S T A T E O F N E W Y O R K

5944

2015-2016 Regular Sessions

I N A S S E M B L Y

March 9, 2015

Introduced by M. of A. ORTIZ, CLARK -- Multi-Sponsored by -- M. of A. BENEDETTO, GALEF, PERRY, RIVERA -- 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:

Section 1. The section heading of section 1352-b of the public health law, as added by chapter 613 of the laws of 1980, is amended to read as follows:

Public eating establishments; first aid instructions concerning food lodged in throat; FOOD ALLERGEN INFORMATION; liability.

S 2. Subdivisions 3, 4 and 5 of section 1352-b of the public health law are renumbered subdivisions 4, 5 and 6 and a new subdivision 3 is added to read as follows:

3. FOOD ALLERGEN INFORMATION FOR PROPRIETORS AND EMPLOYEES OF PUBLIC EATING ESTABLISHMENTS. A. THE COMMISSIONER SHALL ADOPT AND APPROVE INFORMATION TO EDUCATE PROPRIETORS AND EMPLOYEES OF PUBLIC EATING ESTABLISHMENTS ABOUT THE DANGERS OF SEVERE FOOD ALLERGENS TO FOOD ALLERGIC INDIVIDUALS. SUCH INFORMATION SHALL INCLUDE BUT NOT BE LIMITED TO: THE NEED TO INFORM CUSTOMERS OF THE PRESENCE OF SUCH ALLERGENS IN FOOD OR MEALS ON THE MENU OR THROUGH VERBAL DESCRIPTIONS; THE POSSIBILITY OF CROSS-CONTAMINATION OF A FOOD WITH AN ALLERGEN DURING FOOD PREPARATION AND THE NEED TO INFORM CUSTOMERS OF THAT POSSIBILITY; AND, THE SYMPTOMS OF SEVERE ALLERGIC REACTIONS TO FOOD AND THE NEED FOR RAPID RESPONSE TO SUCH EMERGENCIES.

B. THE COMMISSIONER SHALL, AS SOON AS PRACTICABLE, SUPPLY TO THE PROPRIETOR OF EVERY PUBLIC EATING ESTABLISHMENT IN THIS STATE SUCH ADOPTED AND APPROVED INFORMATION AND DEVELOP REGULATIONS FOR DISTRIBUTION OR POSTING OF SUCH INFORMATION.

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

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