

# HOUSE BILL No. 1408

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1; IC 25-34.6.

**Synopsis:** Certification of food handlers. Creates the Indiana food handlers certification board. Requires that on and after January 1, 2001, every food facility in Indiana have at least one certified food handler. Provides that a food facility that commences operation, changes ownership, or no longer has a certified food handler has six months to submit the name of its certified food handler to the board. Sets qualifications for a certified food handler, including the passage of a board approved written examination on food protection practices. Requires that board approved examinations be given at least four times each year. Requires the board to approve or deny an application for certification within 30 days after receiving it. Provides that a certificate  
(Continued next page)

**Effective:** July 1, 1999.

---

---

**Frenz**

---

---

January 12, 1999, read first time and referred to Committee on Commerce and Economic Development.

---

---

C  
O  
P  
Y



Digest Continued

issued by the board expires five years from the date of issuance and may be renewed if the certificate holder successfully completes a recertification training course approved by the board. Sets subject requirements for recertification training courses. Requires that the board develop and maintain a statewide computerized data base containing statewide and countywide registries of certified food handlers and the food facilities that they serve.

C  
o  
p  
y



Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1408

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-1-2-2.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. Rather than being  
3 issued annually, the following permits, licenses, certificates of  
4 registration, or evidences of authority granted by a state agency must  
5 be issued for a period of two (2) years or for the period specified in the  
6 article under which the permit, license, certificate of registration, or  
7 evidence of authority is issued if the period specified in the article is  
8 longer than two (2) years:  
9 (1) Certified public accountants, public accountants, and account-  
10 ing practitioners.  
11 (2) Architects and landscape architects.  
12 (3) Dry cleaners.  
13 (4) Professional engineers.  
14 (5) Land surveyors.  
15 (6) Real estate brokers.



C  
O  
P  
Y

- 1 (7) Real estate agents.  
 2 (8) Security dealers' licenses issued by the securities  
 3 commissioner.  
 4 (9) Dental hygienists.  
 5 (10) Dentists.  
 6 (11) Veterinarians.  
 7 (12) Physicians.  
 8 (13) Chiropractors.  
 9 (14) Physical therapists.  
 10 (15) Optometrists.  
 11 (16) Pharmacists and assistants, drugstores or pharmacies.  
 12 (17) Motels and mobile home park licenses.  
 13 (18) Nurses.  
 14 (19) Podiatrists.  
 15 (20) Occupational therapists and occupational therapy assistants.  
 16 (21) Respiratory care practitioners.  
 17 (22) Social workers, marriage and family therapists, and mental  
 18 health counselors.  
 19 (23) Real estate appraiser licenses and certificates issued by the  
 20 real estate appraiser licensure and certification board.  
 21 (24) Wholesale legend drug distributors.  
 22 (25) Physician assistants.  
 23 (26) Dietitians.  
 24 (27) Hypnotists.  
 25 **(28) Food handlers.**  
 26 SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) As used in this section,  
 28 "license" includes all occupational and professional licenses,  
 29 registrations, permits, and certificates issued under the Indiana Code,  
 30 and "licensee" includes all occupational and professional licensees,  
 31 registrants, permittees, and certificate holders regulated under the  
 32 Indiana Code.  
 33 (b) This section applies to the following entities that regulate  
 34 occupations or professions under the Indiana Code:  
 35 (1) Indiana board of accountancy.  
 36 (2) Indiana grain buyers and warehouse licensing agency.  
 37 (3) Indiana auctioneer commission.  
 38 (4) Board of registration for architects.  
 39 (5) State board of barber examiners.  
 40 (6) State board of cosmetology examiners.  
 41 (7) Medical licensing board of Indiana.  
 42 (8) Secretary of state.



C  
O  
P  
Y

- 1 (9) State board of dental examiners.  
 2 (10) State board of funeral and cemetery service.  
 3 (11) Worker's compensation board of Indiana.  
 4 (12) Indiana state board of health facility administrators.  
 5 (13) Committee of hearing aid dealer examiners.  
 6 (14) Indiana state board of nursing.  
 7 (15) Indiana optometry board.  
 8 (16) Indiana board of pharmacy.  
 9 (17) Indiana plumbing commission.  
 10 (18) Board of podiatric medicine.  
 11 (19) Private detectives licensing board.  
 12 (20) State board of registration for professional engineers.  
 13 (21) Board of environmental health specialists.  
 14 (22) State psychology board.  
 15 (23) Indiana real estate commission.  
 16 (24) Speech-language pathology and audiology board.  
 17 (25) Department of natural resources.  
 18 (26) State boxing commission.  
 19 (27) Board of chiropractic examiners.  
 20 (28) Mining board.  
 21 (29) Indiana board of veterinary medical examiners.  
 22 (30) State department of health.  
 23 (31) Indiana physical therapy committee.  
 24 (32) Respiratory care committee.  
 25 (33) Occupational therapy committee.  
 26 (34) Social worker, marriage and family therapist, and mental  
 27 health counselor board.  
 28 (35) Real estate appraiser licensure and certification board.  
 29 (36) State board of registration for land surveyors.  
 30 (37) Physician assistant committee.  
 31 (38) Indiana dietitians certification board.  
 32 (39) Indiana hypnotist committee.  
 33 **(40) Indiana food handlers certification board.**  
 34 ~~(40)~~ **(41)** Any other occupational or professional agency created  
 35 after June 30, 1981.  
 36 (c) Notwithstanding any other law, the entities included in  
 37 subsection (b) shall send a notice of the upcoming expiration of a  
 38 license to each licensee at least sixty (60) days prior to the expiration  
 39 of the license. The notice must inform the licensee of the need to renew  
 40 and the requirement of payment of the renewal fee. If this notice of  
 41 expiration is not sent by the entity, the licensee is not subject to a  
 42 sanction for failure to renew if, once notice is received from the entity,



1 the license is renewed within forty-five (45) days of the receipt of the  
2 notice.

3 SECTION 3. IC 25-1-5-3 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the  
5 health professions bureau. The bureau shall perform all administrative  
6 functions, duties, and responsibilities assigned by law or rule to the  
7 executive director, secretary, or other statutory administrator of the  
8 following:

- 9 (1) Board of chiropractic examiners (IC 25-10-1).
- 10 (2) State board of dental examiners (IC 25-14-1).
- 11 (3) Indiana state board of health facility administrators  
12 (IC 25-19-1).
- 13 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 14 (5) Indiana state board of nursing (IC 25-23-1).
- 15 (6) Indiana optometry board (IC 25-24).
- 16 (7) Indiana board of pharmacy (IC 25-26).
- 17 (8) Board of podiatric medicine (IC 25-29-2-1).
- 18 (9) Board of environmental health specialists (IC 25-32).
- 19 (10) Speech-language pathology and audiology board  
20 (IC 25-35.6-2).
- 21 (11) State psychology board (IC 25-33).
- 22 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 23 (13) Controlled substances advisory committee (IC 35-48-2-1).
- 24 (14) Committee of hearing aid dealer examiners (IC 25-20).
- 25 (15) Indiana physical therapy committee (IC 25-27).
- 26 (16) Respiratory care committee (IC 25-34.5).
- 27 (17) Occupational therapy committee (IC 25-23.5).
- 28 (18) Social worker, marriage and family therapist, and mental  
29 health counselor board (IC 25-23.6).
- 30 (19) Physician assistant committee (IC 25-27.5).
- 31 (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- 32 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 33 (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- 34 **(23) Indiana food handlers certification board**  
35 **(IC 25-34.6-2-1).**

36 (b) Nothing in this chapter may be construed to give the bureau  
37 policy making authority, which authority remains with each board.

38 SECTION 4. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

40 "Board" means the appropriate agency listed in the definition of  
41 regulated occupation in this section.

42 "Director" refers to the director of the division of consumer

C  
O  
P  
Y



- 1 protection.
- 2 "Division" refers to the division of consumer protection, office of  
3 the attorney general.
- 4 "Licensee" means a person who is:
- 5 (1) licensed, certified, or registered by a board listed in this  
6 section; and
- 7 (2) the subject of a complaint filed with the division.
- 8 "Person" means an individual, a partnership, a limited liability  
9 company, or a corporation.
- 10 "Regulated occupation" means an occupation in which a person is  
11 licensed, certified, or registered by one (1) of the following:
- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
13 (2) Board of registration for architects (IC 25-4-1-2).  
14 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
15 (4) State board of barber examiners (IC 25-7-5-1).  
16 (5) State boxing commission (IC 25-9-1).  
17 (6) Board of chiropractic examiners (IC 25-10-1).  
18 (7) State board of cosmetology examiners (IC 25-8-3-1).  
19 (8) State board of dental examiners (IC 25-14-1).  
20 (9) State board of funeral and cemetery service (IC 25-15-9).  
21 (10) State board of registration for professional engineers  
22 (IC 25-31-1-3).  
23 (11) Indiana state board of health facility administrators  
24 (IC 25-19-1).  
25 (12) Medical licensing board of Indiana (IC 25-22.5-2).  
26 (13) Indiana state board of nursing (IC 25-23-1).  
27 (14) Indiana optometry board (IC 25-24).  
28 (15) Indiana board of pharmacy (IC 25-26).  
29 (16) Indiana plumbing commission (IC 25-28.5-1-3).  
30 (17) Board of podiatric medicine (IC 25-29-2-1).  
31 (18) Board of environmental health specialists (IC 25-32-1).  
32 (19) State psychology board (IC 25-33).  
33 (20) Speech-language pathology and audiology board  
34 (IC 25-35.6-2).  
35 (21) Indiana real estate commission (IC 25-34.1-2).  
36 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).  
37 (23) Department of natural resources for purposes of licensing  
38 water well drillers under IC 25-39-3.  
39 (24) Respiratory care committee (IC 25-34.5).  
40 (25) Private detectives licensing board (IC 25-30-1-5.1).  
41 (26) Occupational therapy committee (IC 25-23.5).  
42 (27) Social worker, marriage and family therapist, and mental



C  
O  
P  
Y

- 1 health counselor board (IC 25-23.6).  
 2 (28) Real estate appraiser licensure and certification board  
 3 (IC 25-34.1-8).  
 4 (29) State board of registration for land surveyors  
 5 (IC 25-21.5-2-1).  
 6 (30) Physician assistant committee (IC 25-27.5).  
 7 (31) Indiana athletic trainers board (IC 25-5.1-2-1).  
 8 (32) Indiana dietitians certification board (IC 25-14.5-2-1).  
 9 (33) Indiana hypnotist committee (IC 25-20.5-1-7).  
 10 (34) Indiana physical therapy committee (IC 25-27).  
 11 **(35) Indiana food handlers certification board**  
 12 **(IC 25-34.6-2-1).**  
 13 ~~(35)~~ **(36)** Any other occupational or professional agency created  
 14 after June 30, 1981.
- 15 SECTION 5. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board"  
 17 means any of the following:
- 18 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 19 (2) Board of registration for architects (IC 25-4-1-2).  
 20 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 21 (4) State board of barber examiners (IC 25-7-5-1).  
 22 (5) State boxing commission (IC 25-9-1).  
 23 (6) Board of chiropractic examiners (IC 25-10-1).  
 24 (7) State board of cosmetology examiners (IC 25-8-3-1).  
 25 (8) State board of dental examiners (IC 25-14-1).  
 26 (9) State board of funeral and cemetery service (IC 25-15).  
 27 (10) State board of registration for professional engineers  
 28 (IC 25-31-1-3).  
 29 (11) Indiana state board of health facility administrators  
 30 (IC 25-19-1).  
 31 (12) Medical licensing board of Indiana (IC 25-22.5-2).  
 32 (13) Mining board (IC 22-10-1.5-2).  
 33 (14) Indiana state board of nursing (IC 25-23-1).  
 34 (15) Indiana optometry board (IC 25-24).  
 35 (16) Indiana board of pharmacy (IC 25-26).  
 36 (17) Indiana plumbing commission (IC 25-28.5-1-3).  
 37 (18) Board of environmental health specialists (IC 25-32-1).  
 38 (19) State psychology board (IC 25-33).  
 39 (20) Speech-language pathology and audiology board  
 40 (IC 25-35.6-2).  
 41 (21) Indiana real estate commission (IC 25-34.1-2-1).  
 42 (22) Indiana board of veterinary medical examiners



C  
O  
P  
Y

- 1 (IC 15-5-1.1-3).  
 2 (23) Department of insurance (IC 27-1).  
 3 (24) State police department (IC 10-1-1-1), for purposes of  
 4 certifying polygraph examiners under IC 25-30-2.  
 5 (25) Department of natural resources for purposes of licensing  
 6 water well drillers under IC 25-39-3.  
 7 (26) Private detectives licensing board (IC 25-30-1-5.1).  
 8 (27) Occupational therapy committee (IC 25-23.5-2-1).  
 9 (28) Social worker, marriage and family therapist, and mental  
 10 health counselor board (IC 25-23.6-2-1).  
 11 (29) Real estate appraiser licensure and certification board  
 12 (IC 25-34.1-8).  
 13 (30) State board of registration for land surveyors  
 14 (IC 25-21.5-2-1).  
 15 (31) Physician assistant committee (IC 25-27.5).  
 16 (32) Indiana athletic trainers board (IC 25-5.1-2-1).  
 17 (33) Board of podiatric medicine (IC 25-29-2-1).  
 18 (34) Indiana dietitians certification board (IC 25-14.5-2-1).  
 19 (35) Indiana physical therapy committee (IC 25-27).  
 20 **(36) Indiana food handlers certification board**  
 21 **(IC 25-34.6-2-1).**  
 22 ~~(36)~~ **(37)** Any other occupational or professional agency created  
 23 after June 30, 1981.  
 24 SECTION 6. IC 25-1-9-1 IS AMENDED TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "board"  
 26 means any of the following:  
 27 (1) Board of chiropractic examiners (IC 25-10-1).  
 28 (2) State board of dental examiners (IC 25-14-1).  
 29 (3) Indiana state board of health facility administrators  
 30 (IC 25-19-1).  
 31 (4) Medical licensing board of Indiana (IC 25-22.5-2).  
 32 (5) Indiana state board of nursing (IC 25-23-1).  
 33 (6) Indiana optometry board (IC 25-24).  
 34 (7) Indiana board of pharmacy (IC 25-26).  
 35 (8) Board of podiatric medicine (IC 25-29-2-1).  
 36 (9) Board of environmental health specialists (IC 25-32).  
 37 (10) Speech-language pathology and audiology board  
 38 (IC 25-35.6-2).  
 39 (11) State psychology board (IC 25-33).  
 40 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).  
 41 (13) Indiana physical therapy committee (IC 25-27-1).  
 42 (14) Respiratory care committee (IC 25-34.5).



C  
O  
P  
Y

1 (15) Occupational therapy committee (IC 25-23.5).

2 (16) Social worker, marriage and family therapist, and mental  
3 health counselor board (IC 25-23.6).

4 (17) Physician assistant committee (IC 25-27.5).

5 (18) Indiana athletic trainers board (IC 25-5.1-2-1).

6 (19) Indiana dietitians certification board (IC 25-14.5-2-1).

7 (20) Indiana hypnotist committee (IC 25-20.5-1-7).

8 **(21) Indiana food handlers certification board**  
9 **(IC 25-34.6-2-1).**

10 SECTION 7. IC 25-34.6 IS ADDED TO THE INDIANA CODE AS  
11 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
12 1999]:

13 **ARTICLE 34.6. FOOD HANDLERS**

14 **Chapter 1. Definitions**

15 **Sec. 1. The definitions in this chapter apply throughout this**  
16 **article.**

17 **Sec. 2. "Board" refers to the Indiana food handlers certification**  
18 **board established by IC 25-34.6-2-1.**

19 **Sec. 3. "Bureau" refers to the health professions bureau**  
20 **established by IC 25-1-5-3.**

21 **Sec. 4. "Certified food handler" means a food handler who is**  
22 **granted a certificate under this article.**

23 **Sec. 5. "Food facility" means an establishment with special**  
24 **space and accommodations where, in consideration of payment,**  
25 **food but not lodging is habitually furnished to patrons.**

26 **Sec. 6. "Food handler" means an individual who is an owner,**  
27 **operator, manager, or employee of a food facility and who is**  
28 **responsible for or oversees the storage, preparation, display, or**  
29 **selling of food to the public.**

30 **Sec. 7. "Person" means an individual, a company, a corporation,**  
31 **an association, a partnership, or other legal entity.**

32 **Chapter 2. Indiana Food Handlers Certification Board**

33 **Sec. 1. The Indiana food handlers certification board is**  
34 **established.**

35 **Sec. 2. (a) The board consists of seven (7) members appointed by**  
36 **the governor as follows:**

37 **(1) One (1) member who is certified under this article and**  
38 **currently provides and has provided services as a food**  
39 **handler in Indiana for a minimum of three (3) years.**

40 **(2) One (1) member who represents the Restaurant &**  
41 **Hospitality Association of Indiana or a successor**  
42 **organization.**



C  
O  
P  
Y

1 (3) One (1) member who represents the Indiana Hotel &  
2 Motel Association or a successor organization.

3 (4) One (1) member who represents the Indiana Licensed  
4 Beverage Association or a successor organization.

5 (5) One (1) member who represents a corporate chain of food  
6 facilities doing business in Indiana.

7 (6) One (1) member who is an environmental health specialist  
8 registered under IC 25-32.

9 (7) One (1) member who represents the public, is a resident of  
10 Indiana, and has never been associated with the restaurant,  
11 food service, or food retail industry other than as a consumer.

12 (b) Not more than four (4) members of the board may be  
13 members of the same political party.

14 Sec. 3. (a) Except as provided in subsection (b), the term of  
15 office for each member of the board is three (3) years.

16 (b) A member shall hold office until a successor has been  
17 appointed.

18 Sec. 4. A vacancy on the board shall be filled for the unexpired  
19 term in the same manner as the original appointment.

20 Sec. 5. (a) The board shall adopt rules under IC 4-22-2  
21 establishing standards for:

22 (1) the administration of this article; and

23 (2) the imposition of penalties for violations of this article.

24 (b) The board shall establish, charge, and collect fees under  
25 IC 25-1-8-2 for the following:

26 (1) Examinations on food protection practices, as required for  
27 certification under IC 25-34.6-3-3(3).

28 (2) Any other purpose prescribed by IC 25-1-8-2.

29 Sec. 6. (a) The board shall hold meetings as follows:

30 (1) The board shall hold at least one (1) regular meeting each  
31 calendar year. At the first regular meeting each year, the  
32 board shall elect a chairperson and vice chairperson.

33 (2) Special meetings may be held at the discretion of the  
34 chairperson.

35 (3) Meetings may be held at such time as the board or  
36 chairperson shall determine.

37 (b) Four (4) members of the board constitute a quorum.

38 Sec. 7. (a) Each member of the board who is not a state  
39 employee is entitled to the minimum salary per diem provided by  
40 IC 4-10-11-2.1(b). The member is also entitled to reimbursement  
41 for traveling expenses as provided under IC 4-13-1-4 and other  
42 expenses actually incurred in connection with the member's duties



C  
O  
P  
Y

1 as provided in the state policies and procedures established by the  
 2 Indiana department of administration and approved by the budget  
 3 agency.

4 (b) Each member of the board who is a state employee is entitled  
 5 to reimbursement for traveling expenses as provided under  
 6 IC 4-13-1-4 and other expenses actually incurred in connection  
 7 with the member's duties as provided in the state policies and  
 8 procedures established by the Indiana department of  
 9 administration and approved by the budget agency.

10 **Chapter 3. Certification**

11 **Sec. 1. (a) On and after July 1, 2001, at least one (1) food**  
 12 **handler at a food facility shall have a certificate issued by the**  
 13 **board that states that the food handler has passed a board**  
 14 **approved written examination on food protection practices.**

15 (b) On and after July 1, 2001, a food facility shall have at least  
 16 one (1) certified food handler responsible for all periods of the food  
 17 facility's operation. However, a certified food handler need not be  
 18 present at the food facility during all hours of operation.

19 (c) Except as provided in subsection (f), no certified food  
 20 handler at a food facility may serve at another food facility as the  
 21 individual required to be certified under subsection (a).

22 (d) On and after July 1, 2001, a food facility that commences  
 23 operation or changes ownership shall comply with subsection (a)  
 24 within six (6) months of the commencement of operation or the  
 25 change in ownership.

26 (e) On and after July 1, 2001, the owner or operator of a food  
 27 facility shall notify the board not later than thirty (30) days after  
 28 a certified food handler terminates employment with the food  
 29 facility. If the food facility has no certified food handler as a result  
 30 of the termination, the owner or operator shall supply the board  
 31 with the name and state certificate number of a new certified food  
 32 handler not later than six (6) months after the termination date of  
 33 the previous certified food handler.

34 (f) If more than one (1) food facility operated by the same  
 35 person is located on the same property or contiguous properties,  
 36 only one (1) food handler is required to be certified.

37 **Sec. 2. A certified food handler shall ensure the safety of food**  
 38 **preparation and service. This duty includes ensuring that all**  
 39 **employees who handle, or have responsibility for handling,**  
 40 **unpackaged foods of any kind have sufficient knowledge to ensure**  
 41 **the safe preparation or service of food, or both. However, the**  
 42 **nature and extent of the knowledge that each employee is required**



C  
O  
P  
Y

1 to have may be tailored, as appropriate, to the employee's duties  
2 related to food safety issues.

3 **Sec. 3. To qualify for certification under this article, an**  
4 **individual must submit the following to the board:**

5 (1) A completed application for certification on a form  
6 provided by the board.

7 (2) A certification fee of ten dollars (\$10).

8 (3) Evidence that the applicant has successfully completed a  
9 board approved written examination on food protection  
10 practices as described in IC 25-34.6-4.

11 (4) The examination fee established by the board under  
12 IC 25-34.6-2-5.

13 **Sec. 4. Except as provided in section 5 of this chapter, within**  
14 **thirty (30) days after receiving a completed application for**  
15 **certification, payment of the certification and examination fees,**  
16 **and evidence that the applicant has successfully completed a board**  
17 **approved written examination under IC 25-34.6-4, the board shall**  
18 **approve the application and issue a numbered certificate to the**  
19 **applicant. The board shall issue a duplicate certificate to the food**  
20 **facility indicated by the applicant on the application for**  
21 **certification, so that the food facility may display the certificate as**  
22 **required in section 7 of this chapter.**

23 **Sec. 5. (a) The board may refuse to issue a certificate to an**  
24 **applicant for certification if:**

25 (1) the applicant has been disciplined by an administrative  
26 agency in another jurisdiction, and the board determines that  
27 the violation for which the applicant was disciplined has a  
28 direct bearing on the applicant's ability to act competently as  
29 a certified food handler in Indiana; or

30 (2) the applicant has been convicted of:

31 (A) an act that would constitute a ground for disciplinary  
32 sanction under IC 25-1-9; or

33 (B) a crime that has a direct bearing on the applicant's  
34 ability to act competently as a certified food handler in  
35 Indiana.

36 (b) If the board denies an application for certification, the board  
37 shall give the applicant reasons, in writing, for the denial within  
38 thirty (30) days after receiving the application.

39 **Sec. 6. All certificates are effective upon issuance by the board.**

40 **Sec. 7. A food facility shall post a certificate issued by the board**  
41 **under this chapter in a conspicuous place on the premises of the**  
42 **food facility.**



C  
O  
P  
Y

1           **Chapter 4. Examinations**

2           **Sec. 1. (a) The board may conduct written examinations on food**  
 3 **protection practices as required by IC 25-34.6-3-3(3) in a manner**  
 4 **prescribed by the board.**

5           **(b) The board may conduct any part of the examinations**  
 6 **through a person other than the bureau that is approved by the**  
 7 **board. The bureau may conduct any part of the examinations when**  
 8 **so designated by the board.**

9           **Sec. 2. The board shall determine:**

- 10           (1) a date and time when;  
 11           (2) a location in Indiana where; and  
 12           (3) the supervision under which;  
 13 **applicants for certification shall be examined.**

14           **Sec. 3. Examinations shall be given at least four (4) times each**  
 15 **year.**

16           **Sec. 4. (a) The board shall give notice at least sixty (60) days**  
 17 **before the administration of each examination in a manner the**  
 18 **board considers appropriate.**

19           **(b) The board shall notify each applicant for certification of the**  
 20 **time and place of the administration of the first examination for**  
 21 **which the applicant is eligible to sit.**

22           **Chapter 5. Certificate Renewal**

23           **Sec. 1. A certificate issued by the board expires five (5) years**  
 24 **from the date of original issuance.**

25           **Sec. 2. A certified food handler may renew a certificate by:**

- 26           (1) paying a recertification fee of ten dollars (\$10); and  
 27           (2) proving that the certified food handler has successfully  
 28           completed a recertification training course approved by the  
 29           board under section 6 of this chapter.

30           **Sec. 3. (a) The board shall mail an application for renewal to a**  
 31 **food facility at least sixty (60) days before the date on which the**  
 32 **certificate of the food facility's certified food handler expires.**

33           **(b) A certified food handler applying for renewal of a certificate**  
 34 **must:**

- 35           (1) satisfactorily complete the renewal application;  
 36           (2) return the application to the board; and  
 37           (3) submit to the board the required renewal fee of ten dollars  
 38           (\$10) and proof of successful completion of a recertification  
 39           training course under section 6 of this chapter;  
 40 **at least thirty (30) days before the expiration date of the certified**  
 41 **food handler's current certificate.**

42           **(c) Upon receipt of the application and fee submitted under**



C  
O  
P  
Y

1 subsection (c), the board shall:

- 2 (1) verify the accuracy of the application;  
 3 (2) determine whether the applicant has successfully  
 4 completed a recertification training course under section 6 of  
 5 this chapter; and  
 6 (3) verify that all other requirements under this article have  
 7 been met.

8 (d) If the board is satisfied that all conditions under subsection  
 9 (c) have been met, the board shall issue to the applicant a notice of  
 10 certificate renewal that is valid for five (5) years. The board shall  
 11 issue a duplicate notice of certificate renewal to the food facility  
 12 indicated by the applicant on the application for renewal, for  
 13 display as required by IC 25-34.6-3-7.

14 Sec. 4. A certificate may be reinstated by the board up to three  
 15 (3) years after its expiration if the applicant for reinstatement:

- 16 (1) pays a penalty fee set by the board;  
 17 (2) pays any past due renewal fee; and  
 18 (3) provides evidence of successful completion of a  
 19 recertification training course under section 6 of this chapter.

20 Sec. 5. A certificate that has expired and has not been renewed  
 21 during the three (3) years provided for in section 4 of this chapter  
 22 may only be reinstated after the applicant has complied with the  
 23 provisions of section 4 of this chapter and passed an examination  
 24 under IC 25-34.6-4 after the expiration of the original certificate.

25 Sec. 6. (a) Training courses in food preparation practices to  
 26 prepare certified food handlers for recertification are subject to  
 27 approval by the board in accordance with this section.

28 (b) A course must consist of at least three (3) hours of  
 29 instruction time and include an examination on the information  
 30 presented.

31 (c) A course must cover the following subjects:

- 32 (1) Temperature control of potentially hazardous food during  
 33 preparation, storage, transport, and service.  
 34 (2) Effective cleaning and sanitizing of utensils and  
 35 equipment.  
 36 (3) Food protection, including the shelf life for foods.  
 37 (4) Food worker personal hygiene.  
 38 (5) Effective handwashing techniques.  
 39 (6) Identification of potentially hazardous food.  
 40 (7) Storage and use of toxic products.  
 41 (8) Special problems in food service sanitation.

42 (d) The board, on written request of a training course provider,



C  
O  
P  
Y

1 may authorize modification of course content.

2 (e) A request for approval of a recertification training course  
3 shall be submitted to the board in writing along with the proposed  
4 curriculum. Within thirty (30) days after receiving a request for  
5 approval, the board shall either approve the course and notify the  
6 training course provider in writing of the approval or deny  
7 approval, in which case the board shall give the training course  
8 provider reasons, in writing, for the denial.

9 (f) The board may cancel its approval of a training course at any  
10 time if an investigation reveals that the criteria in this section are  
11 not being met.

12 **Chapter 6. Unlawful Practices**

13 **Sec. 1. An individual who is not certified under this chapter may**  
14 **not:**

- 15 (1) profess to be a certified food handler; or  
16 (2) imply by words or letters such as "CFH" that the  
17 individual is a certified food handler.

18 **Sec. 2. A food facility that does not meet the requirements of**  
19 **IC 25-34.6-3-1 may not:**

- 20 (1) profess to employ or be served by a certified food handler;  
21 or  
22 (2) imply that it employs or is served by a certified food  
23 handler.

24 **Sec. 3. A person who violates this chapter is subject to the**  
25 **penalties prescribed by the board under IC 25-34.6-2-5.**

26 **Chapter 7. Creation of Statewide Computerized Data Base**

27 **Sec. 1. (a) The board shall develop and maintain a statewide**  
28 **computerized database containing the following information:**

- 29 (1) A statewide registry of the name, certificate number, and  
30 certificate expiration date of every certified food handler in  
31 Indiana. The registry must be organized alphabetically  
32 according to the last name of each listed food handler and  
33 must also contain the business name, legal name, record  
34 owner, address, and county of the food facility served by each  
35 listed food handler.

- 36 (2) A statewide registry of the business name, legal name,  
37 record owner, address, and county of every food facility in  
38 Indiana having at least one (1) certified food handler. This  
39 registry must be organized alphabetically according to the  
40 business name of each listed food facility and must also  
41 contain the name, certificate number, and certificate  
42 expiration date of each certified food handler employed by or



C  
O  
P  
Y

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

servicing each listed food facility.

(3) For every county in Indiana, a countywide registry of the business name, legal name, record owner, and address of every food facility in the county having at least one (1) certified food handler. These registries must be accessible by county and must also contain the name, certificate number, and certificate expiration date of each certified food handler employed by or servicing each listed food facility.

(b) The information required to be maintained under subsection (a) must be stored in a manner so that the information, if known, is accessible under the following:

- (1) The name of a certified food handler.
- (2) The certificate number of a certified food handler.
- (3) The business name of a food facility.
- (4) The legal name of a food facility.

Sec. 2. The board shall adopt rules under IC 25-34.6-2-5 to make the computerized data base described in section 1 of this chapter accessible to the public through the bureau.

Sec. 3. (a) Upon written request, a person may obtain a paper printout of any information contained in the computerized database described in section 1 of this chapter.

(b) The board shall establish fees under IC 25-34.6-2-5 for requests made under subsection (a).

SECTION 8. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "board" means the Indiana food handlers certification board established under IC 25-34.6-2-1, as added by this act.

(b) Notwithstanding IC 25-34.6-2-2, as added by this act, a member of the board who is appointed under IC 25-34.6-2-2(a)(1), as added by this act, is not required to be certified under IC 25-34.6, as added by this act.

(c) Notwithstanding IC 25-34.6-2-2, as added by this act, the governor shall appoint the initial members of the board before September 1, 1999, for terms expiring as follows:

- (1) One (1) member appointed under IC 25-34.6-2-2(a)(1), as added by this act, one (1) member appointed under IC 25-34.6-2-2(a)(2), as added by this act, one (1) member appointed under IC 25-34.6-2-2(a)(3), as added by this act, and one (1) member appointed under IC 25-34.6-2-2(a)(4), as added by this act, for a term expiring June 30, 2002.
- (2) One (1) member appointed under IC 25-34.6-2-2(a)(5), as added by this act, one (1) member appointed under IC 25-34.6-2-2(a)(6), as added by this act, and one (1) member

C  
O  
P  
Y



1           **appointed under IC 25-34.6-2-2(a)(7), as added by this act, for**  
2           **a term expiring June 30, 2001.**  
3           **(d) This SECTION expires July 1, 2002.**

C  
o  
p  
y

