

CHAPTER 191
FORMERLY
SENATE BILL NO. 89
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CERTIFIED FOOD PROTECTION MANAGER PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code as follows:

Chapter 34. Certified Food Protection Manager Program.

§ 3401. Certified food protection manager program exemption.

(a) Any certified food protection manager program adopted by the Department under the Department's regulatory authority, as provided in § 122(3)u.1. of this title, must include an exemption for charitable and fraternal organizations that are very low risk. Charitable and fraternal organizations that are ineligible for an exemption under this chapter may request an individual variance in accordance with regulations adopted by the Department. Charitable and fraternal organizations that are high risk are ineligible for an exemption or variance under this chapter.

(b) For purposes of this chapter:

(1) "Certified food protection manager program" includes a program under § 2-102.12 of the State of Delaware Food Code, § 4458, Title 16 of the Delaware Administrative Code [CDR 16-4000-4458], or any similar program.

(2) "Charitable and fraternal organization" means a person established for one or more of the following purposes:

a. For any benevolent, educational, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic, philanthropic, or religious purpose.

b. For the benefit of law-enforcement officers, firefighters, basic or advanced life support service providers, or other persons who protect public safety.

c. For the benefit of a ladies auxiliary organization that supports any purpose under paragraph (b)(2)b. of this section.

d. For any other purpose which enables the organization to qualify for tax-exempt status under § 501(c) of the Internal Revenue Code of 1986 [26 U.S.C. § 501(c)], as amended.

(3) "Very low risk" means serving food to the public on 52 occasions or less per year or serving no food to the public that is time or temperature controlled for safety.

Approved October 07, 2015