



**Department of Health**

To: Senator Kevin Mullin, Senate Economic Development, Housing and General Affairs

From: Harry Chen, MD – Commissioner of Health 

Date: February 3, 2014

Re: Health Regulations for Ill Food Service Employees

The Vermont Department of Health (VDH) has authority as outlined in 18 V.S.A. Chapter 85 to regulate places that manufacture, prepare, pack, handle, serve or distribute food for sale. From this statutory authority, specific rule requirements for food safety at food service establishments are outlined in the *Health Regulations for Food Service Establishments*:  
[http://healthvermont.gov/regs/03food\\_estab.pdf](http://healthvermont.gov/regs/03food_estab.pdf).

The regulations include provisions for ill food service employees. Section 5-206 “Personnel with Infectious and Communicable Diseases Restricted” includes rules for reporting illness and restricting food employees with communicable disease symptoms from preparing food.

The rules require:

1. The Person in Charge (manager, supervisor, or other responsible party) to require food employees to report symptoms, or diagnosed illness by medical provider or laboratory testing such as:
  - a. Symptoms associated with an acute gastrointestinal illness (diarrhea, fever, vomiting, jaundice, sore throat with fever).
  - b. Diagnosed illness (*Salmonella*, *Shigella*, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus).
  - c. Diagnosed illness (*Salmonella*, *Shigella*, Shiga toxin-producing *Escherichia coli*, Hepatitis A virus) in a household member or contact.
  - d. Infected wounds or lesions containing pus that are open or draining.
2. The Person in Charge shall exclude a food employee with the above reported illnesses from working until free of symptoms or cleared by a medical provider for diagnosed illness.
3. The Person in Charge shall notify VDH when a food employee is diagnosed with confirmed illness due to *Salmonella*, *Shigella*, Shiga toxin-producing *Escherichia coli*, or Hepatitis A virus. VDH works with the establishment to determine appropriate response and reinstatement to work.
4. The Person in Charge shall demonstrate knowledge to VDH of foodborne disease prevention and the requirements of the *Health Regulations for Food Service Establishments*.

VDH currently has the authority and regulations for illness reporting and restriction of food service workers by food establishments. VDH is also notified of cases of laboratory-confirmed reportable disease and works with individuals and employers to determine appropriate public health response.

VDH will identify opportunities for outreach to food establishment managers about the importance of establishing clear procedures for employees to report illness. VDH supports a workplace environment where employees are encouraged to report symptoms of illness in the interest of protecting public health.