

26:3E-14

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 26

NJSA: 26:3E-14 (Requires DHSS to distribute fact sheet on nut allergies)

BILL NO: A303 (Substituted for S1105)

SPONSOR(S): Vandervalk and Weinberg

DATE INTRODUCED: Pre-filed

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

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** November 15, 2004

SENATE: December 13, 2004

DATE OF APPROVAL: January 26, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Assembly Committee Substitute (2R) enacted

A303

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S1105

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 2/13/07

§§1,2 -
C.26:3E-14 &
26:3E-15
§3 - Approp.
§4 - Note

P.L. 2005, CHAPTER 26, *approved January 26, 2005*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 303

1 AN ACT concerning ²[the use of nut products in restaurants ¹[and]
2 food allergies^{2,1} supplementing Title 26 of the Revised Statutes
3 and making an appropriation¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

19 As used in this act:

20 "Nut" means: peanuts; and tree nuts, including, but not limited to,
21 almonds, Brazil nuts, cashews, hazelnuts, macadamias, pecans, pine
22 nuts, pistachios and walnuts.

23 "Restaurant" means an establishment in which the principal
24 business is the sale of prepared food for consumption on or off the
25 premises.]¹
26

27 ¹1. a. All restaurants in the State shall notify their customers as to
28 whether the restaurant uses nut products in the preparation of food, in
29 accordance with the provisions of this act. The restaurant shall post
30 a sign near a cash register or front counter that is visible from the front
31 entrance of the restaurant, or on the front door of the restaurant, that
32 is no smaller than eight inches by five inches, stating that "This
33 restaurant uses (does not use) nut products in the preparation of food.
34 If you have a peanut or tree nut allergy, please notify your server."

35 b. The proprietor of the restaurant or, in the case of a public or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 7, 2004.

² Assembly floor amendments adopted November 15, 2004.

1 nonprofit restaurant, the manager or administrator shall be responsible
2 for informing the employees of the restaurant of the presence of nut
3 products used in the preparation of food at the restaurant, and for
4 updating the required sign or to indicate subsequent use of nut
5 products in the preparation of food at the restaurant.

6 c. As used in this act:

7 "Nut" means: peanuts and tree nuts, including, but not limited to,
8 almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts,
9 pecans, pistachios and walnuts.

10 "Restaurant" means an establishment in which the principal
11 business is the sale of food for consumption on the premises.¹²

12
13 ²[¹2. Any restaurant proprietor or, in the case of a public or
14 nonprofit restaurant, manager or administrator who violates the
15 provisions of this act, including the failure to post the required sign,
16 may be subject to a penalty of not less than \$100 or more than \$250.

17 A local health agency authorized to conduct health inspections of
18 restaurants in a municipality may issue a summons for a violation of
19 the provisions of this act. The penalty may be sued for and collected
20 by the local health agency in a civil action brought in the name of the
21 Commissioner of Health and Senior Services pursuant to the
22 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
23 c.274 (C.2A:58-10 et seq.). The penalty shall be paid into the treasury
24 of the municipality in which the violation occurred for the general uses
25 of the municipality. ¹²

26
27 ²1. The Commissioner of Health and Senior Services, in
28 consultation with the New Jersey Restaurant Association, shall prepare
29 a fact sheet, to be directed to restaurant managers and staff, which is
30 designed to explain nut allergies and the health-related consequences
31 to persons with such allergies who are exposed to food items that
32 contain or are prepared with nut products, and includes a
33 recommendation that restaurants identify such food items on their
34 menus. The commissioner shall make this fact sheet available to local
35 boards of health by electronic or other means of distribution, and local
36 health officers shall furnish this information to restaurants at the time
37 of inspection.

38 As used in this section:

39 "Nut" means: peanuts and tree nuts, including, but not limited to,
40 almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts,
41 pecans, pistachios and walnuts; and

42 "Restaurant" means an establishment in which the principal
43 business is the sale of food for consumption on the premises.²

44
45 ²[¹3.] ²2. The Commissioner of Health and Senior Services shall
46 conduct, within the limits of monies appropriated pursuant to this act,

1 a public information campaign regarding food allergies, to be known
2 as "Ask Before You Eat." The public information campaign shall be
3 designed to inform the public about food allergies and the health-
4 related consequences, including anaphylaxis, to persons with such
5 allergies who are exposed to food items that contain or are prepared
6 with ingredients that trigger severe allergic reactions, such as peanuts,
7 tree nuts and seafood.¹

8
9 ²[¹4.] 3.² There is appropriated ²[\$90,000] \$250,000² to the
10 Department of Health and Senior Services from the General Fund for
11 the ²[purpose of conducting the public information campaign as
12 provided in section 3] purposes² of this act.¹

13
14 ¹[2. This act shall take effect immediately] ²[5. Sections 1 and
15 2 of this act shall take effect on the 90th day after enactment and
16 section 3 shall take effect on the] 4. This act shall take effect on the²
17 120th day after enactment¹.

18
19
20
21
22 Requires DHSS to distribute fact sheet on nut allergies and conduct
23 public information campaign about food allergies; appropriates
24 \$250,000.

ASSEMBLY, No. 303

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Requires restaurants using peanut products in food preparation to post signs stating that fact.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the use of peanut products in restaurants and
2 supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. A restaurant that uses any peanut products in the preparation of
8 food shall post a sign no smaller than eight inches by five inches
9 stating that "This restaurant uses peanut products in the preparation
10 of food."

11 As used in this act, "restaurant" means an establishment in which
12 the principal business is the sale of food for consumption on the
13 premises.

14

15 2. Any restaurant proprietor or, in the case of a public or nonprofit
16 restaurant, manager or administrator who violates the provisions of
17 this act shall be subject to a penalty of not less than \$100 or more than
18 \$250 to be collected in a civil action brought in the name of the
19 Commissioner of Health and Senior Services pursuant to the
20 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
21 c.274 (C.2A:58-10 et seq.).

22

23 3. This act shall take effect on the 120th day following enactment.

24

25

26

STATEMENT

27

28 This bill requires a restaurant that uses any peanut products in the
29 preparation of food to post a sign no smaller than eight inches by five
30 inches stating that "This restaurant uses peanut products in the
31 preparation of food." A violation of this bill would be subject to a
32 civil penalty of at least \$100 but no more than \$250.

33

34 Food-related anaphylaxis, an acute system allergic reaction,
35 accounts for approximately 100 deaths in the United States each year.
36 Peanuts have become one of the world's most allergenic foods,
37 affecting, along with tree nut allergies, approximately three million
38 Americans. For the sensitive person, a peanut allergy is a lifelong
39 allergy, and even trace amounts of a peanut product can be fatal.
40 Peanuts are one of the six foods that account for 90% of the food
41 allergy reactions in children, and one of the four foods that account for
90% of food allergy in adults.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 303**

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2004

The Assembly Health and Human Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 303.

This committee substitute is designed to provide information to restaurants about nut allergies and how they may affect restaurant patrons.

Specifically, the substitute directs the Commissioner of Health and Senior Services, in consultation with the New Jersey Restaurant Association, to prepare a fact sheet, to be directed to restaurant managers and staff, which is designed to explain nut allergies and the health-related consequences to persons with such allergies who are exposed to food items that contain or are prepared with nut products, and includes a recommendation that restaurants identify such food items on their menus. The commissioner is to make this fact sheet available to local boards of health by electronic or other means of distribution, and local health officers are to furnish this information to restaurants at the time of inspection.

The substitute defines:

-- "nut" to mean: peanuts; and tree nuts, including, but not limited to, almonds, Brazil nuts, cashews, hazelnuts, macadamias, pecans, pine nuts, pistachios and walnuts; and

-- "restaurant" to mean an establishment in which the principal business is the sale of prepared food for consumption on or off the premises.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 303

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 2004

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly Bill No. 303.

As amended, this committee substitute requires all restaurants in the State to notify their customers as to whether the restaurant uses nut products in the preparation of food. The substitute defines "nut" to mean: peanuts and tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios and walnuts.

The restaurant shall post a sign near a cash register or front counter that is visible from the front entrance of the restaurant or on the front door of the restaurant, that is no smaller than eight inches by five inches, stating that "This restaurant uses (does not use) nut products in the preparation of food. If you have a peanut or tree nut allergy, please notify your server."

The proprietor of the restaurant or, in the case of a public or nonprofit restaurant, the manager or administrator shall be responsible for informing the employees of the restaurant of the presence of nut products used in the preparation of food at the restaurant, and for updating the required sign or to indicate subsequent use of nut products in the preparation of food at the restaurant.

Any restaurant proprietor, manager or administrator who violates the provisions of this substitute, including the failure to post the required sign, may be subject to a penalty of not less than \$100 or more than \$250. A local health agency authorized to conduct health inspections of restaurants in a municipality is authorized to enforce the provisions of the substitute.

The substitute also directs the Commissioner of Health and Senior Services to conduct a public information campaign regarding food allergies, to be known as "Ask Before You Eat." The public information campaign shall be designed to inform the public about

food allergies and the health-related consequences, including anaphylaxis, to persons with such allergies who are exposed to food items that contain or are prepared with ingredients that trigger severe allergic reactions, such as peanuts, tree nuts and seafood. The substitute includes an appropriation of \$90,000 for this purpose.

The requirement that restaurants post a sign indicating whether nut products are used on the premises will take effect 90 days after enactment of the substitute, and the public information campaign will take effect 120 days after enactment.

As amended by committee, this substitute is identical to the Senate Committee Substitute for Senate Bill No. 1105 (Coniglio), which the committee also reported favorably on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

- * require restaurants to notify customers, through the posting of a sign, as to whether the restaurant uses nut products in the preparation of food (to take effect 90 days after the enactment of the substitute);

- * allow for penalties of not less than \$100 or more than \$250 for violations of provisions of the substitute; and

- * direct the Commissioner of Health and Senior Services to conduct a public information campaign to be known as "Ask Before You Eat" (to take effect 120 days after the enactment of the substitute), and include an appropriation of \$90,000 for that purpose.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 303**

with Assembly Floor Amendments
(Proposed By Assemblyman SIRES)

ADOPTED: NOVEMBER 15, 2004

These amendments provide as follows:

- C In a new section 1 of the substitute, the Commissioner of Health and Senior Services, in consultation with the New Jersey Restaurant Association, is directed to prepare a fact sheet, to be directed to restaurant managers and staff, which is designed to explain nut allergies and the health-related consequences to persons with such allergies who are exposed to food items that contain or are prepared with nut products, and includes a recommendation that restaurants identify such food items on their menus. The commissioner is to make this fact sheet available to local boards of health by electronic or other means of distribution, and local health officers are to furnish this information to restaurants at the time of inspection.
- C The requirement for restaurants to post a sign stating whether they use nut products in the preparation of food, and to inform their employees of the presence of nut products used in the preparation of food (and the penalties for noncompliance), are omitted from the substitute.
- C The appropriation provided in the bill is increased from \$90,000 to \$250,000.

SENATE, No. 1105

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:
Senator JOSEPH CONIGLIO
District 38 (Bergen)

SYNOPSIS

Requires restaurants using peanut products in food preparation to post signs stating that fact.

CURRENT VERSION OF TEXT

As introduced.



S1105 CONIGLIO

2

1 AN ACT concerning the use of peanut products in restaurants and
2 supplementing Title 26 of the Revised Statutes.

3

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

6

7 1. A restaurant that uses any peanut products in the preparation of
8 food shall post a sign no smaller than eight inches by five inches
9 stating that "This restaurant uses peanut products in the preparation
10 of food."

11 As used in this act, "restaurant" means an establishment in which
12 the principal business is the sale of food for consumption on the
13 premises.

14

15 2. Any restaurant proprietor or, in the case of a public or nonprofit
16 restaurant, manager or administrator who violates the provisions of
17 this act shall be subject to a penalty of not less than \$100 or more than
18 \$250 to be collected in a civil action brought in the name of the
19 Commissioner of Health and Senior Services pursuant to the
20 provisions of the "Penalty Enforcement Law of 1999," P.L.1999,
21 c.274 (C.2A:58-10 et seq.).

22

23 3. This act shall take effect on the 120th day following enactment.

24

25

26

STATEMENT

27

28 This bill requires a restaurant that uses any peanut products in the
29 preparation of food to post a sign no smaller than eight inches by five
30 inches stating that "This restaurant uses peanut products in the
31 preparation of food." A violation of this bill would be subject to a
32 civil penalty of at least \$100 but no more than \$250.

33 Food-related anaphylaxis, an acute system allergic reaction,
34 accounts for approximately 100 deaths in the United States each year.
35 Peanuts have become one of the world's most allergenic foods,
36 affecting, along with tree nut allergies, approximately three million
37 Americans. For the sensitive person, a peanut allergy is a lifelong
38 allergy, and even trace amounts of a peanut product can be fatal.
39 Peanuts are one of the six foods that account for 90% of the food
40 allergy reactions in children, and one of the four foods that account for
41 90% of food allergy in adults.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1105

STATE OF NEW JERSEY

DATED: JUNE 7, 2004

The Senate Health, Human Services and Senior Citizens Committee reports favorably a committee substitute for Senate Bill No. 1105.

This committee substitute requires all restaurants in the State to notify their customers as to whether the restaurant uses nut products in the preparation of food. The substitute defines "nut" to mean: peanuts and tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios and walnuts.

The restaurant shall post a sign near a cash register or front counter that is visible from the front entrance of the restaurant or on the front door of the restaurant, that is no smaller than eight inches by five inches, stating that "This restaurant uses (does not use) nut products in the preparation of food. If you have a peanut or tree nut allergy, please notify your server."

The proprietor of the restaurant or, in the case of a public or nonprofit restaurant, the manager or administrator shall be responsible for informing the employees of the restaurant of the presence of nut products used in the preparation of food at the restaurant, and for updating the required sign or to indicate subsequent use of nut products in the preparation of food at the restaurant.

Any restaurant proprietor, manager or administrator who violates the provisions of this substitute, including the failure to post the required sign, may be subject to a penalty of not less than \$100 or more than \$250. A local health agency authorized to conduct health inspections of restaurants in a municipality is authorized to enforce the provisions of the substitute.

The substitute also directs the Commissioner of Health and Senior Services to conduct a public information campaign regarding food allergies, to be known as "Ask Before You Eat." The public information campaign shall be designed to inform the public about food allergies and the health-related consequences, including anaphylaxis, to persons with such allergies who are exposed to food

items that contain or are prepared with ingredients that trigger severe allergic reactions, such as peanuts, tree nuts and seafood. The substitute includes an appropriation of \$90,000 for this purpose.

The requirement that restaurants post a sign indicating whether nut products are used on the premises will take effect 90 days after enactment of the substitute, and the public information campaign will take effect 120 days after enactment.

As amended by committee, this substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 303 (Vandervalk/Weinberg) with committee amendments, which the committee also reported favorably on this date.