
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 following Massachusetts'
16 example and establishing guidelines and safeguards to make
17 restaurants safer for those with food allergies by expanding the



1 food safety consultative and education program under the
2 department of health.

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 and
15 Allergy 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 also require that any certified
13 food protection manager examination offered by an accredited
14 program and recognized by the department include questions
15 concerning 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:

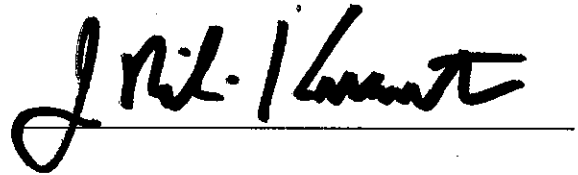
- 3 (1) Information about compliance with this Act by
4 restaurants, catering services, delicatessens,
5 markets, or other food purveyors that employ
6 foodhandlers;
- 7 (2) Food allergy awareness and safety impacts following
8 the implementation of this Act; and
- 9 (3) Any proposed changes to this 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, 2010.

14

INTRODUCED BY:



JAN 26 2010



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" program.

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

