

**2023 -- H 5328 SUBSTITUTE A**

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LC001190/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

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A N A C T

RELATING TO HEALTH AND SAFETY -- FOOD ALLERGY AWARENESS IN FOOD  
SERVICE ESTABLISHMENTS

Introduced By: Representatives Carson, McEntee, Fogarty, Cortvriend, Craven, and  
Caldwell

Date Introduced: February 03, 2023

Referred To: House Small Business

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-20.12-2 of the General Laws in Chapter 23-20.12 entitled "Food  
2 Allergy Awareness in Food-Service Establishments" is hereby amended to read as follows:

3           **23-20.12-2. Department of Health — Establishment of Food Allergy Awareness**  
4 **Program.**

5           (a) The director of health shall establish a food allergy awareness program which shall  
6 require that every food-service establishment shall:

7           (1) Have prominently displayed a poster approved by the director relative to food allergy  
8 awareness in the staff area. The poster shall provide, but not be limited to, information regarding  
9 the risk of an allergic reaction and shall be developed by the department of health in consultation  
10 with the Rhode Island hospitality association, the food allergy and anaphylaxis-network and at least  
11 one representative from a quick service restaurant;

12           (2) Include on all menus a notice to customers of the customer's obligation to inform the  
13 server about any food allergies. The director shall develop and approve the language of the notice  
14 in consultation with the Rhode Island hospitality association, the food allergy and anaphylaxis-  
15 network and at least one representative from a quick service restaurant; and shall include, at a  
16 minimum, the following language: Before placing your order, please inform your server if any  
17 person in your party has a food allergy. Consumers especially vulnerable to foodborne illnesses  
18 should eat seafood and other foods of animal origin only if cooked thoroughly. Food allergens can

1 [cause serious illness, anaphylaxis shock and death; and](#)

2 (3) Designate a manager who shall be knowledgeable with regard to the relevant issues  
3 concerning food allergies as they relate to food preparation. The director shall prepare and provide  
4 both written and video materials for mandatory review by persons designated as managers of any  
5 food-service establishment, or the persons designated as managers shall be certified by a food  
6 protection manager certification program that is evaluated and listed by a conference for food  
7 protection-recognized accrediting agency as conforming to the conference for food protection  
8 standards for accreditation of food protection manager certification programs. The department of  
9 health shall include knowledge of food allergy issues as part of the certification procedure for  
10 managers in food safety pursuant to chapter 27 of title 21.

11 [\(b\) The department of health shall provide for a system to digitally inspect or conduct in](#)  
12 [person inspections of every menu at every restaurant licensed to operate in the State of Rhode Island](#)  
13 [to ensure that each establishment is in compliance with the provisions of this section.](#)

14 [\(c\) Any restaurant that fails to comply with the menu warning as provided in this section](#)  
15 [shall, for a first offense receive a written warning and for any subsequent offense, fined up to five](#)  
16 [hundred dollars \(\\$500\).](#)

17 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO HEALTH AND SAFETY -- FOOD ALLERGY AWARENESS IN FOOD  
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1           This act would require food service establishments to add an additional warning to their  
2 menus relative to food allergens and impose a civil penalty on those establishments that fail to  
3 include the required warnings on its menus.

4           This act would take effect on January 1, 2024.

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