

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5158

Title: AN ACT REQUIRING FOOD ALLERGY TRAINING IN RESTAURANTS.

Vote Date: 3/23/2018

Vote Action: Joint Favorable Substitute

PH Date: 2/28/2018

File No.:

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

To ensure food allergy awareness in the restaurant industry.

This bill requires a certified food protection manager at each class 2, class 3, and class 4 food establishments to have successfully completed a DPH-approved allergen awareness training program. By January 1, 2019, each certified food protection manager must also (1) include allergen awareness as part of their staff training and (2) establish guidelines for staff interaction with customers who have food allergies. These guidelines must be incorporated into the food establishment's standard operating procedures.

Under the bill, food establishments must keep records of the certified food protection manager's completion of the allergen awareness training program and make the records available to local health departments and DPH. Local health departments must post on their websites the (1) status of certified food protection managers in completing the training program at each establishment and (2) the establishment's inspection scores.

The bill also requires food establishments, by January 1, 2019, to develop procedures for informing customers, upon request, of the presence of major food allergens in its menu items. They must also post, in a clear and conspicuous manner on its menus and menu boards, a request for customers to notify their server of any food allergies before placing an order.

RESPONSE FROM ADMINISTRATION/AGENCY:

Raul Pino, Commissioner, Connecticut Department of Public Health [DPH]: The Department of Public Health Food Protection Program does not disagree with the intent of

this language; however, we believe that it is this avenue that should be explored to create these changes on a national level, which will in turn create the change requested here in Connecticut while maintaining uniformity across the states. DPH agrees that food allergens are a concern; however, the changes required by this bill could impede the current statewide effort to implement Public Act 17-93, “An Act Concerning the Department of public Health’s Recommendation Regarding Adoption of a Model Food Code.”

HB 5158 places several additional requirements on the food industry, local health departments, and DPH. Among them is a requirement that the Commissioner approve a training program for allergen awareness that must be completed by all Certified Food Protection Managers [CFPMs] and this requirement is redundant as the FDA Food Code requires CFPMs to demonstrate knowledge of allergen awareness, including identification of foods as allergens and the symptoms that can be associated with food allergen ingestion.

Section 2 of the bill requires local health departments to modify or develop a website-based reporting system to disclose information related to individual completion of allergen training, as well as, all inspection scores for establishments within their jurisdictions. This would be a costly addition for any local health department that has not factored such large-scale projects into their current operating or who do not have an electronic web-based inspection reporting system in place.

When Connecticut adopted the FDA Food Code during the 2017 legislative session, the intent was to align Connecticut’s regulatory language with that in the Food Code in an effort to be consistent with other states and reduce the administrative burden on local businesses. This bill includes a requirement that is not currently included in the FDA Food Code that places the burden of signage in an establishment related to customer notification of food allergies on certified food inspectors. Placing such a unique requirement on Connecticut’s food establishments is contrary to the Department’s attempt to establish more uniform requirements that are consistent with other states.

Representative Sean Scanlon, State Representative 98th District, Connecticut General Assembly: Representative Scanlon submitted testimony in support of HB 5158. Food allergies are a potentially life-threatening medical condition and affect tens of thousands of families in the state of Connecticut. According to the Food Allergy Research and Education [FARE], studies indicate that up to 15 million Americans have food allergies, including 5.9 million children under the age of 18.

Establishments will be required to integrate allergen awareness into staff training and establish guidelines and best practices for staff interactions with customers who have food allergies. Businesses will also develop procedures informing customers of the presence of major food allergens in its menu items and requires them to present clear reminders in their menus for customers to notify servers of any allergens. This will create a standard in the industry that would significantly increase the levels of education of food allergies.

NATURE AND SOURCES OF SUPPORT:

Amy Collins, Portland CT: Amy Collins shared a story about her son who has life threatening food allergies which have forced her and her family to avoid restaurants. She

expressed feeling much more comfortable dining out in Massachusetts or Rhode Island, where they have already passed similar legislation to HB 5158.

Nancy Gamelin: Nancy Gamelin discussed her son's allergy to peanuts and tree nuts and their experiences when going out to some restaurants and the need for staff to have basic information concerning food allergies. She believes there needs to be more consistency in the industry so she can have more "piece of mind" when bringing her son to dine out.

Caroline Erikson: Caroline Erikson shared experiences with her little brother who has many food allergies that prohibit him from eating out with his family. She wishes her brother could have a safe experience eating out and believes this legislation would help accomplish that.

Diana Whitehill, Stephen Zlock, Lisa Jurzyk, Robin Comey, Peggy deMayo, Colman Gately, Jason Darmofal, Karen DeVille, Jessica Mills, Lauren Solinsky, Philippa Doyle, Darren Doyle, Emma Doyle, Michael Speciale, Elizabeth Speciale, Steven Ciarleglio, Patricia Donovan, Taylor Erickson, Stephanie Carvin, Shari Ciarleglio, Brewster Clancy, Lindsay Tristine, Jill Vollmer, Nancy Kendrick, David Knauf, Marie Malloy, Vanessa Darmofal, Chrissy Khachane, Kevin Erickson, and Mina Ahn Madore also shared personal stories in support of the Legislation.

Kathy Dawson, Vernon CT; Angela Demarco, Wilton CT; Linda Devlin, Manchester CT; Marilyn Dickman, Hamden CT; David Fournier, South Windsor CT; Jennifer Ferrando, Fairfield CT; Lisette Enhoffer, Fairfield CT; Sophie Dowling, Riverside CT; Amy Davis, Hamden CT; Colette Curran, Old Greenwich CT; and one hundred sixty-three additional constituents submitted identical testimony in support of HB 5158: This bill would create a more consistent dining experience for families with food allergies in Connecticut and will teach restaurant managers and staff the clear and basic information they need to know to possibly save a person with food allergies from going through a life threatening experience in their establishment. Research suggests that the majority of fatal food allergy reactions are triggered by food consumed outside one's home. According to a survey by the National Restaurant Association, 87 percent of restaurants believe food allergies are extremely important and expect increased focus on addressing the issue, yet 43 percent concede they do not train their staff on food allergens. Researchers at Auburn University found that nearly 22 percent of managers at independent and chain restaurants indicated food allergy reactions had occurred at their restaurants in the past year. Currently, the revenue lost from food allergy families avoiding restaurant dining is estimated at \$45 million each week. Additionally, the cost to the global food market for those with food allergies is expected to grow more than \$26.5 billion over the next five years and revenue from accommodating patrons with food allergies is expected to increase 10-25 percent.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Restaurant Association [CRA]: The Connecticut Restaurant Association submitted testimony in opposition of HB 5158. Restaurants in Connecticut currently take allergies, food allergens, foodborne illnesses, contamination, and the safety of their customers and staff very seriously. Many establishments have their own specific procedures in place to address each of the aforementioned issues. All are mandated by the Connecticut

Public Health Code to employ two Qualified Food Operators [QFO]. A QFO is required to train all other food preparation personnel, maintain written documentation of a training program and training records for individual employees, and make those records available to the local health department upon regular inspections.

The CRA is a DPH approved testing organization and utilizes the National Restaurant Association's ServSafe Manage textbook and test to teach food safety courses in Connecticut. Each chapter of the ServSafe Manage Book includes a chapter summary, chapter review case study, study questions and answers; which include course education on food allergens, safety, and protection. In order to pass and receive a ServSafe certificate a test score of 75% or better must be attained after completion of each class.

The CRA believes the current DPH regulations are sufficient and will continue to help ensure public safety while also continuing to educate restaurant employees on the dangers of food allergens.

Reported by: Anne Gallagher

03/29/2018