

**Section 17** “Qualifications for certification”

- (a) In order to become a certified food handler an individual must comply with the following:
- (1) Successfully pass an accredited examination administered by an accredited testing service.
  - (2) Provide name, certification document (copies thereof) and photo identification card at the food establishment for the certified food handler. The certification document shall be made available by the person-in-charge for inspection by the regulatory authority at all times.
  - (3) The certification document shall be removed from the food establishment when the certified food handler terminates employment with the food establishment.
  - (4) No person shall be designated as a certified food handler or in any way represent himself or herself as a certified food handler, unless they hold a certification document.

**Section 18** “Recertification”

- (a) A person designated as the certified food handler for a food establishment must not allow their certification to expire; and
- (b) the certified food handler shall become recertified as defined in section 13.

**Section 19** “Penalties “

Sec. 19. Unless adjusted by an administrative order, the following schedule of monetary penalties shall be used if penalties are to be assessed:

Section 15 (a), (b), (c), (d), (e), and (f) \$0-100 per day per violation

Section 16 (a) \$0-100 per day per violation

Section 16 (b) \$0-50 per day per violation

Section 17 (a), 1, 2, 3 and 4 \$0-100 per day per violation

**410 IAC 7-23-1** Schedule of civil penalties

Sec. 1. (a) The Indiana state department of health may commence an action under IC 4-21.5-3-8 to levy civil penalties against a person who:

(1) Fails to comply with IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24; or

(2) Interferes with or obstructs the Indiana state department of health or its designated agent in the performance of duties pursuant to IC 16-42-5, 410 IAC 7-21, or 410 IAC 7-24.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Indiana state department of health will consider, but is not limited to, the following:

(1) The potential for harm or imminent threat to public health.

(2) The extent of deviation from statutory or regulatory requirements.

(3) Degree of willfulness or negligence.

(4) History of noncompliance.