

# HOUSE BILL 9

J1, P1

(PRE-FILED)

3lr0725  
CF 3lr0789

---

By: **Delegate Hixson**

Requested: November 8, 2012

Introduced and read first time: January 9, 2013

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Food Allergy Awareness**

3 FOR the purpose of requiring certain food establishments to display, in a certain  
4 manner and location, a certain poster relating to food allergies and to include on  
5 a menu provided by the food establishment a notice to a customer that the  
6 customer should inform the server of any food allergies; requiring, on or before a  
7 certain date, the Department of Health and Mental Hygiene, in consultation  
8 with certain entities, to create and make available on its Web site a certain  
9 poster and certain notice; requiring certain individuals to view a certain video  
10 and be knowledgeable about certain issues concerning food allergies and food  
11 preparation under certain circumstances; requiring the Department, in  
12 consultation with certain entities, to develop a certain program for food  
13 establishments to be designated as food allergy friendly, issue certain guidelines  
14 and requirements regarding the program, and maintain and make available to  
15 the public on its Web site a certain list of food establishments; authorizing the  
16 Department to adopt regulations to carry out certain provisions of this Act;  
17 requiring the Governor to annually proclaim a certain week as Food Allergy  
18 Awareness Week; requiring the Department, in consultation with certain  
19 entities, to report to certain committees of the General Assembly on or before a  
20 certain date regarding the impact of certain provisions of this Act; defining a  
21 certain term; and generally relating to food allergy awareness.

22 BY adding to

23 Article – Health – General

24 Section 21–330.2

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2012 Supplement)

27 BY adding to

28 Article – State Government

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 13–601 to be under the new subtitle “Subtitle 6. Commemorative  
2 Weeks”  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2012 Supplement)

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

7 **Article – Health – General**

8 **21–330.2.**

9 **(A) (1) BEGINNING MARCH 1, 2014, A FOOD ESTABLISHMENT SHALL:**

10 **(I) DISPLAY PROMINENTLY IN THE STAFF AREA OF THE**  
11 **FOOD ESTABLISHMENT A POSTER RELATING TO FOOD ALLERGY AWARENESS**  
12 **THAT INCLUDES INFORMATION REGARDING THE RISK OF AN ALLERGIC**  
13 **REACTION; AND**

14 **(II) INCLUDE ON A MENU PROVIDED BY THE FOOD**  
15 **ESTABLISHMENT A NOTICE TO A CUSTOMER THAT THE CUSTOMER SHOULD**  
16 **INFORM THE SERVER OF ANY FOOD ALLERGIES.**

17 **(2) ON OR BEFORE JANUARY 1, 2014, THE DEPARTMENT, IN**  
18 **CONSULTATION WITH THE RESTAURANT ASSOCIATION OF MARYLAND AND THE**  
19 **FOOD ALLERGY & ANAPHYLAXIS NETWORK, SHALL CREATE AND MAKE**  
20 **AVAILABLE ON ITS WEB SITE:**

21 **(I) THE POSTER REQUIRED TO BE DISPLAYED UNDER**  
22 **PARAGRAPH (1)(I) OF THIS SUBSECTION; AND**

23 **(II) THE NOTICE REQUIRED TO BE INCLUDED ON A MENU**  
24 **UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**

25 **(B) (1) IN THIS SUBSECTION, “PERSON IN CHARGE” MEANS THE**  
26 **INDIVIDUAL WHO IS:**

27 **(I) PRESENT AT A FOOD ESTABLISHMENT; AND**

28 **(II) RESPONSIBLE FOR THE OPERATION OF THE FOOD**  
29 **ESTABLISHMENT.**

30 **(2) IN ORDER TO BE DESIGNATED THE PERSON IN CHARGE BY A**  
31 **FOOD ESTABLISHMENT, AN INDIVIDUAL SHALL:**

1           **(I) VIEW A VIDEO CONCERNING FOOD ALLERGIES THAT**  
 2 **HAS BEEN APPROVED BY THE DEPARTMENT, IN CONSULTATION WITH THE**  
 3 **RESTAURANT ASSOCIATION OF MARYLAND AND THE FOOD ALLERGY &**  
 4 **ANAPHYLAXIS NETWORK; AND**

5           **(II) BE KNOWLEDGEABLE ABOUT RELEVANT ISSUES**  
 6 **CONCERNING FOOD ALLERGIES AND FOOD PREPARATION.**

7           **(C) THE DEPARTMENT SHALL:**

8           **(1) DEVELOP, IN CONSULTATION WITH THE RESTAURANT**  
 9 **ASSOCIATION OF MARYLAND AND THE FOOD ALLERGY & ANAPHYLAXIS**  
 10 **NETWORK, A VOLUNTARY PROGRAM FOR FOOD ESTABLISHMENTS TO BE**  
 11 **DESIGNATED AS FOOD ALLERGY FRIENDLY;**

12           **(2) ISSUE GUIDELINES AND REQUIREMENTS THAT A FOOD**  
 13 **ESTABLISHMENT MUST MEET TO BE DESIGNATED AS FOOD ALLERGY FRIENDLY,**  
 14 **INCLUDING A REQUIREMENT TO MAINTAIN ON THE PREMISES OF THE FOOD**  
 15 **ESTABLISHMENT AND MAKE AVAILABLE TO THE PUBLIC A MASTER LIST OF ALL**  
 16 **INGREDIENTS USED IN THE PREPARATION OF EACH FOOD ITEM AVAILABLE FOR**  
 17 **PUBLIC CONSUMPTION; AND**

18           **(3) MAINTAIN AND MAKE AVAILABLE TO THE PUBLIC ON THE**  
 19 **DEPARTMENT'S WEB SITE A LIST OF FOOD ESTABLISHMENTS THAT HAVE BEEN**  
 20 **DESIGNATED AS FOOD ALLERGY FRIENDLY.**

21           **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
 22 **SECTION.**

23                                   **Article – State Government**

24                                   **SUBTITLE 6. COMMEMORATIVE WEEKS.**

25           **13-601.**

26           **THE GOVERNOR ANNUALLY SHALL PROCLAIM THE SECOND FULL WEEK**  
 27 **OF MAY AS FOOD ALLERGY AWARENESS WEEK.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September  
 29 30, 2015, the Department of Health and Mental Hygiene, in consultation with the  
 30 Restaurant Association of Maryland and the Food Allergy & Anaphylaxis Network,  
 31 shall report to the Senate Finance Committee and the House Health and Government  
 32 Operations Committee, in accordance with § 2-1246 of the State Government Article,

**HOUSE BILL 9**

1 on the impact of § 21–330.2 of the Health – General Article, as enacted by Section 1 of  
2 this Act, including the compliance rate of food establishments.

3           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.