
UNFINISHED BUSINESS

Bill No: SB 68
Author: Menjivar (D)
Amended: 9/4/25
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 4/9/25

AYES: Menjivar, Valladares, Durazo, Gonzalez, Grove, Limón, Padilla,
Richardson, Rubio, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-0, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto, Dahle

SENATE FLOOR: 32-0, 5/28/25

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado,
Laird, McGuire, McNerney, Menjivar, Niello, Padilla, Pérez, Richardson, Rubio,
Seyarto, Smallwood-Cuevas, Stern, Umberg, Valladares, Wahab, Weber
Pierson, Wiener

NO VOTE RECORDED: Cervantes, Choi, Dahle, Jones, Limón, Ochoa Bogh,
Reyes, Strickland

ASSEMBLY FLOOR: 66-1, 9/8/25 - See last page for vote

SUBJECT: Major food allergens

SOURCE: Asthma and Allergy Foundation of America
Robyn Huey Lao and Addie Lao

DIGEST: This bill requires a chain restaurant with 20 or more locations to provide written notification of major food allergens contained as an ingredient in each menu item.

Assembly Amendments limit the requirements in this bill to chain restaurants with 20 or more locations, and clarifies that it requires allergen disclosure when the

restaurant knows or reasonably should know that the menu item contains allergen ingredients.

ANALYSIS:

Existing federal law:

- 1) Requires the label of packaged food that contains a major food allergen to include the word “Contains” followed by the name of the food source from which the major allergen is derived, printed immediately after or is adjacent to the list of ingredients, in a type size no smaller than the type size used in the list of ingredients. [21 United States Code (USC) §343]
- 2) Defines “major food allergen,” for purposes of federal packaged food labeling requirements, as meaning milk, egg, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame; and, a food ingredient that contains protein derived from one of the these listed foods, except for any highly refined oil derived from one of these listed foods. [21 USC §321(qq)]
- 3) Defines “menu or menu board,” for purposes of federal requirements regarding nutrition labeling of standard menu items in chain restaurants, as the primary writing of the restaurant from which a customer makes an order selection, including, but not limited to, breakfast, lunch, and dinner menus; dessert menus; beverage menus; children’s menus; other specialty menus; electronic menus; and menus on the Internet. The menus may be in different forms, *e.g.*, booklets, pamphlets, or single sheets of paper. Menu boards include those inside a restaurant as well as drive-through menu boards at covered establishments. [21 Code of Federal Regulations (CFR) §101.11(a)]

Existing state law:

- 1) Establishes the California Retail Food Code (CalCode) to provide for the regulation of retail food facilities. Health and sanitation standards are established at the state level through the CalCode, while enforcement is charged to local agencies, carried out by the 58 county environmental health departments, and four city environmental health departments (Berkeley, Long Beach, Pasadena, and Vernon). [Health and Safety Code (HSC) §113700, et seq.]
- 2) Establishes misdemeanor penalties for violations of the CalCode, with a fine of up to \$1,000, or up to six months in the county jail, or both, unless otherwise specified. Permits a permit to be suspended or revoked by a local enforcement

officer for violations, under a specified process that includes the ability for a permit holder to request a hearing. [HSC §114395 and §114405]

- 3) Defines a “food facility” as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Excludes various entities from the definition of a “food facility,” including a cottage food operation, and a church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs no more than three days in any 90-day period. [HSC §113789]
- 4) Defines “major food allergen” as all of the following: milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, soybeans, or a food ingredient that contains protein derived from one of these foods. [HSC §113820.5]
- 5) Requires a food facility to designate a “person in charge” and requires a person in charge to be present at the food facility during all hours of operation. Among other responsibilities, the person in charge is required to have adequate knowledge of major food allergens, foods identified as major food allergens, and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction. Requires the person in charge to educate the employees at the food facility regarding food allergens, which the person in charge is permitted to accomplish by using a poster or job aid to which the employee can refer. [HSC §113947]
- 6) Defines “food handler” as an individual who is involved in the preparation, storage, or service of food in a food facility. [HSC §113790]
- 7) Requires all food handlers to obtain a “food handler card” within 30 days from the date of hire, and to maintain a valid food handler card for the duration of employment. Requires the food handler course to provide basic, introductory instructions on specified elements of knowledge, including foodborne illness, the relationship between personal hygiene and food safety, methods of preventing food contamination, and procedures for cleaning and sanitizing equipment. Additionally, requires the course to contain elements of knowledge regarding major food allergens and the symptoms they could cause in an individual who has an allergic reaction, and safe handling practices for major food allergens, including training on the avoidance of cross-contamination. [HSC §113948]
- 8) Requires food facilities to have at least one person who has successfully passed an approved and accredited food safety certification examination, but does not

require this person to be present at the food facility during all hours of operation. Specifies the requirements for the food safety certification examination, which, in addition to a more detailed version of all of the elements of knowledge for the food handler card specified in 6) above, is required to include problems and potential solutions associated with facility and equipment design, and describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual. [HSC §113947.1 and §113947.2]

- 9) Requires a food facility, as defined in federal law as a chain restaurant with 20 or more locations, to comply with federal menu labeling requirements that provide calorie and other nutritional information. Provides for local enforcement of the menu labeling requirement, and provides for a fine of between \$50 and \$500 for a first violation, between \$100 and \$1,000 for a second violation in a five-year period, and a fine of between \$250 and \$2,500 for subsequent violations. [HSC §114094]

This bill:

- 1) Requires, beginning on July 1, 2026, a food facility that is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items to provide written notification of major food allergens that the food facility knows or reasonably should know are contained as an ingredient in each menu item in either of the following manners:
 - a) Directly on the food facility's menu, by following each menu item with a written statement below or immediately adjacent to the menu item indicating the major food allergens contained in the menu item; or
 - b) In a digital format, including, but not limited to, using a quick response (QR) code that links to the food facility's digital menu.
- 2) Requires a food facility, if it elects to provide the major food allergen information in a digital format, to also use an alternative method to provide the information to customers who are not able to access the information in the digital format. Specifies that "alternative method" includes, but is not limited to, any of the following:
 - a) A separate allergen-specific menu;
 - b) An allergen chart;
 - c) An allergen grid;

- d) An allergen booklet; or,
 - e) Other written materials.
- 3) Requires a food facility, when providing allergen information pursuant to this bill, to use either the common or usual names of the major food allergens, or standardized pictograms to communicate the presence of major food allergens.
 - 4) Permits an enforcement agency to utilize either of the following methods to evaluate a food facility's compliance with this bill: a visual verification of allergen disclosure, as specified, or other reasonable methods of verification consistent with the intent of this bill.
 - 5) Defines "menu" as having the same meaning as that term is defined in federal regulations pertaining to chain restaurant nutrition labeling requirements (see existing federal law above).
 - 6) Excludes prepackaged foods that are subject to federal labeling requirements for major food allergens from the provisions of this bill.
 - 7) Exempts compact mobile food operations, as defined, from the provisions of this bill.
 - 8) Revises the definition of "major food allergen," for purposes of the CalCode, to add sesame to the list of major food allergens.

Comments

According to the author of this bill:

Even though eating at restaurants poses a risk of allergic reactions for people with food allergies, there exists an inadequate and/or inconsistent labeling of allergens in foods. 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. This bill would mandate universal allergen disclosures for the nine federally recognized allergens such as milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, sesame, and soybeans on all restaurant menus. This bill will ensure that all adults and children are able to enjoy a meal comfortably without the fear that consuming this meal would lead to a severe or tragic experience.

Background

Background on food allergies. According to the National Institute of Allergy and Infectious Diseases (NIAID), food allergies develop when a person comes in contact with their allergen, and the immune system makes an antibody called immunoglobulin E, or IgE. The initial exposure does not cause an allergic reaction, however subsequent contact with the same allergen may allow previously created IgE antibodies to recognize it, which launches an immune response that can result in a severe allergic reaction. Investigators have discovered those who already have a food allergy or other allergic diseases are more likely to develop food allergies. Young children are also more likely to develop food allergies compared with older children or adults. Genetics are also likely to play a role, with people who come from a family in which allergic diseases are common, such as food allergies, eczema, hay fever, or asthma, are more likely to develop food allergies. According to a 2019 study in the *Journal of the American Medical Association*, entitled “Prevalence and Severity of Food Allergies Among US Adults,” in a population-based survey study of 40,443 U.S. adults, an estimated 10.8% of these adults were food allergic at the time of the survey (nearly 19% believed that they were food allergic). Nearly half of food-allergic adults had at least one adult-onset food allergy, and 38% reported at least one food allergy-related emergency department visit in their lifetime. The findings suggested that food allergies are common and severe among U.S. adults, often starting in adulthood. The CDC estimates that 5.8% of children have a food allergy.

According to NIAID, allergic reactions to foods can range from mild gastrointestinal symptoms or skin rashes to severe reactions that can be fatal to children and adults with food allergy. The most severe reaction, anaphylaxis, can lead to respiratory problems, a dangerous drop in blood pressure, and other symptoms. Swelling of the airways can make it difficult or impossible for a person to breathe and low blood pressure reduces the amount of blood going to vital organs, resulting in a life-threatening medical emergency. In order to avoid these episodes, people with food allergy must be vigilant about the foods they eat and the environments they enter, and this is not always easy because sometimes allergens

are present in foods one would not normally associate with them, such as peanut in the coating of a fruit-flavored jelly bean. Allergens can also cross-contaminate foods or objects an allergic person may eat or touch. Precautions such as thoroughly reading food labels, calling ahead to restaurants, or avoiding prepared foods at social events can be isolating, exhausting, and expensive for those affected.

Nutrition information on menus of chain restaurants. SB 1420 (Padilla, Chapter 600, Statutes of 2008) required every food facility, which is part of a chain of at least 20 with the same name that sell substantially the same menu items, to disclose to consumers specified nutritional information, including the calorie content, for all standard menu items. Subsequently, as part of the Patient Protection and Affordable Care Act of 2010 (ACA), the federal government enacted a similar requirement. Following the enactment of the ACA, the state menu labeling law was repealed (contingent on enactment of the federal implementing regulations) in order to have California conform to the very similar federal requirements. However, local enforcement was retained, with state-specific penalties for violations of the menu labeling requirements, as described in existing law 8) above. Under the federal regulations, chain restaurants must disclose the number of calories contained in standard items on menus and menu boards. For self-service foods and foods on display, the calories must be listed in close proximity and clearly associated with the standard menu item. The restaurants must also provide, upon request, the following written information for standard menu items: total calories; total fat; saturated fat; trans-fat; cholesterol; sodium; total carbohydrates; sugars; fiber; and protein. In addition, two statements must be displayed – one indicating this written information is available upon request, and the other about daily calorie intake, indicating that 2,000 calories a day is used for general nutrition advice, but calorie needs may vary.

Europe requires allergen disclosure in restaurants. The European Union enacted a regulation that has been in effect since 2014 that, among other provisions, requires mandatory allergen information for non-prepackaged food, including in restaurants. The regulation lists 14 allergens that are required to be disclosed in Europe, and include the following ingredients, which are not among the major allergens required to be disclosed on packaged food labels in the U.S.: celery, mustard, sesame seeds, and sulphur dioxide. While the European Union regulations require the 14 allergens to be disclosed at restaurants, the regulations permit member countries to adopt national measures concerning the means through which the allergen information is to be made available and their form of expression and presentation. In the absence of national measures, the regulations require the information about allergens to be easily visible, clearly legible, and, where

appropriate, provided in written form. The regulations do not permit restaurants to comply with this requirement simply by providing allergen information only upon the request of the consumer.

The United Kingdom has adopted best practices for restaurants and other food businesses that serve non-prepackaged food to comply with the European Union requirements. These best practices specify that food businesses should make allergen information easily available in writing for consumers and ensure staff are able to support this with a conversation. Written allergen information should be readily available, if possible, without consumers having to ask for it, such as on the main menu (paper or digital), allergen booklet on a counter, or matrix displayed on a wall in a consumer accessible area. If the information is not on the main menu, food businesses should let consumers know where allergen information can be found with a clear message on the menu. Food businesses who do not use a menu should display this message where they display their food options such as on a board or next to food in a counter.

National model food code updated in 2022 to recommend written allergen disclosure. The federal Food and Drug Administration (FDA) publishes the Food Code, which is a model food law that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry. Local, state, tribal, and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. It is updated on a four-year interval, and in the most recent edition (2022 Food Code), language was added that recommended requiring permit holders to “notify consumers by written notification of the presence of major food allergens as an ingredient in unpackaged food items that are served or sold to the consumer.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, CDPH estimates minor and absorbable costs to conduct initial training and create and post on its website a Frequently Asked Questions document, which DPH 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

SUPPORT: (Verified 9/8/25)

Asthma and Allergy Foundation of America (co-source)
Robyn Huey Lao and Addie Lao (co-source)
A Voice for Choice Advocacy
Allergic Living
AllergyStrong
Accreditation Council for Continuing Medical Education
Advocacy Council of the American College of Allergy, Asthma and Immunology
Allergy & Asthma Network
American Academy of Pediatrics, California
American College of Allergy, Asthma, & Immunology
American Nurses Association\California
Ben's Allergy & Restaurant Reviews
Black Women for Wellness Action Project
California Academy of Nutrition and Dietetics
California Association for Nurse Practitioners
California Association of Physician Associates
California Children's Hospital Association
California Medical Association
California Society for Allergy, Asthma, and Immunology
California State PTA
Campaign Urging Research for Eosinophilic Disease
Center for Food Allergy & Asthma Research
Center for Science in the Public Interest
CertiStar
CleanEarth4Kids.org
CURED
Elijah-Alavi Foundation
Food Allergy & Anaphylaxis Connection Team
Food Allergy Nursing Association
Food Allergy Research & Education
Food Allergy Support Team of the East Bay
Food is Good
Foodini
Green Policy Initiative
Lauren's Hope Medical ID
Living Allergic
MenuTrinfo
Natalie Giorgi Sunshine Foundation
National Action Network

National Association of Pediatric Nurse Practitioners, California
National Association of Social Workers, California Chapter
National Celiac Association
No Nut Traveler
Rady Children's Hospital
Red Sneakers for Oakley
Sierra Sacramento Valley Medical Society
SnackSafely.com
Stanford Medicine Children's Health
The FPIES Foundation
Thrive! Meetings & Events
Translational Pulmonary and Immunology Research Center
Vitality Bowls
70 individuals

OPPOSITION: (Verified 9/8/25)

Atomic Workshop Group
California Restaurant Association
Golden Gate Restaurant Association
Harborview Restaurant & Bar
Mei Hua Collective
McCalls Catering and Events
Perbacco
Portco, Inc. DBA Cioppino's on the Wharf Restaurant
The Chieftan Irish Pub & Restaurant
The Greater Los Angeles Hospitality Association
Western Fairs Association
10 individuals

ARGUMENTS IN SUPPORT: This bill is co-sponsored by Robyn Huey Lao and her daughter Addie Lao, as well as the Asthma and Allergy Foundation of America (AAFA). Ms. Huey Lao states that as the mother of Addie, who has anaphylactic food allergies, and as a pediatric nurse practitioner who has witnessed devastating medical outcomes in children that could have easily been prevented, she is sponsoring this bill to provide a safeguard in the prevention of devastating food allergy reactions. Ms. Huey Lao states that the fear of death from her daughter's multiple food allergies is constant, and that without allergen labeling, dining at restaurants is very high risk. Ms. Huey Lao states that only 9% of restaurants currently include allergen information, and that without labeling, a study found that 54% of allergic reactions occurred despite communicating their

food allergies with restaurant staff, while only 13% of reactions occurred when there was both allergen labeling and communication with staff. Ms. Huey Lao states that this bill would be a monumental step forward in the prevention of food allergy related deaths and reactions in California. AAFA states that children and adults with food allergies want to participate in the special occasions and everyday social engagements that take place at restaurants. In its 2019 survey report, *My Life With Food Allergy*, AAFA's research team found that more than half of parents have left a restaurant in the middle of dining as a result of an allergy and nearly 90% of parents have avoided certain restaurants due to their child's allergy. Surveyed parents communicated the need for greater availability of information about the contents of restaurant meals and asked regulators to prioritize better food labeling inside restaurants.

Numerous organizations submitted letters of support. The American Academy of Pediatrics states that requiring food facilities to include written allergen information on menus enhances the training and accountability of restaurant staff, complementing existing food safety measures. While California has made commendable strides in food allergen education, this bill strengthens those efforts by ensuring that critical information is readily available to consumers at the point of purchase. The Advocacy Council of the American College of Allergy, Asthma and Immunology states that while federal laws have made it easier for individuals to avoid allergens in packaged foods, the labeling of restaurant food remains a significant gap in consumer safety.

ARGUMENTS IN OPPOSITION: The California Restaurant Association (CRA) opposes this bill, arguing that by mandating a static, one-size-fits-all menu labeling system, this bill could inadvertently create a false sense of security for food allergy guests – suggesting that menu labels alone provide full protection when they often cannot capture the complexity of restaurant operations, cross-contact risks, or frequent ingredient changes. CRA states they fear this bill's burdensome compliance model could lead some restaurants to stop serving food allergy guests altogether out of fear of liability or difficulty maintaining up-to-date disclosures. The Golden Gate Restaurant Association (GGRA) states in opposition that menus cannot capture completely the allergen risks introduced through sourcing, manufacturing, or cross-contact during prep in kitchens and that this could lead to liability issues for businesses. GGRA also has concerns that this law would require menu redesign and reprinting and/or reproduction costs for all California restaurants during this challenging time for the industry. Finally, GGRA states that the short timeline for implementation may create imperfect fixes rather than making dining safer for all Californians.

ASSEMBLY FLOOR: 66-1, 9/8/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NOES: Johnson

NO VOTE RECORDED: Castillo, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Macedo, Nguyen, Ta, Tangipa, Ward

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
9/8/25 19:36:03

***** **END** *****