

SENATE BILL 409

J1, P1

4lr1525

By: **Senators Raskin and Shank**

Introduced and read first time: January 23, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Food Allergy Awareness**

3 FOR the purpose of requiring a food establishment, beginning on a certain date, to
4 request that a customer inform the employee taking the customer's food order of
5 any known food allergies before ordering; providing that the request may be
6 included on a menu or menu board or made by the employee taking the
7 customer's food order; requiring a food establishment, beginning on a certain
8 date, to have on the premises at certain times an employee who has completed a
9 certain training course, passed a certain test, and is available to discuss meal
10 options with certain customers; providing that a food establishment that is
11 required under local law to have a food service manager on the premises
12 satisfies a certain provision of this Act under certain circumstances; requiring
13 the Department of Health and Mental Hygiene to make available on its Web
14 site a list of certain food allergen awareness training courses and tests and a list
15 of certain resources; and generally relating to food allergy awareness.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 21–330.2
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2013 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 21–330.2.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **(1)** Beginning March 1, 2014, a food establishment shall display
2 prominently in the staff area of the food establishment a poster relating to food allergy
3 awareness that includes information regarding the risk of an allergic reaction.

4 **[(b)] (2)** On or before January 1, 2014, the Department, in consultation
5 with the Restaurant Association of Maryland and Food Allergy Research and
6 Education, shall create and make available on its Web site the poster required to be
7 displayed under [subsection (a) of this section] **PARAGRAPH (1) OF THIS**
8 **SUBSECTION.**

9 **(B) (1) BEGINNING ON MARCH 1, 2015, A FOOD ESTABLISHMENT**
10 **SHALL REQUEST THAT A CUSTOMER INFORM THE EMPLOYEE TAKING THE**
11 **CUSTOMER'S FOOD ORDER OF ANY KNOWN FOOD ALLERGIES BEFORE**
12 **ORDERING.**

13 **(2) THE REQUEST REQUIRED UNDER PARAGRAPH (1) OF THIS**
14 **SUBSECTION MAY BE:**

15 **(I) INCLUDED ON THE FOOD ESTABLISHMENT'S MENU OR**
16 **MENU BOARD; OR**

17 **(II) MADE BY THE EMPLOYEE TAKING THE CUSTOMER'S**
18 **FOOD ORDER.**

19 **(C) (1) BEGINNING ON MARCH 1, 2015, A FOOD ESTABLISHMENT**
20 **SHALL HAVE ON THE PREMISES AT ALL TIMES WHEN FOOD IS BEING PREPARED**
21 **OR SERVED AN EMPLOYEE WHO:**

22 **(I) HAS COMPLETED A FOOD ALLERGEN AWARENESS**
23 **TRAINING COURSE AND PASSED AN ACCREDITED TEST APPROVED BY THE**
24 **DEPARTMENT; AND**

25 **(II) IS AVAILABLE TO DISCUSS MEAL OPTIONS WITH**
26 **CUSTOMERS WHO HAVE FOOD ALLERGIES.**

27 **(2) A FOOD ESTABLISHMENT THAT IS REQUIRED UNDER LOCAL**
28 **LAW TO HAVE A FOOD SERVICE MANAGER ON THE PREMISES SATISFIES THE**
29 **REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION IF THE FOOD SERVICE**
30 **MANAGER HAS COMPLETED A FOOD ALLERGEN AWARENESS TRAINING COURSE**
31 **APPROVED BY THE DEPARTMENT.**

32 **(D) THE DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEB SITE:**

1 **(1) A LIST OF APPROVED THIRD-PARTY ONLINE AND IN-PERSON**
2 **FOOD ALLERGEN AWARENESS TRAINING COURSES AND ACCREDITED TESTS;**
3 **AND**

4 **(2) A LIST OF RESOURCES ABOUT FOOD SAFETY AND FOOD**
5 **HANDLING AS THEY RELATE TO FOOD ALLERGIES.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2014.