

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY - FOOD ALLERGY AWARENESS IN
RESTAURANTS

Introduced By: Senators DiPalma, Ottiano, Perry, Tassoni, and Nesselbush

Date Introduced: January 18, 2012

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 20.12

4 FOOD ALLERGY AWARENESS IN FOOD-SERVICE ESTABLISHMENTS

5 **23-20.12-1. Definitions.** – When used in this chapter, the following words shall have the
6 following meanings:

7 (1) "Director" means the director of health or his or her duly appointed agents.

8 (2) "Food service establishment" means any fixed or mobile restaurant; coffee shop;
9 cafeteria; short-order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern;
10 bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public
11 or nonprofit organization or institution routinely serving food; catering kitchen; commissary or
12 similar place in which food or drink is prepared for sale or for service on the premises or
13 elsewhere; and any other eating or drinking establishment or operation where food is served or
14 provided for the public with or without charge.

15 **23-20.12-2. Department of Health – Establishment of Food Allergy Awareness**
16 **Program.** – The director of health shall establish a food allergy awareness program which shall
17 require that every food-service establishment shall: (1) Have prominently displayed a poster
18 approved by the director relative to food allergy awareness in the staff area. The poster shall

1 provide, but not be limited to, information regarding the risk of an allergic reaction and shall be
2 developed by the department of health in consultation with the Rhode Island hospitality
3 association and the food allergy and anaphylaxis-network; (2) Include on all menus a notice to
4 customers of the customer’s obligation to inform the server about any food allergies. The director
5 shall develop and approve the language of the notice in consultation with the Rhode Island
6 hospitality association and the food allergy and anaphylaxis-network; and (3) Designate a
7 manager who shall be knowledgeable with regard to the relevant issues concerning food allergies
8 as they relate to food preparation. The director shall prepare and provide both written and video
9 materials for mandatory review by persons designated as managers of any food-service
10 establishment. The department of health shall include knowledge of food allergy issues as part of
11 the certification procedure for managers in food safety pursuant to chapter 21-27 of the Rhode
12 Island general laws.

13 **23-20.12-3. Rules and Regulations.** – The director shall adopt rules and regulations
14 relating to the administration and enforcement of this chapter.

15 **23-20.12-4. “Food Allergy Friendly” designation.** – The director shall develop a
16 program for food-service establishments to be designated as “Food Allergy Friendly” and shall
17 maintain a listing of food-service establishments receiving such designation on the department of
18 health’s website. Participation in the program shall be voluntary and the director shall, in
19 consultation with the Rhode Island hospitality association and the food allergy and anaphylaxis-
20 network, issue guidelines and requirements for food-service establishments to receive such
21 designation, provided that such requirements shall include, but not be limited to, maintaining on
22 the premises, and making available to the public, a master list of all the ingredients used in the
23 preparation of each food item available for consumption.

24 **23-20.12-5. Enforcement.** – The director of health, or the director’s authorized agents,
25 shall enforce the provisions of this chapter.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would establish a food allergy awareness program through the department of
- 2 health which would require compliance by food-service establishments.
- 3 This act would take effect upon passage.

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