

1 H.144

2 Introduced by Representatives Minier of South Burlington, Bos-Lun of
3 Westminster, Burkhardt of South Burlington, Dodge of Essex,
4 Hango of Berkshire, Krasnow of South Burlington, Logan of
5 Burlington, and Sibia of Dover

6 Referred to Committee on

7 Date:

8 Subject: Health; food service establishments; food allergens

9 Statement of purpose of bill as introduced: This bill proposes to require
10 owners and operators of food service establishments to designate employees to
11 complete a food allergen training program. It further proposes to require food
12 service establishments to post signage regarding food allergens.

13 An act relating to enhancing food allergen awareness in food service
14 establishments

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

16 Sec. 1. FINDINGS

17 The General Assembly finds that:

18 (1) approximately 26 million adults and six million children in the
19 United States have a food allergy that could be life-threatening, including,
20 statistically, several thousands of whom are Vermonters;

1 (2) 38 percent of food allergic adults have reported at least one food-
2 allergy-related emergency department visit in their lifetime;

3 (3) approximately 30,000 hospital visits are attributed to food allergies
4 each year in the United States; and

5 (4) according to the U.S. Centers for Disease Control and Prevention,
6 food allergies cause between 150 and 200 deaths annually and nearly half the
7 fatal allergy reactions over a 13-year period were caused by food prepared at a
8 restaurant or other food service establishment.

9 Sec. 2. 18 V.S.A. § 4301 is amended to read:

10 § 4301. DEFINITIONS

11 (a) As used in this chapter:

12 * * *

13 (15) “Major food allergen” means any of the following:

14 (A) milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts,
15 sesame, and soybeans; or

16 (B) a food ingredient that contains protein derived from a food
17 specified in subdivision (A) of this subdivision (15), except any highly refined
18 oil derived from a food specified in subdivision (A) or any ingredient derived
19 from a highly refined oil derived from a food specified in subdivision (A).

20 * * *

1 Sec. 3. 18 V.S.A. § 4310 is added to read:

2 § 4310. FOOD ALLERGEN AWARENESS TRAINING

3 (a) The Commissioner shall designate one or more online food allergen
4 training programs for employees of food service establishments. Designated
5 programs shall be posted on the Department's website and shall comply with
6 the Office of Racial Equity's most recent Language Access Report.

7 (b)(1) The owner or operator of a food service establishment that offers
8 seating for on-site food consumption shall designate one or more public-facing
9 employees and one or more employees involved in food preparation to serve as
10 food safety officers while on duty at the food service establishment. A public-
11 facing food safety officer and food safety officer involved in food preparation
12 shall be present at a food service establishment during hours of operation.

13 (2) The owner or operator of a food service establishment that does not
14 offer seating for on-site food consumption shall designate one or more
15 employees to serve as food safety officers while on duty at the food service
16 establishment. A food safety officer shall be present at the food service
17 establishment during hours of operation.

18 (c)(1) A food safety officer shall complete a designated food allergen
19 training program at intervals determined by the Commissioner in rule.

1 (2) The owner or operator of a food service establishment shall assume
2 responsibility for costs related to completing a food allergen training program
3 by any food safety officers it employs.

4 (d) Upon completion of a food allergen training program, the food safety
5 officer shall provide the owner or operator of the food service establishment
6 with a written certificate acknowledging successful completion of the program.
7 The certificate shall be kept on file at the food service establishment and shall
8 be available for inspection by the Department upon request.

9 Sec. 4. 18 V.S.A. § 4311 is added to read:

10 § 4311. FOOD ALLERGEN SIGNAGE

11 (a)(1) The owner or operator of a food service establishment licensed
12 pursuant to section 4351 of this title shall conspicuously post food allergen
13 signage in the public-facing section of a food service establishment and where
14 food is prepared. The signage shall:

15 (A) list the major food allergens;

16 (B) indicate how many food safety officers are located on the
17 premise;

18 (C) direct customers to advise a food service establishment employee
19 of a known food allergy or special dietary requirement;

20 (D) list actions to be taken by the food service establishment if a
21 customer informs a food service establishment employee of a food allergy;

1 (E) identify symptoms of an allergic reaction, including loss of
2 consciousness; shortness of breath; itching or tingling in or around the mouth,
3 face, scalp, hands, and feet; hives; swelling of the face, eyelids, tongue, lips,
4 hands, or feet; tightening of the throat; and sudden onset of vomiting, cramps,
5 or diarrhea;

6 (F) identify actions to be taken if a customer has an allergic reaction;
7 and

8 (G) any other information related to food allergens that the
9 Commissioner directs by rule.

10 (2) A food service establishment may develop and post its own signage
11 in compliance with this subsection or obtain and post signage developed by the
12 Department.

13 (3) All signage developed in accordance with this subsection shall
14 comply with the Office of Racial Equity’s most recent Language Access
15 Report.

16 (b) The owner or operator of a food service establishment licensed pursuant
17 to section 4351 of this title shall include in all electronic and printed menus a
18 request that customers advise a food service establishment employee of a
19 known food allergy.

20 Sec. 5. EFFECTIVE DATE

21 This act shall take effect on July 1, 2025.