

Fiscal Estimate Narratives

DHS 1/6/2014

LRB Number	13-3635/1	Introduction Number	SB-434	Estimate Type	Original
Description Requirements and local ordinances related to certificates of food protection practices					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Department of Health Services (DHS) issues certificates of food protection practices (FPP certificates) to individuals who complete a written exam approved by DHS or who have achieved comparable compliance. The Department assesses a fee of \$10 to receive FPP certification. FPP certificates may be renewed after 5 years by completing a recertification training course.

This bill eliminates the requirement that the FPP examination be written. The bill requires that the examination is approved by DHS as meeting standards established by DHS by rule. A DHS approved examination must allow an individual to demonstrate basic knowledge of food protection practices. The bill also changes the FPP renewal process by requiring an individual to complete a DHS approved examination, instead of completing a DHS approved recertification training course.

This bill also creates two exceptions under which a restaurant permit holder is not required to ensure that there is a person on the restaurant premises who holds an FPP certificate. These two exceptions are:

1. The Restaurant has five or fewer handlers working at that time.
2. If the restaurant had a priority violation at each of two last inspections conducted on or after January 1, 2015, the restaurant has had two consecutive inspections without a priority health violation.

Lastly, this bill prohibits local government entities from enacting an ordinance requiring a restaurant, a restaurant permit holder, or a restaurant manager/administrator to satisfy a requirement related to the FPP certification that is not part of FPP certificate-related statutes. In addition, any current local government ordinance that is different from the FPP certificate statutes may not be enforced after January 1, 2015.

The creation of two exceptions under which an individual working in a restaurant is not required to have an FPP certificate may decrease the average annual number of issued food protection practices certificates and fee revenue. It is not possible to estimate the extent of the decrease at this time. The Department will also need to dedicate resources to complete needed rule changes, but this can be completed with existing staff. This bill will not have a fiscal impact on the Department or on local health departments.

Long-Range Fiscal Implications