

HOUSE No. 01876

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to restaurant training

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PETITION OF:

NAME:

Robert F. Fennell

DISTRICT/ADDRESS:

10th Essex

HOUSE No. 01876

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1876) of Fennell relative to food allergy awareness training for restaurant employees Joint Committee on Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 245 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to restaurant training

□.

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 by striking out Section 6B
- 2 and inserting in place there of the following new section:
- 3 Section 6B. (a) As used in this section, the term “department” shall mean the department of
- 4 public health.
- 5 (b) Every person licensed as an innholder or common victualer, when serving food, shall:
- 6 (1) prominently display a poster approved by the department relative to food allergy awareness
- 7 in the staff area. The poster shall provide, but not be limited to, information regarding the risk of

8 an allergic reaction and shall be developed by an individual or chain restaurant, an industry trade
9 group, a chamber of commerce or the Food Allergy and Anaphylactic Network; and

10 (2) include on all printed menus a notice to customers of the customer's obligation to inform the
11 server about any food allergies or provide handouts that either educate customers on food
12 allergens or informs customers of the customer's obligation to inform servers about any food
13 allergies.

14 (c) A person in charge and certified food protection manager, as those terms are used in the state
15 sanitary code for food establishments, shall, in order to obtain his certification, view, as part of
16 an otherwise approved food protection manager course, a video concerning food allergies or
17 participate in an allergy training course. The department shall approve the video or food allergy
18 training course. The department shall also require that any certified food protection manager
19 examination offered by an accredited program recognized by the department shall include
20 questions concerning food allergies as they relate to food preparation. Any person designated as
21 an alternate person-in charge, as that term is used in the state sanitary code for food
22 establishments, shall, in addition to existing requirements, also be knowledgeable with regard to
23 the relevant issues concerning food allergies as they relate to food preparation.

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

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

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

30 (g) The department shall develop a program for restaurants to be designated as “Food Allergy
31 Friendly” and shall maintain a listing of restaurants receiving such designation on its website.
32 Participation in the program shall be voluntary and the department shall, issue guidelines and
33 requirements for restaurants to receive such designation, provided that such requirements shall
34 include, but not be limited to, maintaining on the premises, and making available to the public, a
35 master list of all the ingredients used in the preparation of each food item available for
36 consumption.

37 SECTION 2. Chapter 527 of the acts of 2008 is hereby amended by striking out section 3 and
38 inserting in place there of the following new section:

39 Section 3. Clause (2) of subsection (b) of section 6B of chapter 140 of the General Laws shall
40 take effective on January 1, 2012.

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