

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE DRH60267-LN-108 (3/2)**

Short Title: Restaurants Publicize Info on Peanut Allergy. (Public)

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Sponsors: Representative Alexander.

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Referred to:

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A BILL TO BE ENTITLED

1  
2 AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO  
3 ADOPT RULES REQUIRING FOOD ESTABLISHMENTS TO POST  
4 INFORMATION ABOUT CERTAIN FOOD ALLERGIES.

5       Whereas, research estimates that one in every 200 people may be allergic to  
6 nuts and nut products, and one in 100 may be allergic without ever having had an  
7 allergic reaction; and

8       Whereas, anyone can develop nut allergies, but the allergy is more common  
9 in people who have other conditions such as eczema or hay fever, or other inherited  
10 allergic conditions; and

11       Whereas, the majority of children and 50% of adults who are allergic to  
12 peanuts are allergic to other types of nuts; and

13       Whereas, exposure to nut products can cause anaphylaxis in persons with  
14 severe allergies; and

15       Whereas, there is no cure for nut allergies and thus the best way to avoid an  
16 allergic reaction is to avoid consumption of nut products; Now, therefore,  
17 The General Assembly of North Carolina enacts:

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

20       "(c2) The Commission shall adopt rules requiring establishments that prepare or  
21 serve food containing nut products to post a consumer advisory in a conspicuous place  
22 where it may be readily observed by the public prior to consumption of the food. The  
23 advisory shall explain nut allergies and health-related consequences to individuals with  
24 nut allergies who are exposed to food items that contain or are prepared with nut  
25 products. In addition to the consumer advisory, the establishment shall include in or  
26 with its menu, an advisory statement about nut allergies and shellfish allergies. As used  
27 in this subsection, "nut" means peanuts and tree nuts, including almonds, brazil nuts,

1 cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, walnuts, and any other  
2 nut products that, when consumed, may produce an allergic reaction in persons with nut  
3 allergies."

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

10       **SECTION 3.** This act becomes effective October 1, 2005. The Department  
11 of Health and Human Services, Division of Public Health, may adopt temporary rules to  
12 implement this act.