What are the changes, when are they effective and how does this effect enforcement of the current law?

A: The original law was enacted by the passage of SB 602 in 2010 (Health and Safety Code 113790 et seq). Statutory Clarifications (amendments to law) were recently passed.

The statutory clarifications state:

- Before January 1, 2012-Allow a food handler to obtain a card from either: (i) an American National Standards Institute (ANSI) accredited training provider that meets ASTM International 2659-Standard Practice for Certificate Programs, or, (ii) a food protection manager certification organization described in Section 113947.3.
- After January 1, 2012-Require a food handler to obtain a card only from an ANSI accredited training provider that meets ASTM International 2659.

Implementation of the law:

**To allow time for the implementation of the statutory clarifications, from July 1, 2011 until January 1, 2012 enforcement of the law will be limited to education and notification of requirements for compliance.**

All cards issued in compliance with the requirements of SB 602 or the statutory clarifications, shall be valid for 3 years from date of issuance.