

1 H.202

2 Introduced by Representatives Webb of Shelburne, Brumsted of Shelburne,  
3 Fegard of Berkshire, Gardner of Richmond, Hooper of  
4 Burlington, Houghton of Essex, Jessup of Middlesex, Kitzmiller  
5 of Montpelier, Mrowicki of Putney, Sheldon of Middlebury,  
6 Squirrell of Underhill, Sullivan of Dorset, and Sullivan of  
7 Burlington

8 Referred to Committee on

9 Date:

10 Subject: Health; food establishments; menus; allergens

11 Statement of purpose of bill as introduced: This bill proposes to require  
12 restaurants and other food service establishments to identify allergens present  
13 in a menu offering.

14 An act relating to identifying allergens on menus and menu boards

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 18 V.S.A. § 4086 is amended to read:

17 § 4086. ~~MENUS AND MENU BOARDS~~ CALORIC VALUE OF MENU  
18 OFFERINGS

19 (a) Restaurants and similar food service establishments as defined in  
20 section 4301 of this title that are part of a chain with 20 or more locations

1 doing business under the same name and offering for sale substantially the  
2 same menu items shall disclose on the menu and on the menu board:

3 (1) adjacent to the name of each standard menu item the number of  
4 calories contained in the item; and

5 (2) a succinct statement concerning suggested daily caloric intake.

6 \* \* \*

7 Sec. 2. 18 V.S.A. § 4087 is added to read:

8 § 4087. IDENTIFYING ALLERGENS PRESENT IN MENU OFFERINGS

9 (a) Restaurants and other food service establishments as defined in  
10 section 4301 of this title shall disclose on the menu and on the menu board,  
11 adjacent to the name of each menu item, the presence of an allergen identified  
12 on a list maintained by the Commissioner of Health by rule.

13 (b) The Commissioner shall adopt a rule pursuant to 3 V.S.A. chapter 25  
14 that identifies those allergens that shall be listed on menus and menu boards of  
15 restaurants and other food service establishments in accordance with  
16 subsection (a) of this section. At least the following allergens shall be listed:

17 (1) gluten;

18 (2) wheat;

19 (3) crustacean shellfish;

20 (4) eggs;

21 (5) fish;

1           (6) peanuts;

2           (7) soybeans;

3           (8) milk;

4           (9) tree nuts;

5           (10) celery;

6           (11) mustard;

7           (12) sesame seeds;

8           (13) sulfur dioxide and sulfites;

9           (14) lupin; and

10          (15) mollusks.

11          (c) This section shall not apply to alcoholic beverages or to grocery stores,  
12          except for separately owned food facilities to which this section otherwise  
13          applies that are located in a grocery store. For purposes of this section, grocery  
14          stores include convenience stores.

15          (d) If at any time subsection (a), (b), or (c) of this section, or any  
16          combination thereof, is preempted by federal law, then restaurants and similar  
17          food establishments shall comply with the menu labeling provisions of the  
18          applicable federal statutes and regulations.

19          (e) A violation of this section shall be deemed a violation of the Consumer  
20          Protection Act, 9 V.S.A. chapter 63, provided that no private right of action  
21          shall arise from the provisions of this section. The Attorney General has the

1     same authority to make rules, conduct civil investigations, enter into  
2     assurances of discontinuance, and bring civil actions as provided under  
3     9 V.S.A. chapter 63, subchapter 1.

4     Sec. 3. EFFECTIVE DATE

5     This act shall take effect on July 1, 2019.