

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative To Restaurant Training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert F. Fennell	10th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO RESTAURANT TRAINING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Chapter 140 of the General Laws is hereby amended by striking out Section 6B
2 and inserting in place there of the following new section:
3

4 Section 6B. (a) As used in this section, the term “department” shall mean the department of
5 public health.

6 (b) Every person licensed as an innholder or common victualer, when serving food, shall:

7 (1) prominently display a poster approved by the department relative to food allergy awareness
8 in the staff area. The poster shall provide, but not be limited to, information regarding the risk of
9 an allergic reaction and shall be developed by an individual or chain restaurant, an industry trade
10 group, a chamber of commerce or the Food Allergy and Anaphylactic Network; and

11 (2) include on all printed menus a notice to customers of the customer’s obligation to inform the
12 server about any food allergies or provide handouts that either educate customers on food
13 allergens or informs customers of the customer’s obligation to inform servers about any food
14 allergies.

15 (c) A person in charge and certified food protection manager, as those terms are used in the state
16 sanitary code for food establishments, shall, in order to obtain his certification, view, as part of
17 an otherwise approved food protection manager course, a video concerning food allergies or
18 participate in an allergy training course. The department shall approve the video or food allergy
19 training course. The department shall also require that any certified food protection manager

20 examination offered by an accredited program recognized by the department shall include
21 questions concerning food allergies as they relate to food preparation. Any person designated as
22 an alternate person-in charge, as that term is used in the state sanitary code for food
23 establishments, shall, in addition to existing requirements, also be knowledgeable with regard to
24 the relevant issues concerning food allergies as they relate to food preparation.

25 (d) A violation of this section shall be subject to the remedies available under the state sanitary
26 code for food establishments.

27 (e) The department may adopt regulations to carry out this section.

28 (f) This section does not establish or change any private cause of action. This section does not
29 change any duty under any other statute or the common law, except as this section expressly
30 provides.

31 (g) The department shall develop a program for restaurants to be designated as “Food Allergy
32 Friendly” and shall maintain a listing of restaurants receiving such designation on its website.
33 Participation in the program shall be voluntary and the department shall, issue guidelines and
34 requirements for restaurants to receive such designation, provided that such requirements shall
35 include, but not be limited to, maintaining on the premises, and making available to the public, a
36 master list of all the ingredients used in the preparation of each food item available for
37 consumption.

38

39 **SECTION 2.** Chapter 527 of the acts of 2008 is hereby amended by striking out section 3 and
40 inserting in place there of the following new section:

41 Section 3. Clause (2) of subsection (b) of section 6B of chapter 140 of the General Laws shall
42 take effective on January 1, 2011.