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From: Simone Boutet [<mailto:smboutet@gmail.com>]

Sent: Wednesday, July 17, 2019 10:37 PM

To: Pavlicek, Cara; Charley, Mike

Subject: Food Code

In the Food Establishment ordinance, on page 13 under Section N, it says words to the effect that no restaurant shall employ individuals with a communicable disease or who are suspected of having a communicable disease.

I understand this is existing language, but I am concerned that it is over inclusive such that restaurant staff who may be infected with HIV or other diseases that are only communicated by sexual contact would be prohibited from employment. Also, as much as times are changing for the better on this issue, the 'suspected as having a communicable disease' language could be used to discriminate against gay men.

Does our ordinance mimic a state code requirement? If so, can you provide the language? Otherwise, I would propose that that language be amended to be more specific as to the means by which the disease can be communicated.

Thanks for looking into this.

Simone

Staff Response: Mike Charley, Public Health Director:

Per your question, staff is recommends the following to be consistent with section 2-201.11 of the 2017 FDA Model Food Code that is incorporated and referenced within the Illinois Food Code. The recommended change would be to clearly define the disease as being “transmissible through food”. The following is the staff recommended language.

No person who is affected with any disease ~~in a communicable form or is a carrier of such disease~~ transmissible through food shall work in any food establishment, and no food establishment shall employ any such person or any person suspected of being affected with any disease ~~in a communicable form~~ transmissible through food or of being a carrier of such disease transmissible through food. If the food establishment manager suspects that any employee has contacted any disease transmissible through food or has become a carrier of such disease transmissible through food, he shall prohibit further work by such employee and shall notify the Director of Public Health immediately.

When suspicion arises as to the possibility of transmission of infection of a disease transmissible through food from any food establishment employee, the Director of Public Health is authorized to require any or all of the following measures:

1. The immediate exclusion of the employee from all food establishments.
2. The immediate closing of the food establishment concerned until in the opinion of the Director of Public Health no further danger of disease outbreak exists.

3. Adequate medical examination of the employee and his associates with such laboratory examinations as may be indicated.
4. Restriction of the employee's services to some area of the food establishment where there would be no danger of transmitting disease transmissible through food.