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# PATRICK SNYDER

STATE REPRESENTATIVE • 85<sup>th</sup> ASSEMBLY DISTRICT

Chairman Pronschinske and Members of the Committee on Consumer Protection,

Thank you for hearing testimony on Assembly Bills 240 and 241, which will provide protections for customers that have food allergies at retail food establishments.

Food allergies are serious, sometimes life threatening conditions that impact an estimated 32 million Americans, including 4-6% of children. A food allergy, distinctly separate from a food intolerance, occurs when the body has an immune response to a food, similar to the body's response to germs. Symptoms of food allergies may be mild, such as red and itchy skin, stuffy nose, and watery eyes; however, severe reactions may include vomiting, swelling of the throat, trouble breathing, loss of consciousness, and, in the most severe cases, death.

It is estimated by the Food and Drug Administration that food allergies cause 30,000 emergency room visits, 2,000 hospitalizations, and 150 deaths each year in the United States, costing millions of dollars in health care. Additionally, food allergies are now the leading cause of anaphylaxis in community health settings. **Research indicates this problem is only going to get worse; between 1997 and 2007, food allergies among kids increased by 18%, making it imperative that we address the situation sooner than later.**

While there is no cure for food allergies, the impact that they have on our citizens and community response systems can be partially mitigated through better education and awareness, which is why Senator Petrowski and I introduced Assembly Bills 240 and 241.

Assembly Bill 240 requires certain retail food establishments to display an educational poster about food allergies for employees. Because we know that 90% of serious food allergy reactions are caused by eight food groups—soy, milk, eggs, wheat, shellfish, peanuts, tree nuts, and fish—the poster must display these eight major allergens. We also know that very trace amounts of a food, such as 1/44,000 of a peanut kernel, can cause a reaction to the most severely allergic, so the poster must address cross-contamination risk factors. Lastly, the poster should contain information on the food establishment's protocol if a person has a food allergy or is having an allergic reaction. This poster, which must be in a place frequented by employees and in a language the employees can understand, is a low-burden requirement for restaurants to ensure employees are well-equipped with the knowledge necessary to prevent serious situations from occurring due to food allergies.

Additionally, Assembly Bill 241 requires certain retail food establishments to include a statement on their menu saying "Before placing your order, please inform your server if a person in your party has a food allergy." Over 160 foods have been known to cause an allergic reaction,



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and as restaurants become more unique and creative with their menu items and menu design, it has become harder for those with food allergies to decipher what menu items may contain an allergen. By seeking information on the customer's needs before meal preparation, restaurants and their customers will avoid critical situations caused by food allergies.

In order to ensure that this legislation isn't overly burdensome for retail food establishments, it allows one year for compliance. This effective date was created with the recognition that most restaurants update their menu at least once per year, so the new statement could be added at the time of other updates. While we believe many retail food establishments will come into compliance sooner (many already are in compliance today), the delayed effective date will make any burden negligible.

Despite the low-burden, this legislation has the potential to make a big impact. For those with food allergies it will provide assurance that their experiences at restaurants and other retail food establishments will be less uncertain. For restaurants, it provides an avenue for customers to be forthcoming with information about their allergens, reducing the chance of critical situations. Lastly, community response systems and healthcare settings may become less strained from serious incidents relating to food allergies.

Thank you again for your time, and I respectfully request your support for Assembly Bills 240 and 241.

# Lisa Subeck

STATE REPRESENTATIVE

To: Assembly Committee on Consumer Protection  
From: Representative Lisa Subeck  
Date: January 16, 2020  
Subject: Testimony in support of Assembly Bills 240 and 241

Chairman Pronschinske and members of the Committee on Consumer Protection:

Thank you for the opportunity to testify on Assembly Bills 240 and 241. AB 240 would require food allergy posters to be displayed in certain retail establishments, and AB 241 would require a food allergy statement on menus.

As someone with severe allergies to nuts, sesame, and avocados, I know firsthand how important it is that the food service industry takes these allergies seriously, and that employees in this industry fully understand how to deal with such allergies. I carry an Epi-Pen everywhere I go, and I have had to use this life-saving medication on more than one occasion.

The very first time I ever had to use my Epi-Pen was during a catered luncheon meeting I attended several years ago on campus. When the server came to our table, I let him know about my allergies and then double-checked when the food came that the chicken salad wrap he served me did not contain nuts. Despite my best efforts, I knew immediately when I bit into it that it did, indeed, contain nuts. My lips immediately began swelling; my throat was scratchy, and I began wheezing. Without my Epi-Pen, my throat would have likely closed, and I may not be here.

Similarly, not long ago I ordered a meal at a restaurant that came with a salad. When the salad arrived, it had nuts on it. When I reminded the server of my nut allergy, I was asked if I could just take them off the salad. I know that I cannot do so, as cross-contamination is dangerous. My mother, who is also has anaphylactic reactions to nuts, found this out the hard way when she sent back a meal that had nuts on the plate only to have the kitchen staff remove the nuts and bring back the very same dish. She ended up in the emergency room as a result of this dangerous cross-contamination.

I am not alone, and the number of people with serious food allergies continues to grow. According to FARE, Food Allergy Research and Education, an estimated 32 million people in the United States have food allergies, including 5.6 million children. Each year in the United States, 200,000 people require emergency treatment for food-related allergic reactions.

While I believe that most restaurant staff work hard to ensure high standards of food safety in relation to customers with food allergies, too often they do not have

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the information they need to do so. AB 240 ensures that restaurant staff know what to do if a customer informs them of a food allergy and what steps to take if a customer does experience an anaphylactic reaction. AB 241 not only provides guidance to customers but also serves as a reminder to servers about the necessity of communicating food allergy information.

While food allergies may not be cured, we can mitigate their impact by preventing unnecessary exposure to allergens. Together, these two bills help do just that, reducing the impact of food allergies on our state's residents and potentially saving lives.

Thank you again for your time and your consideration of Assembly Bills 240 and 241. I would be happy to answer any questions.