

**HOUSE . . . . . No. 1876**

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**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 adoption of the accompanying bill:

An Act relative to restaurant training.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/20/2011</i>

**HOUSE . . . . . No. 1876**

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1876) of Robert F. Fennell relative to food allergy awareness training for restaurant employees. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 245 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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:

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

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

6 (1) prominently display a poster approved by the department relative to food allergy  
7 awareness in the staff area. The poster shall provide, but not be limited to, information regarding  
8 the risk of an allergic reaction and shall be developed by an individual or chain restaurant, an

9 industry trade group, a chamber of commerce or the Food Allergy and Anaphylactic Network;  
10 and

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

15 (c) A person in charge and certified food protection manager, as those terms are used in  
16 the state sanitary code for food establishments, shall, in order to obtain his certification, view, as  
17 part of an otherwise approved food protection manager course, a video concerning food allergies  
18 or participate in an allergy training course. The department shall approve the video or food  
19 allergy training course. The department shall also require that any certified food protection  
20 manager examination offered by an accredited program recognized by the department shall  
21 include questions concerning food allergies as they relate to food preparation. Any person  
22 designated as 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  
26 sanitary 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  
29 does not change any duty under any other statute or the common law, except as this section  
30 expressly provides.

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

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

40 Section 3. Clause (2) of subsection (b) of section 6B of chapter 140 of the General Laws  
41 shall take effective on January 1, 2012.