

HOUSE No. 2200

By Mr. Murphy of Burlington, petition of Charles A. Murphy for legislation to promote awareness of food allergies in restaurants. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PROMOTING FOOD ALLERGY AWARENESS IN RESTAURANTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 140 of the General Laws is hereby amended
2 by inserting after section 6 the following section:—
3 Section 6B. (a) As used in this section, the term “department”
4 shall mean the department of public health.
5 (b) Every person licensed as an innholder or common victualer,
6 when serving food, shall:—
7 (1) prominently display a poster approved by the department
8 relative to food allergy awareness in the staff area. The poster shall
9 provide, but not be limited to, information regarding the risk of an
10 allergic reaction and shall be developed by the department in consul-
11 tation with the Massachusetts Restaurant Association and the Food
12 Allergy and Anaphylactic Network; and
13 (2) include on all menus a notice to customers of the customer’s
14 obligation to inform the server about any food allergies. The depart-
15 ment shall develop and approve the language of the notice in consul-
16 tation with the Massachusetts Restaurant Association and the Food
17 Allergy and Anaphylactic Network.
18 (c) A person in charge and certified food protection manager, as
19 those terms are used in the state sanitary code for food establish-
20 ments, shall, in order to obtain his certification, receive training con-
21 cerning food allergies. For purposes of this section, the training
22 requirement shall be fulfilled by viewing, as part of an otherwise
23 approved food protection manager course, a video concerning food
24 allergies and upon the review and receipt of approved written mate-
25 rials. The department shall approve the training program, including

26 the video and written materials, in collaboration with the Massachu-
27 setts Restaurant Association and the Food Allergy and Anaphylactic
28 Network. The department shall also require that any certified food
29 protection manager examination offered by an accredited program
30 recognized by the department shall include questions concerning
31 food allergies as they relate to food preparation. Any person desig-
32 nated as an alternate person-in charge, as that term is used in the
33 state sanitary code for food establishments, shall, in addition to
34 existing requirements, also be knowledgeable with regard to the rele-
35 vant issues concerning food allergies as they relate to food prepara-
36 tion.

37 (d) A violation of this section shall be subject to the remedies
38 available under the state sanitary code for food establishments.

39 (e) The department may adopt regulations to carry out this
40 section.

41 (f) This section does not establish or change any private cause of
42 action. This section does not change any duty under any other statute
43 or the common law, except as this section expressly provides.

1 SECTION 2. No earlier than 12 months and no later than 24
2 months after the effective date of this act, the department of public
3 health, in consultation with the Massachusetts Restaurant Associa-
4 tion and the Food Allergy and Anaphylactic Network, shall submit a
5 report to the joint committee on community development and small
6 business, and the clerks of the senate and the house of representa-
7 tives, which shall include analysis of the impact of this act. The
8 report shall include, but not be limited to, compliance of restaurants
9 with this act, and proposed changes to the act consistent with the
10 public health and welfare.