

BILL ANALYSIS

Senate Research Center
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S.B. 1683
By: Lucio
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Studies have shown that food allergy represents the most common cause of anaphylaxis among children and adolescents. Food allergy can cause anaphylactic shock, a severe immune response that can range from a tingling sensation around the mouth and lips, hives on the body, and can even lead to death. Over the last decade, the prevalence of food allergies has increased, and concerned stakeholders report that throughout the United States, more than 15 million people, including 1 in every 13 kids, are affected by a food allergy.

According to a study released by the Center for Disease Control in 2013, the number of people with food allergies is growing every day. Eight major foods are in the majority of all food allergy reactions in the U.S. These foods are peanuts, tree nuts, milk, egg, wheat, soy, fish, and shellfish.

Many of these reactions to food allergens can be avoided by informing all employees who come in contact with the food they are serving the public. Unfortunately, food establishments are not currently required to have any type of food allergy information displayed to their staff. Interested parties believe that in order to better protect the vulnerable population from needless hospitalization or potentially death arising from food allergies, food allergen awareness can be increased so that food establishments and their employees can become better informed about actions they can take to prevent allergic reactions to food.

Overall, S.B. 1683 addresses this concern by increasing food allergy awareness through the use of posters. Specifically, S.B. 1683 requires that food service establishments display a food allergen awareness poster in an area of the establishment accessible primarily to employees of the establishment. The poster must include information of the risk of an allergic reaction, the major food allergens, and methods for preventing cross-contamination in food preparation.

As proposed, S.B. 1683 amends current law relating to food allergen awareness in food service establishments.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 437.024, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.024, as follows:

Sec. 437.024. FOOD ALLERGEN AWARENESS. (a) Requires a food service establishment to display a poster relating to food allergen awareness in an area of the establishment accessible primarily to employees of the establishment. Requires the Department of State Health Services (DSHS) to determine the form and content of the poster and to post a sample poster on DSHS's website.

(b) Authorizes a food service establishment to display the information from the sample poster in lieu of the poster, provided the information is presented and

posted in a manner that is easily readable by the establishment's employees in the selected employee area.

(c) Requires that the poster or posted information include information regarding:

(1) the risk of an allergic reaction;

(2) the eight major food allergens, including milk, wheat, eggs, soy, shellfish, peanuts, tree nuts, and fish; and

(3) methods for preventing cross-contamination in food preparation.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary to implement this section.

(e) Provides that this section does not create a private cause of action or change any common law or statutory duty.

SECTION 2. Provides that, not later than December 1, 2017:

(1) DSHS is required to determine the form and content of the poster and to post the sample poster on DSHS's website as required by Section 437.024, Health and Safety Code, as added by this Act; and

(2) the executive commissioner is required to adopt any rules necessary to implement Section 437.024, Health and Safety Code, as added by this Act.

SECTION 3. Provides that a food service establishment, notwithstanding Section 437.024, Health and Safety Code, as added by this Act, is not required to comply with that section before January 1, 2018.

SECTION 4. Effective date: September 1, 2017.