

7622

2009-2010 Regular Sessions

I N   A S S E M B L Y

April 17, 2009

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Introduced by M. of A. ORTIZ, CLARK -- Multi-Sponsored by -- M. of A. BENEDETTO, GALEF, KOON, PERRY, J. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to food allergen information

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The section heading of section 1352-b of the public health  
2 law, as added by chapter 613 of the laws of 1980, is amended to read as  
3 follows:  
4     Public eating establishments; first aid instructions concerning food  
5 lodged in throat; FOOD ALLERGEN INFORMATION; liability.  
6     S 2. Subdivisions 3, 4 and 5 of section 1352-b of the public health  
7 law are renumbered sections 4, 5 and 6 and a new subdivision 3 is added  
8 to read as follows:  
9     3. FOOD ALLERGEN INFORMATION FOR PROPRIETORS AND EMPLOYEES OF PUBLIC  
10 EATING ESTABLISHMENTS. A. THE COMMISSIONER SHALL ADOPT AND APPROVE  
11 INFORMATION TO EDUCATE PROPRIETORS AND EMPLOYEES OF PUBLIC EATING ESTAB-  
12 LISHMENTS ABOUT THE DANGERS OF SEVERE FOOD ALLERGENS TO FOOD ALLERGIC  
13 INDIVIDUALS. SUCH INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO: THE  
14 NEED TO INFORM CUSTOMERS OF THE PRESENCE OF SUCH ALLERGENS IN FOOD OR  
15 MEALS ON THE MENU OR THROUGH VERBAL DESCRIPTIONS; THE POSSIBILITY OF  
16 CROSS-CONTAMINATION OF A FOOD WITH AN ALLERGEN DURING FOOD PREPARATION  
17 AND THE NEED TO INFORM CUSTOMERS OF THAT POSSIBILITY; AND, THE SYMPTOMS  
18 OF SEVERE ALLERGIC REACTIONS TO FOOD AND THE NEED FOR RAPID RESPONSE TO  
19 SUCH EMERGENCIES.  
20     B. THE COMMISSIONER SHALL, AS SOON AS PRACTICABLE, SUPPLY TO THE  
21 PROPRIETOR OF EVERY PUBLIC EATING ESTABLISHMENT IN THIS STATE SUCH  
22 ADOPTED AND APPROVED INFORMATION AND DEVELOP REGULATIONS FOR DISTRIB-  
23 UTION OR POSTING OF SUCH INFORMATION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10981-01-9

1 S 3. This act shall take effect on the one hundred eightieth day after  
2 it shall have become a law, provided, however, that effective immediate-  
3 ly the commissioner of health may promulgate any rule or regulation  
4 necessary for the timely implementation of this act on its effective  
5 date.