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## **SECTION 9.5 CERTIFICATION OF FOOD HANDLERS IN FOOD SANITATION**

### **TABLE OF CONTENTS**

- 9.5 A Authority
- 9.5 B Definitions
- 9.5 C Responsibilities
- 9.5 D Certification
- 9.5 E Recertification and Continuing Education
- 9.5 F Recognition of prior certification
- 9.5 G Violations
- 9.5 H Enforcement
- 9.5 I Exemptions

#### 9.5A Authority

The Oak Bluffs Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter III Sections 31, hereby adopts the following regulations to protect the public health of the community.

#### 9.5B Definitions

The following words and phrases, whenever used in this regulation shall be construed as defined in this section. Any terms not specifically defined herein are to be construed in accordance with the definitions of Chapter X of the State Sanitary Code. 105 CMR 590.000 and the 1999 Food Code:

- a. Approved Food Manager/Handler Certification Program – means a food safety training course approved by the Board which meets the requirements of the Massachusetts Guidelines for Food Protection Management Training and Testing.
- b. Food Manager/Handler – an employee of a food service establishment who is responsible for food preparation and/or has the authority and responsibility to direct and control such activities.

## CERTIFICATION OF FOOD HANDLERS IN FOOD SANITATION, cont'd

- c. Board or "OBBOH" – refers to the Town of Oak Bluffs Board of Health.
- d. Certified Food Manager/Handler – an individual employed by the establishment who has passed an exam as described in Section 4 who has supervisory and training responsibilities.
- e. Food establishment – any food service establishment, retail food store, or residential kitchen where food is prepared for retail sale. A bed and breakfast is handled differently; please refer to section 9.
- f. Food Service Establishment – any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place, regardless of whether consumption is on or off the premises, and regardless of whether there is a charge for the food. The term includes, but is not limited to, delicatessens that offer prepared food in individual service portions, mobile food units, pushcarts, and catering operations. The term does include residential kitchens where food is prepared for retail sales, retail food stores, and mobile units.

### 9.5 C Responsibilities

- a. Each food establishment shall employ at least one (1) full-time person as a certified food manager who is at least eighteen (18) years of age. **At least one staff member with certification must be on-site at all times.**
- b. Certificates for all employees certified in food safety shall be prominently posted in the establishment next to the license(s) to operate. The certificate shall be removed when the establishment no longer employs the individual.
- c. No person shall use the title "Certified Food Manager/Handler" or in any way represent himself or herself as a manager/handler certified in food safety unless he or she holds a current certificate pursuant to these regulations.
- d. The certified food manager/handler is responsible for operating the establishment in compliance with all relevant federal, state and local rules and regulations pertaining to food service.
- e. The certified food manager/handler shall ensure that all employees engaged in food preparation do so in a manner consistent with proper food sanitation practices.
- f. The certified food manager/handler shall develop a HACCP Plan for assessing, monitoring, and controlling food-borne disease hazards in the food establishment.
- g. The certified food manager/handler shall report any alleged food-borne illness or complaint to the Board within twenty-four (24) hours of the incident.
- h. The certified food manager/handler shall conduct an annual self-inspection. This shall take place during the time the establishment is open for business and during a mutually agreeable time frame.
- i. A certified food manager/handler certificate is not transferable from one person to another.

## CERTIFICATION OF FOOD HANDLERS IN FOOD SANITATION, cont'd

### 9.5 D Certification

Certification shall be achieved by attending a live food safety and sanitation course with an emphasis on the Massachusetts Food Safety Code and attaining a passing grade on an exam provided by the Educational Testing Services (Food Protection Certification Program) or the Educational Foundation of the National Restaurant Association (ServSafe) or an equivalent exam recognized by the Massachusetts Department of Public Health and approved by the Board. *See also Reciprocity, Section 8.*

### 9.5 E Recertification and Continuing Education

- a. It shall be required that certified food handlers attend an annual continuing education course (CE) provided by the board. Verification of CE shall be maintained by each establishment with license(s) to operate.
- b. Every five (5) years, recertification shall be achieved by attending a live food safety and sanitation course based on certification level and attaining a passing grade on an exam provided by the Educational Testing Services (Food Protection Certification Program) or the Educational Foundation of the National Restaurant Association (ServSafe) or an equivalent exam recognized by the Massachusetts Department of Public Health and approved by the Board.

### 9.5 F Recognition of Prior Certification

The OBBOH shall, at its discretion, recognize prior certification from any course which meets the requirements of Section 5.

### 9.5 G Violations

Any establishment that violates any provision of this regulation or that does not comply with these requirements may be subject to administrative fines of \$1,000 and/or suspension or revocation of the establishment's food services permit.

### 9.5 H Enforcement

This regulation shall be enforced by the Oak Bluffs Board of Health. The Board, after due notice and opportunity for a hearing, shall have the right to levy administrative fines according to the current regulations and policies against any food establishment that violates any provision of this regulation.

### 9.5 I Exemptions

Bed and breakfast establishments shall meet the intent of this regulation. However these establishments are exempt from the continuing education reviewed in Section 5.a.