

SUBJECT:	Providing for food allergen awareness in food service establishments
COMMITTEE:	Public Health — favorable, without amendment
VOTE:	<p><i>After recommitted:</i></p> <p>10 ayes — Klick, Campos, Collier, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith</p> <p>1 nay — Tinderholt</p>
SENATE VOTE:	On final passage (April 6) — 26 - 5
WITNESSES:	None (<i>considered in a formal meeting on May 18</i>)
BACKGROUND:	Some have suggested that food service establishments should be required to train or inform employees about food allergies.
DIGEST:	<p>SB 812, cited as the Sergio Lopez Food Allergy Awareness Act, would establish requirements for information regarding food allergen awareness to be placed on posters in food service establishments and integrated into education and training for food service employees.</p> <p>The bill would establish that food allergen awareness information included:</p> <ul style="list-style-type: none">• the risk of an allergic reaction to a food allergen;• symptoms of an allergic reaction;• the major food allergens, as determined by federal law and regulations of the United States Food and Drug Administration;• the procedures for preventing an allergic reaction; and• appropriate responses for assisting an individual who was having an allergic reaction. <p>The bill would require food service establishments to display a poster containing food allergen awareness information in an area of the</p>

establishment that was regularly accessible to food service employees.

The Department of State Health Services (DSHS) would be required to:

- collaborate with individuals with expertise and knowledge regarding food allergies to determine the form and content of the poster;
- post a sample poster on the DSHS website; and
- update the poster as necessary to ensure the poster contained current information about food allergens and remained consistent with the United States Food and Drug Administration's standards.

The bill would require food allergen awareness information to be integrated into the curriculum for accredited education or training programs by DSHS, including the basic food safety training required for food handlers. State-approved examinations for the issuance and renewal of a food manager certificate would be required to test applicants on food allergen awareness information.

The bill would prohibit a county, municipality, or public health district from adopting or enforcing an order, ordinance, rule, or other measure related to food allergens that was inconsistent with or exceed the requirements under the bill or other statute pertaining to public health measures relating to food.

The bill would not create a private cause of action or change any common law or statutory duty.

By December 1, 2023 DSHS would be required to determine the form and content of the poster and post the sample poster on their website, DSHS would be required to update the education or training program accreditation requirements and course curriculum as required by the bill, and the executive commissioner of the Health and Human Services Commission (HHSC) would be required to adopt any rules necessary to implement the bill.

The bill would take effect September 1, 2023. The bill would apply only to a food manager or food handler certificate issued or renewed on or after September 1, 2024. A food service establishment would not be required to comply with requirements related to the displaying of a poster until September 1, 2024.