

Date of Hearing: July 12, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
SB 476 (Limón) – As Introduced February 14, 2023

Policy Committee: Health Vote: 10 - 3

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires a food facility employer to pay an employee for any costs associated with the employee obtaining a food handler certification card and prohibits an employer from conditioning employment on an applicant or employee having a food handler card.

This bill also requires the California Department of Public Health (CDPH) to publish on its website a list of all American National Standards Institute (ANSI)-accredited food handler training programs and their costs.

FISCAL EFFECT:

CDPH estimates annual costs of \$159,000 to develop and continuously update the list of ANSI-accredited food handler training programs (General Fund).

Unknown costs to local agencies and school districts to pay employees for time and other costs associated with obtaining food handler certification cards. If the Commission on State Mandates determines the bill imposes a state-reimbursable mandate, the state would need to reimburse local agencies and school districts for costs of implementing this bill (General Fund).

COMMENTS:

- 1) **Purpose.** This bill is sponsored by the California Labor Federation, One Fair Wage, and Service Employees International Union. According to the author:

Currently, in California all foodservice workers are required to undergo a food safety training and receive a food handler card. A recent New York Times article revealed that one of the most popular training services, ServSafe, was using some of the revenue to fund lobbying campaigns, often aimed at suppressing the wages of workers. ServSafe is the dominant food handling training company in the country controlling an estimated 70 percent of the market. They make money by charging workers for food handling trainings in all 50 states. This bill would require employers pay for the food handler training, and the employees time within 30 days after hire. It also spurs more industry competition by requiring DPH to make public all accredited food handler training providers and the cost of their trainings on their

website. Workers and employers can choose the best and most affordable or free trainer from a public list.

2) **Background.**

Food handler certification cards. Food handler certification is intended to prevent the transmission of foodborne illnesses by providing an overview of food safety to employees who handle non-prepackaged food. To obtain a food handler certification card, a food handler completes a training course and examination that meet specified requirements. Both the course and test must be available online, and the test does not require a proctor. Many ANSI-accredited training providers offer the course and card for around \$10. Food handler cards are valid for three years. The employee generally pays for obtaining a food handler card. Employees of specified types of facilities and stores, and those who were subject to specified pre-existing local food handler programs, are exempt from the food handler card requirement.

New York Times (NY Times) Article. On January 17, 2023, the NY Times published an article alleging workers' \$15 fees for the ServSafe online food safety class help to fund a nationwide lobbying campaign to keep workers' wages from increasing. The article states ServSafe is a fund-raising arm of the National Restaurant Association (NRA), which has spent decades fighting increases to the minimum wage at the state and federal levels, and the subminimum wage for tipped workers. According to the NY Times, NRA took control of a training business in 2007, then advocated for states to mandate the kind of training NRA provides. The article asserts 3.6 million workers have taken the ServSafe training, providing approximately \$25 million to the restaurant industry's lobbying arm since 2010.

NRA subsequently published on its website "6 Things the New York Times Got Wrong," in which NRA attempted to rebut the NY Times article.

- 3) **Opposition.** The California Restaurant Association and California Chamber of Commerce oppose this bill, arguing the bill imposes significant new costs on restaurant employers when they are still dealing with pandemic-related losses; operating challenges, including workforce shortages; supply chain issues; inflation; debt incurred during the pandemic due to government-ordered restaurant closures; and new operational requirements.

4) **Prior Legislation.**

- a) AB 1532 (Bauer-Kahan), Chapter 131, Statutes of 2019, enacted the Natalie Giorgi Sunshine Act to require the food handler training course to include instructions on safe food handling practices for major food allergens.
- b) SB 602 (Padilla), Chapter 309, Statutes of 2010, requires a food handler to obtain a food handler card within 30 days from the date of hire at a food facility, with specified exceptions, and requires at least one of the accredited food safety certification examinations to be offered for no more than \$15.