AN ACT to create 97.31 of the statutes; relating to: requiring food allergy
posters to be displayed in certain retail food establishments.

Analysis by the Legislative Reference Bureau

This bill requires restaurants and certain other retail food establishments to
display, in a place frequented by employees, an educational poster relating to food
allergies. The poster must be in a language the employees understand and must
identify or describe: the eight most common food allergens; sources of cross
contamination; what to do if a customer notifies an employee that someone in their
party has a food allergy; and what to do if a person is having an allergic reaction.

For further information see the state and local fiscal estimate, which will be
printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:

SECTION 1. 97.31 of the statutes is created to read:

97.31 Food allergy educational posters. (1) Except as provided under sub.
(2), a retail food establishment, as defined under s. 97.30 (1) (c), shall conspicuously
display, in a location within the establishment that is frequented by employees, an
educational poster that provides information about food allergies. The poster shall be in a language or languages understandable to all employees at the establishment and shall include all of the following:

(a) A list of the most common food allergens, which shall include peanuts, tree nuts, fish, shellfish, eggs, milk, wheat, and soy.

(b) A list of common sources of cross contamination, and a description of what to do if certain tools, utensils, or appliances come into contact with food allergens.

(c) A description of what an employee should do if notified that a customer or a person in a customer’s party has a food allergy, including referring the information to the chef or manager; reviewing the food allergy with the customer and checking ingredient labels; remembering to check the preparation procedure for potential cross contamination; and responding to the customer to keep them informed of what actions the employee is taking.

(d) A description of what to do if a customer has an allergic reaction, including dialing the telephone number “911” and notifying a manager.

(2) The requirement under sub. (1) does not apply to any of the following:

(a) A micro market.

(b) A concession stand at a locally sponsored sporting event, such as a little league game.

SECTION 2. Effective date.

(1) This act takes effect on the first day of the 13th month beginning after publication.