

Passage of 2015 Act 9

New Laws for Certificates of Food Protection Practices

New Law Changes for 2015

On April 8, 2015 Act 9 was signed into law. The law that was passed directly affects the process many restaurant owners and managers use to renew their certificates of food protection practices issued by the Department of Health Services. This certificate is commonly referred to as a Certified Food Managers (CFM) license.

As of January 2015, all owners or managers who renewed a CFM license had to show the department proof of passing a nationally accredited food protection examination. With the passage of Act 9, small restaurants with **five (5) or fewer** food handlers are now exempt from renewing their CFM license by completion of a nationally accredited food protection examination. Instead, small restaurant operators or managers have the option to take a recertification course, without an examination.

For restaurants with more than five (5) food handlers, nothing has changed. This law only changes the renewal process for owners and managers of small restaurants that choose not to renew their license by exhibiting competency on an examination.

Important Definitions

Food Handler means an individual engaged in the preparation or processing of food at a restaurant and who is not a certificate holder.

Examples include chefs, line cooks, servers who assemble food, etc.

Processing means the manufacture or preparation of food for sale through the process of canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling or packaging, or through any other treatment or preservation process. **Other examples include chopping, dicing, cooking, cooling, reheating, assembly of salads, etc.**

Certificate Holder means an individual who holds a valid certificate of food protection practices from the department.

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Direct inquiries to:

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Frequently Asked Questions

Q. If I choose NOT to recertify by examination, will I get the same license as people who do?

A. No. A CFM license will be issued to those who show competency by completing an exam. A **Food Safety Training for Small Operators** license will be issued to those who simply take an approved recertification course.

Q. Can I use my Food Safety Training for Small Operators license in a restaurant with more than 5 food handlers in the future?

A. No. If you decide to obtain the Food Safety Training for Small Operators license, you are restricted to restaurants with 5 or fewer food handlers. If you want to hold a certificate for a restaurant with more than 5 food handlers, you will need to take an accredited examination and receive the CFM license.

Q. If I have not been certified in the past, can I still receive the Food Safety Training for Small Operators license?

A. No. All individuals applying to the department for the first time must pass an accredited examination and receive a CFM license. The Food Safety Training for Small Operators license can only be obtained by renewal.

Q. Who is considered a “food handler?”

A. Basically, anyone who handles or assembles food for the patrons. Chefs, line cooks and possibly servers are examples. A server who assembles salads, scoops ice cream or cuts desserts would be considered a food handler. A bartender slicing limes and lemons is not a food handler.

Q. My certificate expired March 6, 2015, and I have not yet taken my course and examination. I work at a small restaurant with three (3) food handlers. Do I still need to take an exam? Or can I take a recertification course instead?

A. This bill is retroactive to January 1, 2015. This means that if you have not yet retaken an examination and obtained a CFM license, you may be eligible to take a course to obtain a Food Safety Training for Small Operators license. There is a grace period, which allows you to obtain a Food Safety Training for Small Operators license six months after your original certificate has expired. If you let it lapse longer than six months, you will need to certify by examination regardless of the number of food handlers at your facility.

Q. Where can I find the department-approved courses and exams?

A. You may contact the department using the information on this letter, or follow this link: <https://www.dhs.wisconsin.gov/fsrl/certificates.htm>

Q. If I go to work for a new establishment, will I need to get another certification?

A. No. Your CFM or Food Safety Training for Small Operators license is unique to you, not your restaurant.

Q. When I apply for a license, what do I need to submit to the department?

A. You will need to submit a **completed** application along with the correct fees and evidence of passing an exam or taking an approved course.