

# HOUSE BILL 751

J1, P1  
HB 1197/14 – HGO

5lr0333

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By: **Delegates Hixson, Buckel, Cullison, Ebersole, C. Howard, Pena–Melnyk, Pendergrass, Reznik, and M. Washington**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Food Allergy Awareness**

3 FOR the purpose of requiring a restaurant, beginning on a certain date, to request that a  
4 customer inform the employee taking the customer’s food order of any known food  
5 allergies before ordering; providing that the request may be included on a certain  
6 sign or a menu or menu board or made by the employee taking the customer’s food  
7 order; requiring the Department of Health and Mental Hygiene to make available  
8 on its Web site a list of certain food allergen awareness training courses and tests  
9 and a list of certain resources; providing for the application of certain provisions of  
10 this Act; providing that a person who violates certain provisions of this Act is not  
11 subject to certain criminal or civil penalties; defining a certain term; and generally  
12 relating to food allergy awareness.

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 21–330.2 and 21–1214  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume and 2014 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 21–330.2.

22 (A) (1) IN THIS SECTION, “RESTAURANT” MEANS A FOOD  
23 ESTABLISHMENT THAT:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) ACCOMMODATES THE PUBLIC;

2 (II) IS EQUIPPED WITH FACILITIES FOR PREPARING AND  
3 SERVING REGULAR MEALS; AND

4 (III) PROVIDES SEATING OR HAS ACCESS TO SHARED SEATING  
5 FOR USE OF ITS CUSTOMERS.

6 (2) "RESTAURANT" DOES NOT INCLUDE:

7 (I) A CONVENIENCE STORE;

8 (II) A GROCERY STORE; OR

9 (III) A SERVICE STATION.

10 (B) SUBSECTION (D) OF THIS SECTION DOES NOT APPLY TO A FOOD  
11 ESTABLISHMENT THAT IS A VENDOR AT:

12 (1) A CARNIVAL, AS DEFINED IN § 3-101 OF THE BUSINESS  
13 REGULATION ARTICLE; OR

14 (2) A FAIR, AS DEFINED IN § 3-101 OF THE BUSINESS REGULATION  
15 ARTICLE.

16 [(a)] (C) (1) Beginning March 1, 2014, a food establishment shall display  
17 prominently in the staff area of the food establishment a poster relating to food allergy  
18 awareness that includes information regarding the risk of an allergic reaction.

19 [(b)] (2) On or before January 1, 2014, the Department, in consultation with the  
20 Restaurant Association of Maryland and Food Allergy Research and Education, shall create  
21 and make available on its Web site the poster required to be displayed under [subsection  
22 (a) of this section] PARAGRAPH (1) OF THIS SUBSECTION.

23 (D) (1) BEGINNING ON MARCH 1, 2016, A RESTAURANT SHALL REQUEST  
24 THAT A CUSTOMER INFORM THE EMPLOYEE TAKING THE CUSTOMER'S FOOD ORDER  
25 OF ANY KNOWN FOOD ALLERGIES BEFORE ORDERING.

26 (2) THE REQUEST REQUIRED UNDER PARAGRAPH (1) OF THIS  
27 SUBSECTION MAY BE:

28 (I) INCLUDED ON A SIGN THAT IS CONSPICUOUSLY DISPLAYED  
29 IN THE RESTAURANT;

1 (II) INCLUDED ON THE RESTAURANT'S MENU OR MENU BOARD;  
2 OR

3 (III) MADE BY THE EMPLOYEE TAKING THE CUSTOMER'S FOOD  
4 ORDER.

5 (E) THE DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEB SITE:

6 (1) A LIST OF APPROVED THIRD-PARTY ONLINE AND IN-PERSON  
7 FOOD ALLERGEN AWARENESS TRAINING COURSES AND ACCREDITED TESTS; AND

8 (2) A LIST OF RESOURCES ABOUT FOOD SAFETY AND FOOD HANDLING  
9 AS THEY RELATE TO FOOD ALLERGIES.

10 21-1214.

11 (a) (1) Except as provided in paragraph (2) of this subsection, any person who  
12 violates any provision of Subtitle 3 of this title or any rule or regulation adopted under  
13 Subtitle 3 of this title is guilty of a misdemeanor and on conviction is subject to:

14 (i) For a first offense, a fine not exceeding \$1,000 or imprisonment  
15 not exceeding 90 days, or both; and

16 (ii) For a second offense, a fine not exceeding \$2,500 or imprisonment  
17 not exceeding 1 year, or both.

18 (2) A person who violates § 21-330.1 OR § 21-330.2(D) of this title is not  
19 subject to paragraph (1) of this subsection.

20 (b) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
21 SUBSECTION, IN addition to any criminal penalties imposed under this section, a person  
22 who violates any provision of Subtitle 3 of this title or any rule or regulation adopted under  
23 Subtitle 3 of this title or any term, condition, or limitation of any license or registration  
24 issued under Subtitle 3 of this title:

25 [(1)] (I) Is liable for a civil penalty not exceeding \$5,000, to be collected  
26 in a civil action in the District Court for any county; and

27 [(2)] (II) May be enjoined from continuing the violation.

28 (2) A PERSON WHO VIOLATES § 21-330.2(D) OF THIS TITLE IS NOT  
29 SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION.

30 (c) Each day on which a violation occurs is a separate violation under this section.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2015.