

26:3E-14

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2017 **CHAPTER:** 270

NJSA: 26:3E-14 (Requires restaurants to post DOH sign concerning food allergen awareness in kitchen or staff area.)

BILL NO: A3880 (Substituted for S3339)

SPONSOR(S) Pinkin and others

DATE INTRODUCED: 6/2/2016

COMMITTEE: **ASSEMBLY:** Health & Senior Services
 SENATE: Health, Human Services & Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/22/2017
 SENATE: 12/18/2017

DATE OF APPROVAL: 1/8/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted) Yes

A3880

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S3339

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RH/CL

P.L. 2017, CHAPTER 270, *approved January 8, 2018*
Assembly, No. 3880

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:

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

4 "Restaurant" means an establishment in which the principal
5 business is the sale of food for consumption on the premises.

6 (cf: P.L.2012, c.17, s.333)

7

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

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STATEMENT

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

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

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

A3880

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Requires restaurants to post DOH sign concerning food allergen

4

awareness in kitchen or staff area.

ASSEMBLY, No. 3880

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 2, 2016

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

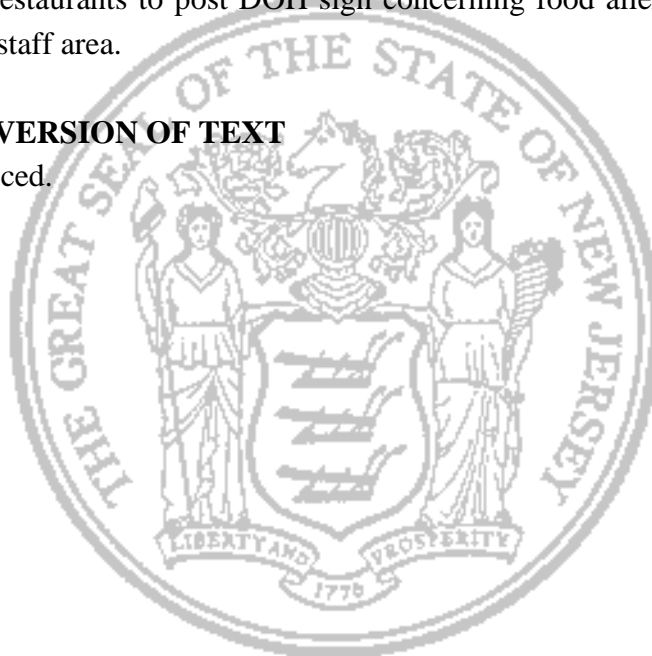
Assemblymen Caputo and Coughlin

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2017)

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

45 "Restaurant" means an establishment in which the principal
46 business is the sale of food for consumption on the premises.

47 (cf: P.L.2012, c.17, s.333)

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

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STATEMENT

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

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

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

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3880

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 3880.

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

The commissioner is to make the food allergen awareness sign available to restaurants and local boards of health, and restaurants will be required to obtain and prominently display the sign in the restaurant kitchen or another appropriate staff area.

Exposure to food allergens, including milk, eggs, tree nuts, fish, shellfish, peanuts, wheat, and soybeans, can cause a range of symptoms in people with a sensitivity to the allergen, including hives, rashes, coughing, tingling or itchy sensations, digestive problems, and, in more severe cases, difficulty breathing, loss of consciousness, or death. Without prompt treatment, seemingly mild symptoms can quickly worsen, potentially necessitating hospital care. Greater awareness of the risks posed by food allergens may help restaurant staff to prevent accidental exposures to food allergens and to respond appropriately when restaurant patrons exhibit the symptoms of an allergic reaction to food.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3880

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2017

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 3880.

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

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

Exposure to food allergens, including milk, eggs, tree nuts, fish, shellfish, peanuts, wheat, and soybeans, can cause a range of symptoms in people with a sensitivity to the allergen, including hives, rashes, coughing, tingling or itchy sensations, digestive problems, and, in more severe cases, difficulty breathing, loss of consciousness, or death. Without prompt treatment, seemingly mild symptoms can quickly worsen, potentially necessitating hospital care. It is the sponsor's belief that promoting greater awareness of the risks posed by food allergens among restaurant staff may help prevent accidental exposures to food allergens and prepare staff to respond appropriately in the event a restaurant patron exhibits the symptoms of an allergic reaction to food.

As reported, this bill is identical to Senate Bill No. 3339 (Diegnan/Cruz-Perez), which the committee also reported favorably on this date.

SENATE, No. 3339

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 22, 2017

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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40 condition of commencing restaurant operations.

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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

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STATEMENT

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42 respond appropriately in the event a restaurant patron exhibits the
43 symptoms of an allergic reaction to food.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3339

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2017

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3339.

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

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

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As reported, this bill is identical to Assembly Bill No. 3880 (Pinkin/Karabinchak/McKnight), which the committee also reported favorably on this date.