TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS
PART 750 FOOD CODE

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AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21], Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. 11775, effective May 21, 2014; amended at 38 Ill. Reg. 23109, effective November 20, 2014; amended at 39 Ill. Reg. 5006, effective March 17, 2015; amended at 39 Ill. Reg. 10619, effective July 15, 2015; amended at 40 Ill. Reg. 9532, effective June 29, 2016; former Part repealed at 42 Ill. Reg. 24242 and new Part adopted at 42 Ill. Reg. 24245, effective December 7, 2018; amended at 48 Ill. Reg. 5339, effective March 22, 2024.

SUBPART A: GENERAL PROVISIONS

Section 750.100 Definitions

"Act" means the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

"Assessment of Knowledge" means a written or an online evaluation of a student's achievement in a food handler training course.

"Category I Facility" means a food establishment that presents a high relative risk of causing foodborne illness, based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The standards for regulation of a Category I facility shall be those prescribed by the Local Health Protection Grant Code. Category I facilities include those where the following operations occur:

Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods;

Processes requiring hot and cold holding of time/temperature control for safety foods;

Conducting specialized processes as described in 3-502 of the FDA 2022 Food Code; or

Serving a highly susceptible population as defined in 1-201.10 of the FDA Food Code.

"Category II Facility" means a food establishment that presents a medium relative risk of causing foodborne illness, based upon few food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category II facility shall be those prescribed by the Local Health Protection Grant Code. Category II facilities include those where the following operations occur:

Most products are prepared or cooked and served immediately.

May involve hot and cold holding of time/temperature control for safety foods after preparation or cooking; or

As approved by the regulatory authority, preparation of time/temperature control for safety foods requiring cooking, cooling, and reheating for hot holding limited to 2 or fewer same items or processes with approved procedures.

"Category III Facility" means a food establishment that presents a low relative risk of causing foodborne illness, based upon few or no food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category III facility shall be those prescribed by the Local Health Protection Grant Code. Category III facilities include those where the following operations occur:

Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly;

Only time/temperature control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility;

Only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at the facility.

"Certified Food Protection Manager" means a person who has shown proficiency in the required information through passing a test that is part of an accredited program defined in Section 2-102.20 of the FDA 2022 Food Code.

"Children's Meal" *means a combination of food items sold for a single price intended for consumption by children.* (Section 21.5 of the Act)

"Cottage Food Operation" means an operation that produces or packages food in compliance with Section 4 of the Food Handling Regulation Enforcement Act.

"Department" or "DPH" means the Illinois Department of Public Health.

"Entity" means a business, non-profit organization, institution or certified local health department.

"FDA" means the United States Food and Drug Administration.

"FDA 2022 Food Code" means the 2022 Recommendations of the United States Public Health Service FDA.

"Food Employee" or "Food Handler" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include temporary food establishments or unpaid volunteers in a food establishment, whether permanent or temporary.

"Food Establishment" means an operation that:

stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food pantry; and

relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Food establishment includes:

an element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and

an operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food.

Food establishment does not include:

an establishment that offers only prepackaged foods that are not time/temperature control for safety foods;

a produce stand that only offers whole, uncut fresh fruits and vegetables;

a food processing plant, including those located on the premises of a food establishment;

a kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation, as defined in the Bed and Breakfast Act, that prepares and offers food to guests;

a private home that receives catered or home delivered food;

a closed family function where food is prepared or served for individual family consumption; or

a cottage food operation.

"Food Processing Plant" means a commercial operation that manufacturers, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

"Hazard" means a biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.

"Hazard Analysis Critical Control Point" or "HACCP" means a systematic approach to the identification, evaluation, and control of food safety hazards.

"Regulatory Authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food establishment.

"Repeat Violation" means a violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of the facility, or same practice.

"Restaurant" means any business, or type of food establishment, *that is primarily engaged in the sale of ready-to-eat food for immediate consumption.* For the purpose of this definition, *"primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.* (Section 3.06 of the Food Handling Regulation Enforcement Act)

"Time/Temperature Control for Safety Food" (also referred to as "Potentially Hazardous Food") means time/temperature control for safety food as defined in 1-201.10 of the FDA 2022 Food Code.

"Voluntary Inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 48 Ill. Reg. 5339, effective March 22, 2024)

Section 750.110 Incorporated and Referenced Materials

a) The following State statutes are referenced in this Part:

1) Bed and Breakfast Act [50 ILCS 820]

2) Food Handling Regulation Enforcement Act [410 ILCS 625]

3) Freedom of Information Act [5 ILCS 140]

4) Good Samaritan Food Donor Act [745 ILCS 50]

5) Illinois Food, Drug, and Cosmetic Act [410 ILCS 620]

6) Latex Glove Ban Act [410 ILCS 180]

b) The following State administrative rules are referenced in this Part:

1) Certified Local Health Department Code (77 Ill. Adm. Code 600)

2) Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690)

3) Local Health Protection Grant Code (77 Ill. Adm. Code 615)

c) The following materials are incorporated in this Part:

1) The FDA 2022 Food Code (January 18, 2023), Chapters 1 through 7 and Sections 8-103.10, 8-103.11, 8-103.12, 8-201.13, and 8-201.14 of Chapter 8 (except the terms "food employee" and "food establishment" in Section 1-201.10), U.S. Department of Health and Human Services, U.S. Food and Drug Administration, Public Health Service, College Park, MD 20740, available at https://www.fda.gov/media/164194/download?attachment.

2) Conference for Food Protection – "Standards for Accreditation of Food Protection Manager Certification Programs" (2016), which may be obtained from the Conference for Food Protection, 30 Elliott Court, Martinsville, IN 46151-1331.

3) "HACCP Principles & Application Guidelines" (1997), National Advisory Committee on Microbiological Criteria for Foods, available at https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines.

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 48 Ill. Reg. 5339, effective March 22, 2024)

Section 750.115 Applicability

a) This Part shall apply to all food establishments.

b) As incorporated in 750.110, the Department hereby adopts and incorporates by reference the FDA 2022 Food Code into this Part for regulating the design, construction, management, and operation of food establishments. The following Chapters and Sections are incorporated into this Part:

1) Chapter 1 Purpose and Definitions;

2) Chapter 2 Management and Personnel;

3) Chapter 3 Food;

4) Chapter 4 Equipment, Utensils, and Linens;

5) Chapter 5 Water, Plumbing, and Waste;

6) Chapter 6 Physical Facilities;

7) Chapter 7 Poisonous or Toxic Materials; and

8) Only the following portions of Chapter 8 Compliance and Enforcement are incorporated by reference:

A) 8-1 Code Applicability
8-103 Variances

i) 8-103.10 Modifications and Waivers;

ii) 8-103.11 Documentation of Proposed Variance and Justification; and

iii) 8-103.12 Conformance with Approved Procedures.

B) 8-2 Plan Submission and Approval
8-201 Facility and Operating Plans

i) 8-201.13 When a HACCP Plan is Required; and

ii) 8-201.14 Contents of a HACCP Plan.

c) The following terms as defined in Chapter 1, Section 1-201.10 are not incorporated into this Part:

1) "Food employee"; and

2) "Food establishment".

(Source: Added at 48 Ill. Reg. 5339, effective March 22, 2024)

Section 750.120 Inspections and Inspection Report

a) All food establishments are subject to inspection at all times.

b) The operator of the food establishment shall receive a written or electronic report from the regulatory authority at the end of the inspection. The inspection findings shall be reported on a food establishment inspection report or an electronic reporting system that is substantially similar (i.e., includes, at a minimum, the same information). The food establishment inspection report shall capture the food establishment's compliance with this Part and shall convey compliance information, at the conclusion of the inspection, to the permit holder or person in charge of the food establishment.

c) The food establishment inspection report shall collect the following information:

1) Name of the regulatory authority conducting the inspection;

2) Name and contact information of the food establishment subject to the inspection, including permit number and risk category (Category I, II or III, as defined in Section 750.100);

3) Purpose of inspection, including date and start and end times of the inspection;

4) Compliance by the food establishment with foodborne illness risk factors and public heath interventions or control measures, including, but not limited to:

A) supervision, including certification;

B) employee health;

C) good hygiene practices;

D) prevention of contamination by hands;

E) approved source of food;

F) protection of food from contamination;

G) time and temperature control for safety;

H) consumer advisory;

I) highly susceptible populations;

J) food or color additives and toxic substances; and

K) conformance with approved procedures;

5) Good retail practices and preventative measures designed to control the addition of pathogens, chemicals and physical objects into foods, including, but not limited to:

A) safe water and food;

B) food temperature control;

C) food identification;

D) prevention of food contamination;

E) proper use of utensils;

F) utensils, equipment and vending;

G) physical facilities; and

H) employee training;

6) Type of water supply;

7) Type of waste water system;

8) Temperature observations;

9) Observations and corrective actions, including time frames within which any violations cited shall be corrected;

10) Certified Food Protection Manager verification;

11) HACCP topic;

12) Food handler training;

13) Allergen awareness training;

14) Allergen notice;

15) Default beverage for children's meals;

16) Use of nonlatex gloves for food handling or preparation or appropriate signage at point of purchase;

17) Number of risk factor or intervention violations; and

18) Number of repeat risk factor or intervention violations.

d) All items on the food establishment inspection report shall be addressed in accordance with this Part. Items on the food establishment inspection report shall be marked as in compliance, out of compliance, not observed, or not applicable. Items shall also be marked as corrected on-site during the inspection or a repeat violation, as applicable. A scoring system shall not be used.

e) The regulatory authority shall implement the provisions of this Part, as amended, by January 1, 2025.

(Source: Amended at 48 Ill. Reg. 5339, effective March 22, 2024)

SUBPART B: PERSONNEL

Section 750.200 General – Employee Health

a) Diagnosed illnesses shall be reported to the local health authority within the reporting requirements stated in the Control of Notifiable Diseases and Conditions Code.

b) The person in charge of a food establishment shall ensure that food employees are excluded or restricted as provided in the Control of Notifiable Diseases and Conditions Code including removal, adjustment, or retention of exclusion or restrictions.

c) A food employee shall comply with an exclusion or restriction in accordance with the Control of Notifiable Diseases and Conditions Code.

(Source: Amended at 48 Ill. Reg. 5339, effective March 22, 2024)

Section 750.210 Food Handlers − Course Content

a) Food handler training programs shall cover and assess knowledge of the following topics:

1) *The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and microorganisms during the various food handling preparation and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.*

2) *The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors; relationship between the food handler's health and foodborne illness; and recognition of how policies, procedures and management contribute to improved food safety practices.*

3) *Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during and after delivery.*

4) *Procedures for cleaning and sanitizing equipment and utensils.*

5) *Problems and potential solutions associated with temperature control, preventing cross-contamination,* and *housekeeping and maintenance.* (Section 3.05(b) of the Food Handling Regulation Enforcement Act)

b) All food handler training courses shall have an assessment of knowledge.

Section 750.220 Food Handlers − Course Approval

a) *If an entity uses an American National Standards Institute* (ANSI) *food handler training accredited program, that training program shall be automatically approved by the Department* (Section 3.06(e) of the Food Handling Regulation Enforcement Act).

b) *Certified local health departments in counties serving jurisdictions with a population of 100,000 or less, as reported by the U.S. Census Bureau in the 2010 Census of Population*, and the other six counties (Will, Kane, McHenry, Tazewell, Kendall and Macon) listed in the Act, may have a food handler training program. *The training program must meet the requirements of* Section 750.210 *and be approved by the Department.* (Section 3.06(f) of the Food Handling Regulation Enforcement Act) These certified local health departments with approved training programs can teach food handlers in restaurants and in food service establishments that are not restaurants only within the certified local health department's jurisdiction. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

c) Any entity can provide food handler training to employees working in a restaurant by using an ANSI accredited food handler training program, including the ANSI assessment, that meets the requirements of "Standards for Accreditation of Food Protection Manager Programs", incorporated by reference in Section 750.110. The training program shall maintain a list of individuals trained for a minimum of five years from the date of the individuals' training.

d) *If a business with an internal training program is approved in another state prior to* August 27, 2013, *then the business' training program and assessment shall be automatically approved by the Department upon the business providing proof that the program is approved in* that state. (Section 3.06(c) of the Food Handling Regulation Enforcement Act) The business shall register the training program with the Department using an application provided by the Department. For the purpose of this Section, "business" means an organization that provides a food handler training program that was approved in another state prior to August 27, 2013.

e) Any entity can provide food handler training to employees working in a food service establishment that is not a restaurant by using a food handler training program that meets the training and assessment requirements listed in Section 750.210. The entity providing the training program shall apply for Department approval using an application provided by the Department.

1) *Training may be conducted by any means available, including, but not limited to: on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers.* (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

2) *There must be at least one commercially available approved food handler training module at a cost of no more than $15 per employee;* training may include, but is not limited to, on-line, computer, classroom, live trainers, remote trainers, and certified food service sanitation managers. *If an approved food handler training module is not available at that cost, then provisions of* this Section *shall not apply* and food handlers shall comply with Section 3.06 of the

Food Handling Regulation Enforcement Act. (Section 3.05(c) of the Food Handling Regulation Enforcement Act)

f) *Any and all documents, materials, or information related to a restaurant or business food handler training module submitted to the Department is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act.* (Section 3.06(g) of the Food Handling Regulation and Enforcement Act)

Section 750.230 Food Handlers − Training

a) All Food Handlers

1) All food handlers, other than someone holding a certified food protection manager certificate, shall receive or obtain training in basic food handling principles, as outlined in Section 750.210, within 30 days after employment.

2) *The regulation of food handler training is considered to be an exclusive function of the State, and local regulation is prohibited*. (Section 3.05 of the Food Handling Regulation Enforcement Act)

b) Food Handlers Employed By a Restaurant

1) *All food handlers employed by a restaurant, other than someone holding a food service sanitation manager certificate, shall receive or obtain ANSI accredited training* or Department approved training *in basic food handling principles*, as outlined in Section 750.210. (Sections 3.06(b) and (i) of the Food Handling Regulation and Enforcement Act)

2) New employees shall receive training within 30 days after employment and every three years after the initial training.

3) Training is transferable between employers, except for training obtained through an internal training program.

c) Food Handlers Employed By a Food Service Establishment That Is Not a Restaurant

1) *All food handlers* employed by a food service establishment that is not a restaurant, *other than someone holding a food service sanitation manager certificate*, *shall receive or obtain training in basic food handling principles*, as outlined in Section 750.210. (Sections 3.05(a) and (e) of the Food Handling Regulation and Enforcement Act)

2) New employees shall receive training within 30 days after employment.

3) *Training is not transferable between individuals or employers* (Section 3.05(a) of the Food Handling Regulation and Enforcement Act).

d) Food Handlers Employed by Certain Facilities
All food handlers employed in nursing homes, licensed day care homes and facilities, hospitals, schools, and long-term care facilities must renew their training every three years. (Section 3.06(b) of the Food Handling Regulation and Enforcement Act)

e) Repeat Training
There is no limit to how many times an employee may take the training. (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

f) Proof of Training
Proof that a food handler has been trained shall *be available upon reasonable request by a State or local health department inspector and may be in an electronic format.* (Sections 3.05(a) and 3.06(b) of the Food Handling Regulation and Enforcement Act)

SUBPART C: TEMPORARY FOOD SERVICE

Section 750.300 Temporary Food Service Establishments

A temporary food service establishment shall comply with the requirements of this Part, except as otherwise provided in this Section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and, when no health hazard will result, may waive or modify requirements of this Part.

Section 750.305 Restricted Operations

a) This Section is applicable whenever a temporary food service establishment is permitted, under the provisions of Section 750.300, to operate without complying with all the requirements of this Part.

b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters, that require seasoning and cooking shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply, however, to any potentially hazardous food that:

1) has been prepared and packaged under conditions meeting the requirements of this Part;

2) is obtained in individual servings;

3) is stored at a temperature of 41°F or below, or at temperature of 140°F or above in facilities that meet the requirements of this Part; and

4) is served directly in the unopened container in which it was packaged.

Section 750.310 Ice

Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this Part. The ice shall be obtained only in chipped, crushed or cubed form and in single-use food-grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until used and, when used, shall be dispensed in a way that protects it from contamination.

Section 750.315 Equipment

a) Equipment shall be located and installed in a way that facilitates cleaning the establishment and that prevents food contamination.

b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where helpful to prevent contamination, effective shields for the equipment shall be provided.

Section 750.320 Water

Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

Section 750.325 Wet Storage

The storage of packaged food in contact with water or undrained ice is prohibited, except that cans or bottles of non-potentially-hazardous beverages may be so stored when the water contains at least 50 parts per million of available chlorine and is changed often enough to keep both the water and containers clean. Wrapped sandwiches shall not be stored in direct contact with ice.

Section 750.330 Waste Disposal

All sewage, including liquid waste, shall be disposed of according to law.

Section 750.335 Handwashing

A facility shall be provided for employee handwashing. Where water under pressure is unavailable, the facility shall consist of at least a pan, warm water, soap and individual paper towels.

Section 750.340 Floors

Floors shall be made of concrete, tight wood, asphalt, or other similar cleanable material, except that dirt or gravel floors may be used if graded to preclude the accumulation of liquids and covered with removable, cleanable platforms or duckboards.

Section 750.345 Walls and Ceilings of Food Preparation Areas

a) Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for the walls, doors or windows shall be at least 16 mesh to the inch.

b) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

Section 750.350 Single-Service Articles

All temporary food service establishments shall provide only single-service articles for use by the consumer.

SUBPART D: FARMERS' MARKETS

Section 750.400 Definitions

"Act" means Food Handling Regulation Enforcement Act.

"Certified Local Health Department" means a local government agency that administers, and assures compliance with, health-related programs and services within its jurisdiction and is certified pursuant to 77 Ill. Adm. Code 600.210 (Certification).

"Farmers' Market" means a common facility or area where the primary purpose is for two or more *farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.* (Section 3.3(b) of the Act)

"Food Product Sampling" means food product samples distributed free of charge for promotional or educational purposes only. (Section 3.4(a) of the Act)

"Food Product Sampling Handler" means any person who is engaged in performing tasks such as unpackaging, cutting, slicing, preparing or distributing food product samples to consumers at a farmers' market.

"Food Product Sample" means an individual portion of food given to a consumer without charge to allow consumers to experience a small portion of the product.

"Local Health Department" means a local governmental agency that administers, and assures compliance with, health-related programs and services within its jurisdiction.

"Point of Sale" means the physical location where food products are sold to customers.

"Sampling Certificate" means a food product sampling handlers certificate.

Section 750.410 Food Product Sampling Handler Certificate for Farmers' Markets

a) Food Product Sampling Handler Certificate Application Requirements

1) Individuals possessing a valid certified food protection manager certification shall submit the following:

A) An application provided by the Department; and

B) Payment of the $10 application fee.

2) Individuals who do not possess a valid certified food protection manager certification shall submit the following:

A) Evidence of successful completion of a food handler training course as outlined in Subpart B;

B) Evidence of successful completion of DPH farmers' market food sampling handler training;

C) An application provided by the Department; and

D) Payment of the $40 application fee.

b) Certificate

1) Certificates are valid 36 months from the issue date.

2) Sampling certificates are not transferable between individuals.

3) Sampling certificates are required for all persons who engage in performing tasks such as unpacking, cutting, slicing, preparing or distributing food product samples.

c) Replacement sampling certificates issued under this Subpart will have the same expiration date as the original certificate:

d) All persons possessing a valid original sampling certificate or a copy of the certificate shall display the certificate at the point of sale.

e) Suspension or Revocation of a Sampling Certificate

1) Any violation of this Subpart by the food product sampling handler that creates a potential health hazard shall result in suspension of the sampling certificate by the Department or a certified local health department, unless the violation is corrected during the inspection. The following procedures shall be followed for the suspension of a certificate:

A) The certified local health department shall notify the sampling certificate holder in writing, at the time of suspension, stating the reason for the suspension and corrective measures needed to reinstate the certificate.

B) The sampling certificate holder shall apply, in writing, to the certified local health department responsible for suspending the certificate to request reinstatement of the certificate. If the certified local health department considers the violations to be corrected, the certificate shall be reinstated.

C) The certified local health department shall, within five days after the suspension and sampling certificate reinstatement, notify the Department in writing of the suspension and certificate reinstatement. The certified local health department shall forward to the Department a copy of the inspection, including the reason for suspension and resolution of the suspension, if any.

D) If the issue is not resolved, the holder of the sampling certificate may apply to the Department for reinstatement of the certificate, in writing, to request a conference to determine whether the holder is in compliance with this Subpart.

2) If the sampling certificate holder receives two or more suspensions in a 12-month period, the Department will revoke the certificate. The Department will notify the certificate holder of the Department's intent to revoke the certificate and will provide an opportunity for a hearing in accordance with Practice and Procedure in Administrative Hearings. If the certificate holder does not file a request for a hearing with the Department within 10 days following service of the notice, the certificate will be revoked.

f) Exemption
A vendor who possesses a permit from the local health department to conduct food service is exempted from the training and permit requirements of this Subpart. A permit to conduct food service is valid only in the jurisdiction of the issuing local health department.

SUBPART E: GAME ANIMALS

Section 750.500 Special Requirements

a) Game animals received for sale or service must comply with the following:

1) Game animals commercially farm-raised for food shall be raised, slaughtered and processed under either a routine or voluntary inspection program, as follows:

A) For a routine (mandatory) inspection program conducted by USDA or Illinois Department of Agriculture (DOA), the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.

B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (USDA, DOA or other regulatory agency).

2) Field-dressed wild game animals donated under the Good Samaritan Food Donor Act shall:

A) Receive a postmortem inspection by a veterinarian, veterinarian's designee, professional biologist or other person familiar with the conditions, parasites and diseases of the species, approved by the regulatory agency that has animal health jurisdiction;

B) Have been field dressed and transported according to requirements specified by the regulatory agency that has animal health jurisdiction; and

C) Be processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food:

A) Shall be raised, slaughtered and processed under a voluntary or mandatory inspection program; or

B) Shall:

i) Receive antemortem and postmortem examinations; and

ii) Be slaughtered and processed according to laws governing meat and poultry, as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.

b) Uninspected field-dressed wild game served at special events such as wild game dinners shall:

1) Have placards displayed in a conspicuous location throughout the event that identify the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act;

2) Comply with all other food sanitation requirements specified in this Part; and

3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.

c) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.