

**Food Allergen Awareness Regulations
Proposed amendments to 105 CMR 590.000**

Amendments in BOLD.

(1) Amend 590.002(B) to add the following definitions:

Common Victualler means a food establishment licensed under M.G.L. c. 140, section 6 that cooks, prepares, or serves food.

Innholder means a food establishment licensed under M.G.L. c. 140, section 6 that cooks, prepares, or serves food.

Major Food Allergen means:

- (1) Milk, eggs, fish (such as bass, flounder, or cod), crustaceans (such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; and**
- (2) A FOOD ingredient that contains protein derived from a FOOD named in subsection (1).**

"Major food allergen" does not include:

- (a) Any highly refined oil derived from a FOOD specified in subsection (1) or any ingredient derived from such highly refined oil; or**
- (b) Any ingredient that is exempt under the petition or notification process specified in the federal Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).**

(2) Amend the definition of "menu" in 590.002(B) as follows:

Menu means a printed list or pictorial display of a food item or items and their price(s) that are available for sale from a covered food establishment, or from a food establishment licensed under M.G.L. c. 140, section 6 as a common victualler or innholder that cooks, prepares, or serves food, and includes menus distributed or provided outside of the establishment.

(3) Amend as follows 105 CMR 590.003(B) (Management and Personnel – federal 1999 Food Code Chapter 2)

(B) FC 2-102.11 Demonstration

...

The areas of knowledge include:

...

(17) No later than July 1, 2010:

- (a) Describing FOODS identified as MAJOR FOOD ALLERGENS and describing the symptoms that MAJOR FOOD ALLERGENS could cause in a sensitive individual who has an allergic reaction; and**

(b) Ensuring that employees are properly trained in food allergy awareness as it relates to their assigned duties.

(4) Amend 590.009: Special Requirements to add new subsection (H):

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(H) Food Allergy Awareness Requirements for Common Victualler or Innholder. No later than July 1, 2010, a food establishment licensed as a common victualler or innholder under M.G.L. c. 140, section 6 that cooks, prepares, or serves food shall comply with the following requirements.

(1) **Poster.** Prominently display in the employee work area a poster developed and approved by the Department relating to major food allergens. The poster shall include the following information:

- (a) Major food allergens;
- (b) Health risks of food allergies;
- (c) Procedure to follow when a customer states that they have a food allergy; and
- (d) Emergency procedure to follow if a customer has an allergic reaction to a food.

(2) **Notice on menus.** Include on any printed menu a clear and conspicuous notice requesting a customer to inform the server before placing an order, about the customer's allergy to a major food allergen. The notice shall state: *Before placing your order, please inform your server if a person in your party has a food allergy.*

(3) **Training**

(a) Each certified food protection manager shall view a training video approved by the Department, concerning major food allergies and celiac disease-related food intolerance, once every five years. Such manager shall prominently post at the food establishment where he or she works, the certificate indicating that he or she has viewed the video.

i. Beginning July 1, 2010, a person shall view the training video in order to become certified or recertified as a food protection manager.

ii. Persons who are certified as food protection managers on July 1, 2010 and who are not due to become recertified within the following 6 months shall view the training video no later than January 1, 2011.

(b) Each person in charge, certified food protection manager, and alternate person in charge shall:

i. Demonstrate knowledge of MAJOR FOOD ALLERGENS during inspections and upon request of the REGULATORY AUTHORITY, by describing FOODS identified as MAJOR FOOD ALLERGENS and describing the symptoms that MAJOR FOOD ALLERGENS could cause in an individual who has an allergic reaction, or by

displaying the certificate indicating that he or she has viewed the training video described in 105 CMR 590.009(H)(3)(a); and
ii. Ensure that employees are properly trained in food allergy awareness as it relates to their assigned duties.

Regulatory authority: MGL c. 140, § 6B.