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# A BILL FOR AN ACT

RELATING TO FOOD SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. According to the Food Allergy and Anaphylaxis  
2 Network, more than twelve million Americans have food allergies,  
3 of which three million are children. Food-related anaphylaxis  
4 is estimated to be responsible for approximately one hundred and  
5 fifty deaths and over fifty thousand emergency room admissions  
6 each year. Even the slightest trace of an allergen can cause a  
7 reaction. With the increase in food allergies and associated  
8 anaphylaxis, it has become even more important to ensure that  
9 the proper safeguards and training are put into place.

10           In February 2009, Massachusetts Governor Deval Patrick  
11 signed into law landmark legislation that calls for simple,  
12 inexpensive measures that all restaurants can take to make  
13 dining safe for those with food allergies.

14           The purpose of this Act is to develop a "food-friendly"  
15 environment for Hawaii diners by expanding the food safety  
16 consultative and education program under the department of  
17 health, which will entail following Massachusetts' example and



1 establishing guidelines and safeguards to make restaurants safer  
2 for those with food allergies.

3 SECTION 2. Section 321-401, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§321-401[+] Findings and purpose. The purpose of this  
6 part is to establish a non-enforcement program within the  
7 department of health to provide voluntary food safety  
8 surveillance and control, and educational activities to assist  
9 the food service industry and foodhandlers. The legislature  
10 finds that education is necessary for attaining voluntary  
11 compliance in food safety[-], including increased awareness and  
12 safeguards relating to food allergies and associated  
13 anaphylaxis. Informed food managers and foodhandlers are  
14 essential for the control of foodborne pathogens in foods served  
15 to the public.

16 Restaurants, catering services, delicatessens, markets, and  
17 other food purveyors employ foodhandlers who need continuing  
18 education and training in food safety. Foodhandlers work with  
19 fresh, uncooked, or prepared foods which may contain foodborne  
20 disease microorganisms that can cause severe sickness to large  
21 numbers of people at the same time. It is the intent of the  
22 legislature to take preventive measures through educational



1 programs and analytical studies of contamination outbreaks [-],  
2 and to make restaurants safer for those who suffer from food  
3 allergies and associated anaphylaxis."

4 SECTION 3. Section 321-402, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 " [+ ] §321-402 [+ ] Food safety consultative and education  
7 program. (a) There is established the food safety consultative  
8 and education program within the department of health. The  
9 department may place this program within any appropriate  
10 division.

11 (b) The program shall be managed and staffed by persons  
12 who are trained and experienced in public health aspects of  
13 food, including food science, foodborne disease epidemiology,  
14 food microbiology, and food sanitation.

15 (c) Generic food safety information gained from studies  
16 conducted as part of the program may be shared with foodhandlers  
17 in certification workshops and food safety classes.

18 (d) Every restaurant, catering service, delicatessen,  
19 market, or other food purveyor that employs foodhandlers shall:

20 (1) Prominently display a food allergy awareness poster in  
21 the staff area. The poster shall include information  
22 regarding the risk of an allergic reaction and shall



1 be developed by the department in consultation with  
2 the department of human nutrition, food, and animal  
3 sciences at the University of Hawaii, the Hawaii  
4 Restaurant Association, and the Food Allergy and  
5 Anaphylactic Network; and

6 (2) Include on their menus, or on a menu insert, language  
7 notifying customers of the customers' obligation to  
8 inform their server about any food allergies. The  
9 department shall develop and approve the language of  
10 the notice in consultation with the Hawaii Restaurant  
11 Association and the Food Allergy and Anaphylactic  
12 Network.

13 (e) The department, in partnership with the Hawaii  
14 Restaurant Association, and in consultation with the Food  
15 Allergy and Anaphylactic Network, shall develop a program for  
16 restaurants to be designated as food allergy friendly and shall  
17 maintain a listing of restaurants receiving the designation on  
18 its website. Participation in the program shall be voluntary  
19 and the department, in consultation with the Hawaii Restaurant  
20 Association, the Food Allergy and Anaphylactic Network, and the  
21 department of human nutrition, food, and animal sciences at the  
22 University of Hawaii, shall issue guidelines and requirements



1 for restaurants to receive the designation; provided that the  
2 requirement include maintaining on the premises, and making  
3 available to the public, a master list of all ingredients used  
4 in the preparation of each food item available for consumption."

5 SECTION 4. Section 321-403, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[+]§321-403[+] Food safety control system. (a) The  
8 department may conduct studies using the hazard analysis  
9 critical control points system after foodborne disease outbreak  
10 investigations are completed by the department or when requested  
11 by food service operators.

12 (b) The department shall require that any certified food  
13 protection manager examination offered by an accredited program  
14 and recognized by the department include questions concerning  
15 food allergies as they relate to food preparation."

16 SECTION 5. The department shall adopt rules in accordance  
17 with chapter 91 for the purposes of this Act.

18 SECTION 6. The department of health, in conjunction with  
19 the department of human nutrition, food, and animal sciences at  
20 the University of Hawaii, the Hawaii Restaurant Association, and  
21 the Food Allergy and Anaphylactic Network shall submit an annual



1 report to the legislature at least twenty days prior to the  
2 convening of each regular session. The report shall include:

- 3 (1) Information about compliance with this Act by  
4 restaurants, catering services, delicatessens,  
5 markets, or other food purveyors that employ  
6 foodhandlers;
- 7 (2) Food allergy awareness and safety impacts following  
8 the implementation of this Act; and
- 9 (3) Any proposed changes to this Act that are consistent  
10 with the public health and welfare.

11 SECTION 7. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 2020.



**Report Title:**  
Food Safety

**Description:**

Amends the Food Safety Consultative and Education Program under the Department of Health to include information and education efforts regarding food allergies and anaphylaxis. Establishes a "food allergy friendly" restaurant designation program. Effective July 1, 2020. (HB2723 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

