

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 68 (Menjivar) – As Amended July 10, 2025

Policy Committee: Health

Vote: 14 - 1

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill adds sesame to the list of major food allergens in the California Retail Food Code (CalCode) and requires restaurants to provide written notification of the major food allergens that the restaurant knows or reasonably should know are contained in each menu item.

Specifically, this bill:

- 1) Adds sesame to the definition of major food allergen in the CalCode.
- 2) Defines “large chain restaurant” to mean a retail food establishment that prepares, serves, and vends food directly to the consumer and that is part of a chain with 20 or more locations doing business under the same name in the state, regardless of the type of ownership of the locations, and offering for sale substantially the same menu items.
- 3) Defines “medium chain restaurant” as in item 2, above, except with six to 19 locations.
- 4) Defines “small chain restaurant” as in item 2, above, except with two to five locations.
- 5) Defines “independent restaurant” as in item 2, above, except with only one location.
- 6) Requires, commencing July 1, 2026, a large chain restaurant or medium chain restaurant provide written notification of major food allergens that the restaurant knows or reasonably should know are contained as ingredients in each menu item, in either of the following manners:
 - a) Directly on the restaurant’s menu, followed by a written statement immediately below or adjacent to the menu item indicating the major food allergens contained in the menu item.
 - b) In a digital format, including a quick response (QR) code that links to the restaurant’s digital menu. If the restaurant provides information in a digital format, the restaurant must also use an alternative method, such as a separate, allergen-specific menu, an allergen chart or grid, an allergen booklet, or other written materials.
- 7) Requires, commencing July 1, 2026, a small chain restaurant or independent restaurant provide written notification of major food allergens that the restaurant knows or reasonably should know are contained as ingredients in each menu item, in a manner that is readily available and accessible to its customers, including any of the following means of disclosure:

- a) Directly on the restaurant's menu, with the menu item followed by a written statement below or immediately adjacent to the menu item, indicating the major food allergens contained in the menu item.
 - b) In a digital format, including, but not limited to, using a QR code that links to the restaurant's digital menu.
 - c) A separate allergen-specific menu.
 - d) An allergen chart or grid.
 - e) An allergen booklet.
 - f) Other written materials.
- 8) Clarifies the bill does not apply to prepackaged foods, compact mobile operations, or nonpermanent food facilities, as defined.
- 9) Clarifies the bill does not alter any duty that a large, medium, or small chain or independent restaurant may have under existing law to reasonably ensure the safety of its patrons.

FISCAL EFFECT:

The California Department of Public Health (CDPH) estimates minor and absorbable costs to conduct initial training and create and post on its website a Frequently Asked Questions document, which CDPH can complete with existing resources.

The California Association of Environmental Health Administrators (CAEHA) states local governments will need to update inspection forms, brief staff on the new law, and monitor the presence or absence of the required allergy labeling, with minor cost impacts on local governments. CAEHA states local jurisdictions do not seek state reimbursement for updating forms and local training.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by the Asthma and Allergy Foundation of America. According to the author:

Currently, restaurants are not required to label significant food allergens on their menus, even though they do need to be aware of the symptoms that a significant food allergen could cause in a sensitive individual who has an allergic reaction and to educate food facility employees regarding those matters. Frankly, that is not enough, considering that the Centers for Disease Control and Prevention [CDC] has found that half of all fatal allergic reactions occur from restaurant food, and 75% of allergic reactions occur at restaurants.

As someone who is allergic to several food groups, I have been sent to the emergency room twice after eating food at a restaurant that was not

properly labeled. In 2014, the European Union mandated that all restaurants would be required to label 14 allergens in restaurants. We can follow suit and create a win-win solution for the food allergy community and restaurants by making it safer to consume meals.

- 2) **Background. Food Allergies.** According to CDPH, allergic reactions associated with the consumption of specific foods are a growing public health concern, with an estimated 15 million people in the U.S., including 4% to 6% of children, affected by food allergies. Symptoms can range from a minor rash, hives, and swelling of the facial area to anaphylaxis, a life-threatening condition that can lead to constricted airways and a severe lowering of blood pressure. Anaphylaxis results in approximately 30,000 emergency room visits and 150 deaths in the U.S. annually.

Food Allergies in Restaurants. A 2014 study in the CDC Morbidity and Mortality Weekly report found that nearly half of reported fatal food allergy reactions were from food from a food establishment. According to a 2021 report in the Journal of Allergy and Clinical Immunology: In Practice, allergic reactions were cut in half when allergens were declared on menus and even more so when patrons had a conversation in addition to labeling. Of the allergic reactions, 53.9% occurred despite the communication of food allergy to restaurant staff, 26.6% occurred when allergens were declared on the menu, and 13.7% occurred when allergens were declared on the menu and restaurant staff were informed of the food allergy.

Other Countries. Since 2014, the European Union (EU) has required mandatory allergen information for non-prepackaged food, including in restaurants. A restaurant must disclose 14 allergens, including sesame and the major allergens listed in the CalCode. The EU regulations permit member countries to adopt national measures concerning the means through which the allergen information is to be made available. In the absence of national measures, the regulations require allergen information be easily visible, clearly legible, and, where appropriate, provided in written form. The EU regulations do not allow a restaurant to provide allergen information only upon the request of the consumer.

Federal Model Food Code. The Food and Drug Administration (FDA) maintains a model Food Code, which does not have the force of law or regulation and is not preemptive. The purpose of the model food code is to provide food control jurisdictions a scientifically sound technical and legal basis for regulating the retail segment of the food industry. The model Food code was last updated in 2022, and includes sesame as a major food allergen and requires written notification of major food allergens as ingredients in unpackaged food, including restaurant meals. The model Food Code states “written notification” of top allergens can be provided in many forms such as physical or electronic means, including brochures, deli case or menu notifications, label statements, table tents, placards, or other effective written means.