

HB 65 - AS INTRODUCED

2021 SESSION

21-0041

08/06

HOUSE BILL **65**

AN ACT requiring food service establishments to establish food allergy awareness procedures.

SPONSORS: Rep. Rung, Hills. 21; Rep. Guthrie, Rock. 13; Rep. J. Schmidt, Hills. 28; Rep. Marsh, Carr. 8; Rep. Cohen, Hills. 28

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires food service establishments to establish food allergy awareness procedures.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT requiring food service establishments to establish food allergy awareness procedures.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Short Title; Rachel's Law. This act shall be known as "Rachel's Law."

2 2 New Section; Food Allergy Awareness. Amend RSA 143-A by inserting after section 8 the
3 following new section:

4 143-A:8-a Food Allergy Awareness.

5 I. Each food service establishment licensed by the state under RSA 143-A:6 or by the
6 municipality in which it operates shall:

7 (a) Include on all menus and menu boards a notice to customers of the customer's
8 obligation to inform the server of his or her food allergies.

9 (b) Have a person in charge during all hours of operation trained and certified as a food
10 protection manager by a program approved by the department which includes training regarding
11 food allergens. Such person shall ensure that employees are properly informed of food safety issues,
12 including awareness of food allergies, as it is related to the employees' assigned duties.

13 II. A food service establishment that violates this section shall be subject to enforcement in
14 accordance with rules adopted under RSA 143-A:9, XI, or local ordinance relative to food service
15 licensure.

16 III. This section shall not apply to any food service establishment exempt from licensure or
17 inspection under RSA 143-A:5.

18 IV. Nothing in this section shall establish or affect any private cause of action. This section
19 shall not affect any other right or remedy available by statute.

20 3 Exemption for Food Service Establishments Regulated By Municipalities Limited. Amend
21 RSA 143-A:5, I-II to read as follows:

22 I. Food service establishments and retail food stores licensed by city health officers under
23 RSA 47:17, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

24 II. Food service establishments and retail food stores licensed by town health officers under
25 RSA 147:1, ***except with regard to the food allergy provisions of RSA 143-A:8-a.***

26 4 New Paragraph; Food Service Licensure; Rulemaking. Amend RSA 143-A:9 by inserting after
27 paragraph X the following new paragraph:

28 XI. Requirements for food allergy awareness under RSA 143-A:8-a.

29 5 Effective Date. This act shall take effect January 1, 2022.