

HOUSE No. 245

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 Section 6B and inserting in place there of the following new section:Section 6B. (a) As used in
3 this section, the term “department” shall mean the department of public health.(b) Every person
4 licensed as an innholder or common victualer, when serving food, shall:(1) prominently display a
5 poster approved by the department relative to food allergy awareness in the staff area. The poster
6 shall provide, but not be limited to, information regarding the risk of an allergic reaction and
7 shall be developed by an individual or chain restaurant, an industry trade group, a chamber of
8 commerce or the Food Allergy and Anaphylactic Network; and(2) include on all printed menus a
9 notice to customers of the customer’s obligation to inform the server about any food allergies or
10 provide handouts that either educate customers on food allergens or informs customers of the
11 customer’s obligation to inform servers about any food allergies. (c) A person in charge and
12 certified food protection manager, as those terms are used in the state sanitary code for food
13 establishments, shall, in order to obtain his certification, view, as part of an otherwise approved
14 food protection manager course, a video concerning food allergies or participate in an allergy

15 training course. The department shall approve the video or food allergy training course. The
16 department shall also require that any certified food protection manager examination offered by
17 an accredited program recognized by the department shall include questions concerning food
18 allergies as they relate to food preparation. Any person designated as an alternate person-in
19 charge, as that term is used in the state sanitary code for food establishments, shall, in addition to
20 existing requirements, also be knowledgeable with regard to the relevant issues concerning food
21 allergies as they relate to food preparation.(d) A violation of this section shall be subject to the
22 remedies available under the state sanitary code for food establishments.(e) The department may
23 adopt regulations to carry out this section.(f) This section does not establish or change any
24 private cause of action. This section does not change any duty under any other statute or the
25 common law, except as this section expressly provides.(g) The department shall develop a
26 program for restaurants to be designated as “Food Allergy Friendly” and shall maintain a listing
27 of restaurants receiving such designation on its website. Participation in the program shall be
28 voluntary and the department shall, issue guidelines and requirements for restaurants to receive
29 such designation, provided that such requirements shall include, but not be limited to,
30 maintaining on the premises, and making available to the public, a master list of all the
31 ingredients used in the preparation of each food item available for consumption.SECTION 2.
32 Chapter 527 of the acts of 2008 is hereby amended by striking out section 3 and inserting in
33 place there of the following new section:

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