

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3394

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 5, 2026

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 3394.

As amended and reported by the committee, this bill requires food service businesses to provide written notification of major food allergens in each menu item.

A major food allergen, as defined under the “Federal Food, Drug, and Cosmetic Act,” includes foods or food groups such as milk, egg, fish (e.g., bass, flounder, or cod), crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, soybeans, and sesame.

Under the bill, any food service business organized under the laws of this State is required to provide written notice of major food allergens that it knows or reasonably should know are present in the ingredients of each menu item, including temporary menu items. Food service businesses are required to provide this information: (1) directly on the food service business’s menu; (2) in a digital format, including a quick response code, provided that the code directs customers to an Internet website that contains the information required under the bill; or (3) on other written materials including a separate menu, chart, grid, or booklet.

A food service business that is required to provide major food allergen information under the provisions of this bill is required to, when providing the information, use: (1) common or usual names of the major food allergens; or (2) standardized icons or symbols approved by the Commissioner of Health to communicate the presence of major food allergens.

As amended, a convenience store, grocery store, supermarket, or other food service business that offers prepared foods through a self-service food bar, hot bar, salad bar, buffet, or similar self-service operation is in compliance with the allergen disclosure requirements under the bill if the food service business prominently displays signage stating, “Please ask a store associate for allergen information.” Additionally, this signage is to be posted in a conspicuous location at

or near the point of display or service of the prepared food items, and the food service business is required to make reasonable efforts to provide written allergen information to consumers upon request.

As amended, the provisions of the bill do not apply to prepackaged foods that are subject to federal labeling requirements for major food allergens or to any menu item that meets the definition of an alcoholic beverage under current law.

The Department of Health, or the local board of health or the board, body, or officers exercising the functions of the local board of health according to law, upon written complaint or having reason to suspect that a violation has occurred is to, by written notification, advise the food service business accordingly and order appropriate action to be taken.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) specify that supermarkets are included in the definition of “food service business”;

(2) exclude licensed health care facilities regulated pursuant to current law from the provisions of this bill;

(3) clarify that a convenience store, grocery store, supermarket, or other food service business that offers prepared foods through a self-service food bar, hot bar, salad bar, buffet, or similar self-service operation is in compliance with the allergen disclosure requirements of under the bill, if the food service business prominently displays signage stating: “Please ask a store associate for allergen information.” Additionally, this signage is to be posted in a conspicuous location at or near the point of display or service of the prepared food items, and the food service business is required to make reasonable efforts to provide written allergen information to consumers upon request;

(4) exclude alcoholic beverages, as a menu item, from the requirements of the bill; and

(5) make other clarifying and technical changes.