
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1339 Session of
2021

INTRODUCED BY SIMS, ROZZI, BURNS, KINSEY, SANCHEZ, MADDEN AND
CIRESI, MAY 5, 2021

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 5, 2021

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in food protection, providing for allergen
3 awareness and training in restaurants.

4 This act shall be referred to as "Max's Law."

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Chapter 57 of Title 3 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C

10 ALLERGEN AWARENESS AND TRAINING IN RESTAURANTS

11 Sec.

12 5741. Short title of subchapter.

13 5742. Definitions.

14 5743. Allergen awareness and training.

15 5744. Requirements for restaurants and certified food
16 protection managers.

17 5745. Certificate renewal.

18 5746. Compliance.

1 § 5741. Short title of subchapter.

2 This subchapter shall be known and may be cited as the
3 Allergen Awareness and Training in Restaurants Act.

4 § 5742. Definitions.

5 The following words and phrases when used in this subchapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Approved training provider." A person that provides
9 training and assessment of allergen awareness that has been
10 approved by the department for certified food protection
11 managers.

12 "Certified food protection manager." An employee of a
13 restaurant who has:

14 (1) Supervisory and management responsibility and the
15 authority to direct and control food preparation and service.

16 (2) Shown proficiency of required information through
17 passing a test that is part of an accredited food safety
18 program.

19 "Major food allergen." The following:

20 (1) Milk, eggs, fish, crustaceans, tree nuts, wheat,
21 peanuts, soybeans and sesame.

22 (2) A food ingredient that contains protein derived from
23 a food under paragraph (1).

24 (3) The term does not include any ingredient that is
25 exempt under the petition or notification process specified
26 in the Federal Food Allergen Labeling and Consumer Protection
27 Act of 2004 (Public Law 108-282, 181 Stat. 891).

28 "Menu." A printed or pictorial display of food items and
29 their prices that are available for sale from a restaurant. The
30 term includes menus distributed or provided outside the

1 restaurant and promotional items that include menu information
2 from which a customer can place an order, including menus
3 published on a restaurant's publicly accessible Internet
4 website.

5 "Menu board." A list or pictorial display of food items and
6 their prices posted within or outside a restaurant.

7 "Restaurant." An establishment substantially engaged in the
8 business of preparing and serving food intended for immediate
9 consumption either on or off the premises. The term includes,
10 but is not limited to, a full service restaurant, fast food
11 restaurant, take-out-only restaurant, institutional cafeteria in
12 a nonfood service setting, food court, cafe, luncheonette,
13 grill, tearoom, sandwich shop, soda fountain, ice cream parlor,
14 tavern, bar, cocktail lounge, night club, private, public or
15 nonprofit organization or institution routinely serving food,
16 catering kitchen or commissary or similar place in which food or
17 drink is prepared for sale or for service on the premises or
18 elsewhere.

19 § 5743. Allergen awareness and training.

20 (a) General rule.--A certified food protection manager shall
21 complete allergen awareness training and pass an assessment from
22 an approved training provider to obtain a certificate of
23 allergen awareness training within 60 days after the certified
24 food protection manager's hire date.

25 (b) Staff training.--A certified food protection manager
26 shall include allergen awareness in staff training and include
27 procedures for the handling of patrons with food allergies as
28 part of the restaurant's standard operating procedures.

29 (c) Notice on printed menus and menu boards.--A restaurant
30 shall include on all printed menus and menu boards a clear and

1 conspicuous notice requesting that a customer notify the server,
2 before placing an order, about the customer's allergy to a major
3 food allergen. The following shall apply:

4 (1) The notice shall be included on printed menus and on
5 indoor and outdoor menu boards, including drive-through menu
6 boards, no later than 60 days after the effective date of
7 this section.

8 (2) Notices on menu boards shall be easily readable from
9 the point of service at which food is ordered. The font size
10 of the notice on a menu board shall be equal to or greater
11 than the font size of the smallest menu item listed on the
12 menu board.

13 (3) In lieu of placing the notice directly on the indoor
14 or outdoor menu board itself, the restaurant may post the
15 notice adjacent to the menu board or at each point of service
16 where food is ordered. The notice shall be securely posted in
17 a manner so that it may be easily seen and read from a
18 distance of five feet by an individual standing at or
19 approaching the point of service, shall directly face the
20 purchaser and shall not be obstructed from view.

21 (d) Procedure.--A restaurant shall have a procedure in place
22 for informing customers of the presence of major food allergens
23 in menu items, upon a customer's request.

24 § 5744. Requirements for restaurants and certified food
25 protection managers.

26 (a) Restaurants.--A restaurant shall have on staff at least
27 one certified food protection manager who has been issued a
28 certificate of allergen awareness training by an approved
29 training provider under section 5743(a) (relating to allergen
30 awareness and training).

1 (b) Certified food protection managers.--A certified food
2 protection manager shall:

3 (1) Post the individual's certificate of allergen
4 awareness training under section 5743(a).

5 (2) Ensure that designated employees are properly
6 trained in food allergy awareness as it relates to their
7 assigned duties by taking a training course from an approved
8 training provider at least every three years.

9 (3) Ensure that at least one manager with a certificate
10 of allergen awareness training is on site at the restaurant
11 during all hours of operation.

12 § 5745. Certificate renewal.

13 A certificate of allergen awareness training shall be renewed
14 at least every three years by completing an allergen awareness
15 training course and successfully passing the assessment from an
16 approved training provider.

17 § 5746. Compliance.

18 (a) Retention of records.--A restaurant shall retain records
19 onsite documenting compliance of a certified food protection
20 manager with the allergen awareness training.

21 (b) Local public health authorities.--Local public health
22 authorities shall maintain an online source of restaurant
23 inspection scores and note the possession of a valid certificate
24 of allergen awareness training by a restaurant's certified food
25 protection manager.

26 (c) Enforcement.--The department shall enforce the
27 provisions of this subchapter.

28 Section 2. This act shall take effect in 60 days.