

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1377**

Short Title: Restaurants/Info on Peanut Allergies.

(Public)

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Sponsors: Representatives Alexander; Faison, Glazier, Harrison, and Moore.

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Referred to: Health, if favorable, Commerce, Small Business and Entrepreneurship.

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April 10, 2007

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO  
ADOPT RULES REQUIRING FOOD ESTABLISHMENTS TO POST  
INFORMATION ABOUT CERTAIN FOOD ALLERGIES.

Whereas, approximately 322,000 North Carolinians, or 4% of the State's population, have food allergies; and

Whereas, approximately 185,000 North Carolinians, or 2.3% of the State's population, are allergic to fish, shellfish, or both; and

Whereas, approximately 88,000 North Carolinians, or 1.1% of the State's population are allergic to peanuts, tree nuts, or both; and

Whereas, peanut allergy doubled in children between 1997 and 2002; and

Whereas, 20% of individuals allergic to peanuts are also allergic to tree nuts; and

Whereas, exposure to certain food products may cause anaphylaxis (a life-threatening allergic reaction) in persons with severe food allergies; and

Whereas, peanuts, tree nuts, fish, and shellfish are the food allergens most likely to cause severe, fatal allergic reactions; and

Whereas, there is no cure for food allergies, and thus the best way to avoid an allergic reaction is to avoid consumption of the allergenic product; Now, therefore, The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-248 is amended by adding the following new subsection to read:

"(c2) The Commission shall adopt rules requiring establishments that prepare or serve food containing peanuts or tree nuts to post a consumer advisory in a conspicuous place where it may be readily observed by the public prior to consumption of the food. The advisory shall explain peanut and tree nut allergies and health-related consequences to individuals with peanut or tree nut allergies who are exposed to food items that contain or are prepared with peanuts or tree nut products. In addition to the consumer

1 advisory, the establishment shall include in or with its menu an advisory statement  
2 about peanut and tree nut allergies and shellfish allergies."

3           **SECTION 2.** The Department of Health and Human Services, Division of  
4 Public Health, shall prepare a fact sheet designed to explain peanut and tree nut allergies  
5 and the health-related consequences of the consumption of peanut and tree nut products  
6 by individuals with peanut and tree nut allergies. The Department shall make the fact  
7 sheet available to local boards of health, and local health inspectors shall furnish this  
8 information to establishments subject to G.S. 130A-248(c2) at the time of inspection.

9           **SECTION 3.** This act becomes effective October 1, 2007. The Department  
10 of Health and Human Services, Division of Public Health, may adopt temporary rules to  
11 implement this act.