

CHAPTER 424

AN ACT concerning food allergen awareness in restaurants and amending P.L.2005, c.26.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.2005, c.26 (C.26:3E-14) is amended to read as follows:

C.26:3E-14 Fact sheet distributed to restaurants relative to food allergies, posting of signs; definitions.

1. a. The Commissioner of Health, in consultation with the New Jersey Restaurant and Hospitality Association, shall prepare a fact sheet, to be directed to restaurant managers and staff, which is designed to explain nut allergies and the health-related consequences to persons with nut allergies who are exposed to food items that contain or are prepared with nut products, and includes a recommendation that restaurants identify such food items on their menus. The commissioner shall make this fact sheet available to local boards of health by electronic or other means of distribution, and local health officers shall furnish this information to restaurants at the time of inspection.

b. The commissioner, in consultation with the New Jersey Restaurant and Hospitality Association and in consideration of food allergy information published by the federal Food and Drug Administration, shall prepare an informational sign promoting food allergen awareness, which shall include information about the most common food allergens, the health-related consequences of allergic reactions to food, best practices for food storage and preparation to prevent cross-contamination with food allergens, the symptoms of and appropriate responses to an allergic reaction to food, and such other information as the commissioner deems appropriate. The commissioner shall additionally prepare a sign for restaurant customers advising them to notify their server if they have any food allergies. The commissioner shall make the food allergen awareness sign and the customer advisory sign available to restaurants, the New Jersey Restaurant and Hospitality Association, and local boards of health. Each restaurant in the State shall acquire a food allergen awareness sign and prominently display the sign in the restaurant kitchen or another area of the restaurant that is frequently used by, and is generally accessible to, restaurant staff, and shall acquire an appropriate number of customer advisory signs to ensure one sign is placed at each location in the restaurant where customers may place food or drink orders, including, as appropriate, but not limited to, dining tables, dining counters, drive-through menu boards, and walk-up ordering stations ; provided that nothing in this subsection shall be construed to require any restaurant to place customer advisory signs on the tops of dining tables in the restaurant if the restaurant does not routinely place any other signage on its dining tables. If a restaurant with dining tables does not place customer advisory notice signs on the tops of its dining tables, the restaurant shall ensure that an equivalent advisory notice is provided to customers by another means, which may include prominently printing the notice in customer menus. In the case of restaurants in operation on the date the food allergen awareness sign or the customer advisory sign is first made available, the restaurant shall acquire and display the sign or equivalent customer advisory notice no later than one month after it is made available; in the case of restaurants that commence operations after one or both signs are made available, the restaurant shall acquire and display the available signs or equivalent customer advisory notice as a condition of commencing restaurant operations.

c. Each restaurant manager in the State shall be required to complete an allergen awareness training course approved by the commissioner and provide documentation

demonstrating course completion as part of any inspection of the restaurant conducted by the Department of Health or a local board of health.

d. The provisions of this section shall preempt any law, ordinance, resolution, or regulation adopted by the governing body of a county or municipality concerning food allergen awareness, training, or signage that is in addition to, or is inconsistent with, the provisions of this section.

e. As used in this section:

"Nut" means peanuts and tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts; and

"Restaurant" means an establishment in which the principal business is the sale of food for consumption on the premises.

2. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Commissioner of Health may take any advance administrative action in advance thereof as may be necessary to implement the provisions of this act.

Approved January 21, 2020.