



General Assembly

January Session, 2023

Committee Bill No. 5902

LCO No. 5598



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT REQUIRING FOOD ALLERGY AWARENESS IN RESTAURANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-36i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) No person, firm or corporation shall operate or maintain any food
4 establishment where food or beverages are served or sold to the public
5 in any town, city or borough without obtaining a valid permit to operate
6 from the director of health of such town, city or borough, in a form and
7 manner prescribed by the director of health. The director of health shall
8 issue a permit to operate a food establishment upon receipt of an
9 application if the food establishment meets the requirements of this
10 section. All food establishments shall comply with the food code.

11 (b) All food establishments shall be inspected by a certified food
12 inspector in a form and manner prescribed by the commissioner. The
13 Commissioner of Public Health may, in consultation with the
14 Commissioner of Consumer Protection, grant a variance for the
15 requirements of the food code if the Commissioner of Public Health

16 determines that such variance would not result in a health hazard or
17 nuisance.

18 (c) No permit to operate a food establishment shall be issued by a
19 director of health unless the applicant has provided the director of
20 health with proof of registration with the department and a written
21 application for a permit in a form and manner prescribed by the
22 department. Temporary food establishments and certified farmers'
23 markets, as defined in section 22-6r, shall be exempt from registering
24 with the Department of Public Health.

25 (d) Each class 2 food establishment, class 3 food establishment and
26 class 4 food establishment shall employ a certified food protection
27 manager. No person shall serve as a certified food protection manager
28 unless such person has (1) satisfactorily passed a test as part of a food
29 protection manager certification program that is evaluated and
30 approved by an accrediting agency recognized by the Conference for
31 Food Protection as conforming to its standards for accreditation of food
32 protection manager certification programs, and (2) on and after October
33 1, 2023, successfully completed an allergen awareness training program
34 approved by the Commissioner of Public Health. A certified food
35 inspector shall verify that the food protection manager is certified upon
36 inspection of the food establishment. The owner or manager of the food
37 service establishment shall designate an alternate person or persons to
38 be in charge at all times when the certified food protection manager
39 cannot be present. The alternate person or persons in charge shall be
40 responsible for ensuring the following: [(1)] (A) All employees are in
41 compliance with the requirements of this section; [(2)] (B) foods are
42 safely prepared in accordance with the requirements of the food code;
43 [(3)] (C) emergencies are managed properly; [(4)] (D) a food inspector is
44 admitted into the food establishment upon request; and [(5)] (E) he or
45 she receives and signs inspection reports.

46 (e) The commissioner shall collaborate with the directors of health to
47 develop a process that allows for the reciprocal licensing of an itinerant

48 food vending establishment that has obtained a valid permit or license
49 under subsection (a) of this section and seeks to operate as an itinerant
50 food vending establishment in another town, city or borough. Not later
51 than December 1, 2021, the commissioner shall submit a report, in
52 accordance with the provisions of section 11-4a, to the joint standing
53 committee of the General Assembly having cognizance of matters
54 relating to public health, of the process developed pursuant to this
55 subsection. Not later than January 1, 2022, the commissioner and each
56 director of health shall implement such process.

57 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) Not later than January 1, 2024,
58 each certified food protection manager, as defined in section 19a-36g of
59 the general statutes, of a class 2, class 3 or class 4 food establishment, as
60 defined in said section, shall (1) include allergen awareness as part of
61 such manager's staff training, and (2) establish guidelines for the
62 interaction of staff with customers who have food allergies. Such
63 guidelines shall be incorporated into the food establishment's standard
64 operating procedures.

65 (b) Each class 2, class 3 or class 4 food establishment shall retain
66 records documenting its certified food protection manager's completion
67 of an allergen awareness training program, as required under section
68 19a-36i of the general statutes, as amended by this act, and make such
69 records available for inspection by the food establishment's municipal
70 health department or district department of health or by the Department
71 of Public Health. Each municipal health department and district
72 department of health shall post on its Internet web site the status of
73 completion of an allergen awareness training program by the certified
74 food protection manager of each such food establishment under its
75 jurisdiction along with the food establishment's inspection scores.

76 (c) Not later than January 1, 2024, each class 2, class 3 and class 4 food
77 establishment shall develop procedures for informing customers, upon
78 request, of the presence of major food allergens in its menu items.

79 (d) Not later than January 1, 2024, each class 2, class 3 and class 4 food

80 establishment shall post in a clear and conspicuous manner on its menus
81 and menu boards a request for customers to notify their server, prior to
82 placing an order, of any food allergies.

83 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than December 1,
84 2023, the Department of Public Health shall develop or approve an
85 informational poster regarding food allergies for display in class 2, class
86 3 and class 4 food establishments, as defined in section 19a-36g of the
87 general statutes. The poster shall contain information concerning (1) the
88 most common allergy-causing foods, (2) the actions a server should take
89 when a customer notifies the server that the customer has a food allergy,
90 (3) the ways in which kitchen staff and servers can prevent cross contact
91 of foods, and (4) the need to contact the 911 emergency
92 telecommunications number if a customer has an allergic reaction while
93 on the premises of such food establishment.

94 (b) Not later than January 1, 2024, (1) each class 2, class 3 and class 4
95 food establishment, as defined in section 19a-36g of the general statutes,
96 shall display the poster developed or approved pursuant to subsection
97 (a) of this section in a clear and conspicuous manner in its kitchen or
98 designated staff area, and (2) the certified food protection manager, as
99 defined in section 19a-36g of the general statutes, of each class 2, class 3
100 and class 4 food establishment shall ensure that every employee of the
101 food establishment has received a written document containing the
102 contents of the poster and acknowledges having received and reviewed
103 such document. Failure to display the poster shall be grounds for an
104 inspection violation under section 19a-36l of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	19a-36i
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>from passage</i>	New section

Statement of Purpose:

To develop guidelines for restaurants, customers and health departments on the best practices of managing food allergens.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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