
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. According to the Mayo Clinic, peanut allergy is
2 common and often appears in the first years of life, and while
3 many children outgrow allergies to other foods such as milk or
4 eggs, most children do not outgrow peanut allergy as they get
5 older. Peanut allergy occurs when a person's immune system
6 develops allergy-type antibodies to peanut proteins and
7 mistakenly identifies the proteins as something harmful. An
8 allergic reaction to peanuts can range from a minor irritation
9 to a life-threatening anaphylactic reaction that constricts the
10 airways and blocks breathing. Even people who have only had a
11 mild reaction in the past are at risk of a more serious future
12 reaction. Exposure to peanuts that trigger peanut allergy can
13 occur in three ways. The most common is by direct contact such
14 as eating peanuts or peanut-containing foods. Exposure can also
15 occur via cross-contact when peanuts are unintentionally
16 introduced during processing or handling of a food product. The
17 least common type of contact is through inhalation of dust or



1 aerosols containing peanuts, such as peanut flour or peanut oil
2 cooking spray.

3 The purpose of this Act is to take a positive step to
4 protect individuals from peanut allergy in food establishments.

5 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§321- Foods containing peanuts; notice required; food
9 establishments; inspection; penalty; rules. (a) Each food
10 establishment, if the establishment prepares or offers food that
11 contains peanuts or products derived from peanuts for human
12 consumption, shall post a notice stating that some food prepared
13 or offered for sale for consumption within the food
14 establishment may contain peanuts or products derived from
15 peanuts. The notice may be either a stand-alone sign
16 conspicuously displayed in plain view of customers of the food
17 establishment or a statement printed on each menu of the food
18 establishment.

19 (b) The notice requirement under subsection (a) shall be
20 subject to departmental inspection by a registered sanitarian or
21 a food and drug inspector under section 321-4.5.



1 (c) A food establishment that is found to have violated
 2 this section shall be fined an amount not exceeding \$ for
 3 the first violation and an amount not exceeding \$ for a
 4 subsequent violation.

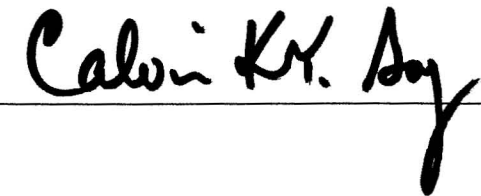

5 (d) The director of health shall adopt rules in accordance
 6 with chapter 91 to carry out this section."

7 SECTION 3. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun, before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. Soy



JAN 23 2009

Report Title:

Peanut Allergy; Mandatory Signs in Food Establishments

Description:

Requires food establishments to post notices warning that certain foods in the food establishment may contain peanuts or be prepared with products derived from peanuts. Makes notices subject to inspection of food establishments by department of health staff. Establishes penalty. Requires director of health to adopt rules.

