

2012 -- S 2127 SUBSTITUTE A AS AMENDED

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LC00135/SUB A/2
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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" shall have the meaning set forth in Rhode Island general
9 laws subsection 21-27-1(9).

10 (3) "Quick Service Restaurant" means any food service establishment that delivers food
11 through a drive-thru window.

12 **23-20.12-2. Department of Health – Establishment of Food Allergy Awareness**

13 **Program.** – The director of health shall establish a food allergy awareness program which shall
14 require that every food-service establishment shall: (1) Have prominently displayed a poster
15 approved by the director relative to food allergy awareness in the staff area. The poster shall
16 provide, but not be limited to, information regarding the risk of an allergic reaction and shall be
17 developed by the department of health in consultation with the Rhode Island hospitality
18 association, the food allergy and anaphylaxis-network and at least one representative from a quick

1 service restaurant; (2) Include on all menus a notice to customers of the customer's obligation to
2 inform the server about any food allergies. The director shall develop and approve the language
3 of the notice in consultation with the Rhode Island hospitality association, the food allergy and
4 anaphylaxis-network and at least one representative from a quick service restaurant; and (3)
5 Designate a manager who shall be knowledgeable with regard to the relevant issues concerning
6 food allergies as they relate to food preparation. The director shall prepare and provide both
7 written and video materials for mandatory review by persons designated as managers of any food-
8 service establishment, or the persons designated as managers shall be certified by a food
9 protection manager certification program that is evaluated and listed by a conference for food
10 protection-recognized accrediting agency as conforming to the conference for food protection
11 standards for accreditation of food protection manager certification programs. The department of
12 health shall include knowledge of food allergy issues as part of the certification procedure for
13 managers in food safety pursuant to chapter 21-27 of the Rhode Island general laws.

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

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

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

27 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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Presented by