

ASSEMBLY, No. 2122

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 38 (Bergen and Passaic)

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District 38 (Bergen and Passaic)

Co-Sponsored by:

Assemblymen DePhillips, Freiman and Daniels

SYNOPSIS

Requires restaurants to post signs advising customers to notify servers of food allergies; requires restaurant managers to complete food allergen training.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

20 b. The commissioner, in consultation with the New Jersey
21 Restaurant and Hospitality Association and in consideration of food
22 allergy 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 additionally prepare a sign for restaurant
31 customers advising them to notify their server if they have any food
32 allergies. The commissioner shall make the food allergen
33 awareness sign and the customer advisory sign available to
34 restaurants, the New Jersey Restaurant and Hospitality Association,
35 and local boards of health **【, and each】** . Each restaurant in the
36 State shall acquire a food allergen awareness sign and prominently
37 display the sign in the restaurant kitchen or another area of the
38 restaurant that is frequently used by, and is generally accessible to,
39 restaurant staff, and shall acquire an appropriate number of
40 customer advisory signs to ensure one sign is placed at each
41 location in the restaurant where customers may place food or drink
42 orders, including, as appropriate, but not limited to, dining tables,
43 dining counters, drive-through menu boards, and walk-up ordering
44 stations ; provided that nothing in this subsection shall be construed
45 to require any restaurant to place customer advisory signs on the

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 tops of dining tables in the restaurant if the restaurant does not
2 routinely place any other signage on its dining tables. If a
3 restaurant with dining tables does not place customer advisory
4 notice signs on the tops of its dining tables, the restaurant shall
5 ensure that an equivalent advisory notice is provided to customers
6 by another means, which may include prominently printing the
7 notice in customer menus. In the case of restaurants in operation on
8 the date the food allergen awareness sign or the customer advisory
9 sign is first made available, the restaurant shall acquire and display
10 the sign or equivalent customer advisory notice no later than one
11 month after it is made available; in the case of restaurants that
12 commence operations after **the sign is** one or both signs are made
13 available, the restaurant shall acquire and display the **sign**
14 available signs or equivalent customer advisory notice as a
15 condition of commencing restaurant operations.

16 c. Each restaurant manager in the State shall be required to
17 complete an allergen awareness training course approved by the
18 commissioner and provide documentation demonstrating course
19 completion as part of any inspection of the restaurant conducted by
20 the Department of Health or a local board of health.

21 d. The provisions of this section shall preempt any law,
22 ordinance, resolution, or regulation adopted by the governing body
23 of a county or municipality concerning food allergen awareness,
24 training, or signage that is in addition to, or is inconsistent with, the
25 provisions of this section.

26 e. As used in this section:

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

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

32 (cf: P.L.2017, c.270, s.1)

33
34 2. This act shall take effect on the first day of the fourth month
35 next following the date of enactment, except that the Commissioner
36 of Health may take any advance administrative action in advance
37 thereof as may be necessary to implement the provisions of this act.

40 STATEMENT

41
42 This bill requires the Commissioner of Health, in consultation with
43 the New Jersey Restaurant and Hospitality Association, to develop
44 signs advising restaurant customers to notify their server if they have
45 any food allergies. Under the bill, the signs will be made available to
46 restaurants, the New Jersey Restaurant and Hospitality Association,
47 and local boards of health. The bill requires restaurants to place at
48 least one sign at each location in the restaurant where customers may

1 place food or drink orders, including, as appropriate, dining tables,
2 dining counters, drive-through menu boards, and walk-up ordering
3 stations.

4 However, the bill provides that the provisions of the bill are not to
5 be construed to require any restaurant to place advisory signs on the
6 tops of its dining tables if the restaurant does not routinely place any
7 other signage on the tops of its dining tables. Under the bill, if a
8 restaurant with dining tables does not post the required advisory notice
9 using tabletop signs, the restaurant will be required to ensure that
10 equivalent advisory notice is provided to customers by another means,
11 which may include prominently printing the notice in customer menus.

12 Additionally, the bill requires restaurant managers to complete a
13 food allergen training course approved by the commissioner and
14 demonstrate proof of completion during any inspection of the
15 restaurant by the Department of Health or a local board of health.

16 The bill provides that the State food allergen awareness, training,
17 and signage requirements set forth in the bill is to preempt any law,
18 ordinance, resolution, or regulation adopted by a county or municipal
19 governing body that is in addition to, or is inconsistent with, the
20 provisions of the bill.