

# ASSEMBLY, No. 338

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

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**SYNOPSIS**

Requires restaurants to post DOH sign concerning food allergen awareness in kitchen or staff area.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning food allergy signs in restaurants and amending  
2 P.L.2005, c.26.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2005, c.26 (C.26:3E-14) is amended to read  
8 as follows:

9 1. The Commissioner of Health, in consultation with the New  
10 Jersey Restaurant Association, shall prepare a fact sheet, to be  
11 directed to restaurant managers and staff, which is designed to  
12 explain nut allergies and the health-related consequences to persons  
13 with nut allergies who are exposed to food items that contain or are  
14 prepared with nut products, and includes a recommendation that  
15 restaurants identify such food items on their menus. The  
16 commissioner shall make this fact sheet available to local boards of  
17 health by electronic or other means of distribution, and local health  
18 officers shall furnish this information to restaurants at the time of  
19 inspection.

20 In addition the commissioner, in consultation with the New  
21 Jersey Restaurant Association and in consideration of food allergy  
22 information published by the federal Food and Drug  
23 Administration, shall prepare an informational sign promoting food  
24 allergen awareness, which shall include information about the most  
25 common food allergens, the health-related consequences of allergic  
26 reactions to food, best practices for food storage and preparation to  
27 prevent cross-contamination with food allergens, the symptoms of  
28 and appropriate responses to an allergic reaction to food, and such  
29 other information as the commissioner deems appropriate. The  
30 commissioner shall make the food allergen awareness sign available  
31 to restaurants and local boards of health, and each restaurant in the  
32 State shall acquire a food allergen awareness sign and prominently  
33 display the sign in the restaurant kitchen or another area of the  
34 restaurant that is frequently used by, and is generally accessible to,  
35 restaurant staff. In the case of restaurants in operation on the date  
36 the sign is first made available, the restaurant shall acquire and  
37 display the sign no later than one month after it is made available;  
38 in the case of restaurants that commence operations after the sign is  
39 made available, the restaurant shall acquire and display the sign as a  
40 condition of commencing restaurant operations.

41 As used in this section:

42 "Nut" means peanuts and tree nuts, including, but not limited to,  
43 almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts,  
44 pecans, pistachios, and walnuts; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 "Restaurant" means an establishment in which the principal  
2 business is the sale of food for consumption on the premises.  
3 (cf: P.L.2012, c.17, s.333)  
4

5 2. This act shall take effect on the first day of the fourth month  
6 next following the date of enactment, except that the Commissioner  
7 of health may take any administrative action in advance thereof as  
8 may be necessary to implement the provisions of this act.  
9

10  
11 STATEMENT  
12

13 This bill requires the Commissioner of Health to develop, in  
14 consultation with the New Jersey Restaurant Association and in  
15 consideration of food allergy information published by the federal  
16 Food and Drug Administration, an informational sign promoting  
17 food allergen awareness. The sign is to include information about  
18 the most common food allergens, the health-related consequences  
19 of allergic reactions to food, best practices for food storage and  
20 preparation to prevent cross-contamination with food allergens, the  
21 symptoms of and appropriate responses to an allergic reaction to  
22 food, and such other information as the commissioner deems  
23 appropriate.

24 The commissioner is to make the food allergen awareness sign  
25 available to restaurants and local boards of health, and restaurants  
26 will be required to obtain and prominently display the sign in the  
27 restaurant kitchen or another appropriate staff area no later than one  
28 month after the sign is made available or, in the case of restaurants  
29 that commence operations after the sign is made available, the  
30 restaurant is to acquire and display the sign as a condition of  
31 commencing restaurant operations.

32 Exposure to food allergens, including milk, eggs, tree nuts, fish,  
33 shellfish, peanuts, wheat, and soybeans, can cause a range of  
34 symptoms in people with a sensitivity to the allergen, including  
35 hives, rashes, coughing, tingling or itchy sensations, digestive  
36 problems, and, in more severe cases, difficulty breathing, loss of  
37 consciousness, or death. Without prompt treatment, seemingly mild  
38 symptoms can quickly worsen, potentially necessitating hospital  
39 care. Greater awareness of the risks posed by food allergens among  
40 restaurant staff may help prevent accidental exposures to food  
41 allergens and prepare staff to respond appropriately in the event a  
42 restaurant patron exhibits the symptoms of an allergic reaction to  
43 food.