

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

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**SENATE DRS85164-LN-173 (3/16)**

Short Title: Restaurants/Provide Info on Use of Peanuts. (Public)

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Sponsors: Senator Graham.

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Referred to:

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

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

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

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

Whereas, there is no cure for nut allergies, and thus the best way to avoid an allergic reaction is to avoid consumption of nut products; 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 nut products 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 nut allergies and health-related consequences to individuals with nut allergies who are exposed to food items that contain or are prepared with nut products. In addition to the consumer advisory, the establishment shall include in or with its menu an advisory statement about nut allergies. As used in this subsection, "nut" means peanuts and tree nuts, including almonds, brazil nuts, cashews, hazelnuts,

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

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

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