

HOUSE BILL NO. 3446

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALSH MOORE.

7029H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to the disclosure of major food allergens on restaurant menus.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be
2 known as section 196.184, to read as follows:

196.184. 1. As used in this section, the following terms mean:

2 **(1) "Major food allergen":**

3 **(a) Any of the following:**

4 **a. Milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, sesame, and**
5 **soybeans; and**

6 **b. Any food ingredient that contains protein derived from a food listed in**
7 **subparagraph a. of this paragraph; and**

8 **(b) Shall not include:**

9 **a. A highly refined oil derived from a food specified in subparagraph a. of**
10 **paragraph (a) of this subdivision or any ingredient derived from that highly refined oil;**
11 **or**

12 **b. An ingredient that is exempt under the petition or notification process**
13 **specified in the federal Food Allergen Labeling and Consumer Protection Act of 2004,**
14 **Pub. L. 108-282;**

15 **(2) "Menu", the same meaning given to the term "menu or menu board" in 21**
16 **CFR 101.11;**

17 **(3) "Restaurant", a business in this state that:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **(a) Operates its own permanent food service facilities with commercial cooking**
19 **equipment on its premises; and**

20 **(b) Prepares and offers to sell multiple entrees for consumption on or off the**
21 **premises.**

22 **2. A restaurant shall provide written notification of major food allergens that the**
23 **restaurant knows or reasonably should know are contained as ingredients in each menu**
24 **item. The restaurant shall provide this information either:**

25 **(1) Directly on the restaurant's menu. If the restaurant elects to provide major**
26 **food allergen information directly on its menu, the menu item shall be followed by a**
27 **written statement below or immediately adjacent to the menu item indicating the major**
28 **food allergens contained in the menu item; or**

29 **(2) In a digital format including, but not limited to, using a quick response (QR)**
30 **code that links to the restaurant's digital menu. If a restaurant elects to provide the**
31 **major food allergen information in a digital format, the restaurant shall also use an**
32 **alternative method to provide the information to customers who are not able to access**
33 **the information in the digital format. For purposes of this subdivision, "alternative**
34 **method" includes, but is not limited to, any of the following:**

35 **(a) A separate allergen-specific menu;**

36 **(b) An allergen chart;**

37 **(c) An allergen grid;**

38 **(d) An allergen booklet; or**

39 **(e) Other written materials.**

40 **3. A restaurant shall use either of the following when providing the major food**
41 **allergen information required under this section:**

42 **(1) Common or usual names of the major food allergens; or**

43 **(2) Standardized pictograms to communicate the presence of major food**
44 **allergens.**

45 **4. The department of health and senior services shall enforce this section and**
46 **may apply for and obtain a temporary or permanent injunction restraining any person**
47 **from violating this section in the same manner authorized under section 196.020.**

48 **5. The department of health and senior services may use either of the following**
49 **methods to evaluate a restaurant's compliance with this section:**

50 **(1) Visual verification of allergen disclosure. An enforcement officer may**
51 **confirm that required allergen statements are displayed on printed menus, digital**
52 **menus, or the alternative methods described in subdivision (2) of subsection 2 of this**
53 **section; or**

54 **(2) Other reasonable methods of verification consistent with the intent of this**
55 **section.**

56 **6. This section shall not apply to prepackaged foods that are subject to federal**
57 **labeling requirements for major food allergens under 21 U.S.C. Section 343.**

58 **7. This section shall not alter any duty that a restaurant may have under existing**
59 **law to reasonably ensure the safety of its patrons.**

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