STATE OF NEW YORK

1123--A

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sens. BENJAMIN, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to food allergy awareness in food service establishments and online food ordering services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 1356 to read as follows:

§ 1356. Food allergies notice in food service establishments and online food ordering services. 1. Definitions. (a) "Food service establishment" shall mean a restaurant, catering hall, or grocery store where food is prepared and served either on or off site.

(b) "Menu" shall mean a list or pictoral display of a prepared food item or items available for sale from a food establishment for the purpose of permitting a customer to order such food item or items, including such list or pictoral display posted on the internet for a customer to place food orders for delivery or take out.

2. The commissioner shall make available on the department's website, in English and in the top six languages other than English spoken in the state according to the latest available data from the United States Census Bureau, a notice containing information for staff of food service establishments regarding food allergies. Such notice shall include:

(a) the procedures to be followed if a customer informs staff of such food service establishment that such customer has a food allergy;

(b) any procedures to be followed to prevent cross contact; and

(c) the procedure to be followed if a customer has an allergic reaction, including a recommendation regarding the circumstances in which to call 911.

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

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3. Every food service establishment shall post the notice containing information on food allergies established pursuant to subdivision two of this section in a conspicuous location accessible to all employees involved in the preparation or service of food, in at least one of the languages spoken by each employee to the extent such languages are among those in which the department makes the notice available pursuant to subdivision two of this section.

4. The commissioner shall make available on the department's website, in the top six languages other than English spoken in the state according to the latest available data from the United States Census Bureau, a translation of the following: "If you have a food allergy, please notify us."

5. Every food service establishment operating in New York state that makes available a menu shall include in a conspicuous manner on each menu or the assembly upon which the menu or menus are included, the following: "If you have a food allergy, please notify us." If such menu is available in a language other than English for which the department makes a translation available pursuant to subdivision four of this section, such food service establishment shall also include such translation in a conspicuous manner. Every food service establishment that makes available a menu on the internet shall provide a method by which a customer may indicate any food allergy such customer has.

6. Any food service establishment that violates the provisions of this section or any of the rules or regulations promulgated hereunder shall be liable for a civil penalty not to exceed one hundred twenty-five dollars for each violation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.