



Connecticut Department of Public Health

Testimony Presented Before the Public Health Committee

March 16, 2015

**Commissioner Jewel Mullen, MD, MPH, MPA
860-509-7101**

House Bill #6882 An Act Allowing Restaurants to be Designated as Allergen Friendly

The Department of Public Health (DPH) is opposed to House Bill #6882. This bill requires the department to establish a program to allow restaurants to be designated as “Food Allergy Friendly,” and mandates the department to develop guidelines for such a designation. Further, the DPH would be required to maintain a list of restaurants that receive the designation and post that list on our website. While well intentioned, this language would have a fiscal impact, with regard to development, implementation, and enforcement. Such a program would require verification of the designation which would necessitate additional resources including personnel and laboratory testing.

The agency also believes that this work falls outside the scope of regulatory duties of the DPH Food Protection Program. As a regulatory program that enforces regulations to reduce the risk of foodborne disease, it would not be appropriate for the DPH Food Protection Program to engage in marketing activities related to foodservice establishments in Connecticut. This bill also causes a concern for the agency regarding the potential legal liability associated with those establishments that would be listed as “allergen friendly,” but yet may cause a customer to experience an allergic reaction due to the unintentional ingestion of a food allergen.

Because the cornerstone of this proposed program is based on accurate disclosure of food allergens in food service establishments, it would be more appropriate for the Department of Consumer Protection (DCP) to have oversight since they currently have authority for enforcing ingredient labeling truth-in-menu requirements.

The Department recognizes the serious consequences that can result from exposure to food allergens and the difficulties encountered for those affected when dining out, but adoption of this language would likely not accomplish the intent. Massachusetts adopted similar language in 2010 and has yet to comply because the various parties are now engaged in debate over the issues raised in this testimony and others. The Department suggests the legislature consider instead a proposal that foodservice establishments designate a section of the menu as “allergy friendly” from which affected customers can easily order full meals which have already been determined by their personnel to be allergen-free. This section would be comparable to a

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children's menu or a "Lite-fare" menu section, and would accommodate customers with food allergies.

Finally, the cost of setting up such a program, maintaining it, and responding to complaints from consumers who experienced allergic reactions from a meal at a designated 'allergy friendly' establishment would result in a significant fiscal impact to the state. Enforcement and verification would require investigations and laboratory analysis to be conducted that are beyond the capabilities of the department. Consequently, due to the additional resources that would be needed to implement the requirements associated with this bill, the Department is not supportive of the bill.

Thank you for your consideration of this testimony.