Legislation Details (With Text)

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Title:	Amending Title 6 of The Philadelphia Code, entitled "Health Code," by amending Section 6-301, entitled "Food Establishments," by revising certain provisions relating to food safety and making technical changes, all under certain terms and conditions.				
Sponsors:	Councilmember Kenney				
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11/29/2012	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Title 6 of The Philadelphia Code, entitled “Health Code,” by amending Section 6-301, entitled “Food Establishments,” by revising certain provisions relating to food safety and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code is hereby amended to read as follows:

TITLE 6. HEALTH CODE

* * *

CHAPTER 6-300. FOOD

§ 6-301. Food Establishments.

* * *

(8) Responsibilities of Food Establishments. Subject to the exemptions of Section 6-301(9), every food establishment that sells any non-prepackaged potentially hazardous food, as defined by the Board, shall:

(a) During hours when food is being prepared, manufactured, cooked, processed, dressed, served or distributed, have present and in its employ at least one (1) person with a valid Food Establishment [Personnel] Food Safety Certificate, [issued pursuant to] *obtained in accordance with the provisions of* Section 6-301(10).

(.1) The establishment shall post in a conspicuous [location] *location, inside the*

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establishment, the Certificates of all such persons. No expired or revoked Certificates shall be posted.

(.2) In the event of any period of non-compliance with Section 6-301(8)(a)[(i)] *(.1)*, a food establishment shall not be considered in violation if *(i)* the establishment immediately notifies the Department, in writing, of the reasons for such non-compliance and the steps being taken to timely comply, and [if] *(ii)* the Department determines that the establishment is taking all reasonable steps to timely comply.

(b) Conduct a minimum of one (1) self-inspection of the food establishment every three (3) months.

(.1) The self-inspection shall be conducted by a person with a valid Food Establishment [Personnel] Food Safety Certificate. The self-inspection shall include a thorough and complete examination and evaluation of:

(i) the physical premises, both interior and exterior;

(ii) all food that is processed, manufactured, transported, or served on the premises; and

(iii) the manner in which such food is handled and stored.

* * *

(10) Food Establishment Food Safety Certificate.

(a) [The Department shall issue a] *A* Food Establishment [Personnel] Food Safety [Certificate to any person who] *Certificate, issued by a food certification program, shall be accepted by the Department provided that the person to whom it has been issued*:

af0 (.1) Demonstrates knowledge of established and recognized food safety procedures by:

(i) [Showing proof of successful completion of] *Successfully completing* a food protection course approved by the Department, or of passing the examination required for completion of such course; [or]

(ii) [Possession of a valid certificate of registration from] *Successfully completing* a food protection certification program of the Educational Testing Service for Occupational and Professional Assessments; or

(iii) Such other means as determined by the Department to be equivalent to the foregoing, including [possession of a valid certificate of completion from] *successfully completing* a food protection course determined by the Department to be substantially equivalent to the courses approved by the Department.

[(.2) Pays a reasonable fee to be established by the Department to defray the costs of administering this Certificate program established by Section 6-301(10).]

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(b) A Food Establishment [Personnel] Food Safety Certificate shall be valid for such period of time [as the Department shall determine] *prescribed by the certification program that issued the certificate*, and shall not be transferable.

[(c) The Department may revoke a Food Establishment Personnel Food Safety Certificate upon a finding that the Certificate holder has not complied with his or her obligations under this Section or applicable regulations. Such revocation, and any appeal therefrom, shall be conducted in accordance with the procedures for license suspension and revocation set forth in this Title.]

(c) The Department shall maintain a list of all approved food safety courses and programs, and such list shall be made available to the public during regular business hours and on the Department's official website.

(d) Any valid Food Establishment Personnel Food Safety Certificate issued by the Department, prior to the effective date of this Section 6-301, shall be in compliance with this Section until the expiration date of such certificate.

(11) Penalties.

Any person in violation of the provisions of this Section shall be subject to the penalties set forth in Section 6-103.

SECTION 2. This Ordinance shall become effective immediately upon becoming law.

Explanation:
[Brackets] indicate matter deleted.
Italics indicate new matter added.