

SENATE BILL 409

J1, P1

4r1525
CF HB 1197

By: **Senators Raskin and Shank**

Introduced and read first time: January 23, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health – Food Allergy Awareness**

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

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 21–330.2
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 21–330.2.

5 **(A) (1) IN THIS SECTION, “RESTAURANT” MEANS A FOOD**
6 **ESTABLISHMENT THAT:**

7 **(I) ACCOMMODATES THE PUBLIC;**

8 **(II) IS EQUIPPED WITH FACILITIES FOR PREPARING AND**
9 **SERVING REGULAR MEALS; AND**

10 **(III) PROVIDES SEATING OR HAS ACCESS TO SHARED**
11 **SEATING FOR USE OF ITS CUSTOMERS.**

12 **(2) “RESTAURANT” DOES NOT INCLUDE:**

13 **(I) A CONVENIENCE STORE;**

14 **(II) A GROCERY STORE; OR**

15 **(III) A SERVICE STATION.**

16 **(B) SUBSECTIONS (D) AND (E) OF THIS SECTION DO NOT APPLY TO A**
17 **FOOD ESTABLISHMENT THAT IS A VENDOR AT:**

18 **(1) A CARNIVAL, AS DEFINED IN § 3–101 OF THE BUSINESS**
19 **REGULATION ARTICLE; OR**

20 **(2) A FAIR, AS DEFINED IN § 3–101 OF THE BUSINESS**
21 **REGULATION ARTICLE.**

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

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

1 ~~(B)~~ (D) (1) BEGINNING ON MARCH 1, 2015, A ~~FOOD~~
2 ~~ESTABLISHMENT~~ RESTAURANT SHALL REQUEST THAT A CUSTOMER INFORM
3 THE EMPLOYEE TAKING THE CUSTOMER'S FOOD ORDER OF ANY KNOWN FOOD
4 ALLERGIES BEFORE ORDERING.

5 (2) THE REQUEST REQUIRED UNDER PARAGRAPH (1) OF THIS
6 SUBSECTION MAY BE:

7 (I) INCLUDED ON THE ~~FOOD—ESTABLISHMENT'S~~
8 RESTAURANT'S MENU OR MENU BOARD; OR

9 (II) MADE BY THE EMPLOYEE TAKING THE CUSTOMER'S
10 FOOD ORDER.

11 ~~(C)~~ (E) (1) BEGINNING ON MARCH 1, 2015, A COUNTY MAY
12 REQUIRE THAT A ~~FOOD—ESTABLISHMENT~~ RESTAURANT SHALL HAVE ON THE
13 PREMISES AT ALL TIMES WHEN FOOD IS BEING PREPARED OR SERVED AN
14 EMPLOYEE WHO:

15 (I) HAS COMPLETED A FOOD ALLERGEN AWARENESS
16 TRAINING COURSE AND PASSED AN ACCREDITED TEST APPROVED BY THE
17 DEPARTMENT; AND

18 (II) IS AVAILABLE TO DISCUSS MEAL OPTIONS WITH
19 CUSTOMERS WHO HAVE FOOD ALLERGIES.

20 (2) A ~~FOOD—ESTABLISHMENT~~ RESTAURANT THAT IS REQUIRED
21 UNDER LOCAL LAW TO HAVE A CERTIFIED FOOD SERVICE MANAGER ON THE
22 PREMISES SATISFIES THE REQUIREMENT OF PARAGRAPH (1) OF THIS
23 SUBSECTION IF THE CERTIFIED FOOD SERVICE MANAGER HAS COMPLETED A
24 FOOD ALLERGEN AWARENESS TRAINING COURSE APPROVED BY THE
25 DEPARTMENT.

26 ~~(D)~~ (F) THE DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEB
27 SITE:

28 (1) A LIST OF APPROVED THIRD-PARTY ONLINE AND IN-PERSON
29 FOOD ALLERGEN AWARENESS TRAINING COURSES AND ACCREDITED TESTS;
30 AND

31 (2) A LIST OF RESOURCES ABOUT FOOD SAFETY AND FOOD
32 HANDLING AS THEY RELATE TO FOOD ALLERGIES.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.