

[First Reprint]

SENATE, No. 3394

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 9, 2026

Sponsored by:

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District 18 (Middlesex)

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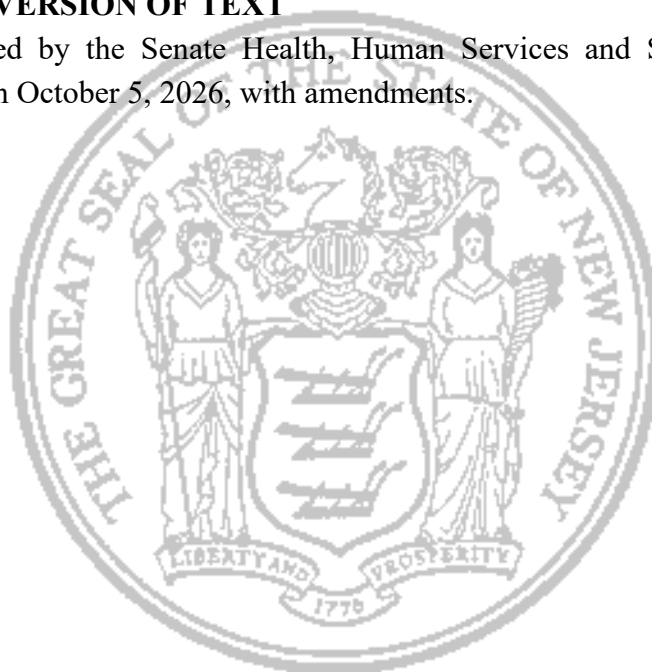
**Senators Singleton, Tiver, Mukherji, Burgess, Polistina, Turner, Ruiz,
Gopal, Henry, Vitale and Greenstein**

SYNOPSIS

Requires food service businesses to provide written notice of major food allergens in each menu item.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on October 5, 2026, with amendments.



(Sponsorship Updated As Of: 10/22/2026)

1 AN ACT concerning food service businesses and supplementing
2 Title 26 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Food service business” means a business that sells or provides
9 food for consumption on or off the premises and includes, but is not
10 limited to, any restaurant, café, delicatessen, coffee shop, convenience
11 store, grocery store, ¹supermarket,¹ vending truck or cart, food truck,
12 movie theater, or business or institutional cafeteria, including those
13 operated by or on behalf of any governmental entity. ¹The term shall
14 not include any licensed health care facility regulated pursuant to
15 P.L.1971, c.136 (C.26:2H-1 et seq.).¹

16 “Major food allergen” means the same as that term is defined by
17 subsection (qq) of 21 U.S.C. s.321.

18 “Menu” means a printed list of the names or images of a food or
19 beverage item or items and the primary writing or similar signage from
20 which a customer makes an order selection. Menus shall include
21 breakfast, lunch, and dinner menus; dessert menus; beverage menus;
22 children’s menus; other specialty menus; electronic menus; and menus
23 on the Internet, and may be in various forms, including booklets,
24 pamphlets, single sheets of paper, or electronic screens. Menus shall
25 also include menu boards inside a food service business, as well as
26 drive-through menu boards outside the food service business.

27 “Quick ¹**[reference]** response¹ code” means a two-dimensional
28 matrix bar code that, when photographed or scanned by a mobile
29 electronic communication device such as a cellular telephone, wireless
30 tablet, or other wireless communication device, may be used by a
31 customer to retrieve information from the Internet.

32 “Temporary menu item” means an item that appears on a menu or
33 menu board for less than a total of 30 days per calendar year. The 30-
34 day-total shall include all consecutive and non-consecutive days on
35 which the item appears on the menu.

36
37 2. a. Any food service business organized under the laws of this
38 State shall provide clear and conspicuous written notice of major food
39 allergens that the food service business knows or reasonably should
40 know are contained as ingredients in each menu item, including
41 temporary menu items. The food service business shall provide this
42 information:

43 (1) directly on the food service business’s menu;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted October 5, 2026.

1 (2) in a digital format including, but not limited to, a quick
2 response code, provided that the code directs customers to an Internet
3 website that contains the information required pursuant to this act; or

4 (3) on other written materials including, but not limited to, a
5 separate menu, chart, grid, or booklet.

6 If a food service business provides major food allergen information
7 directly on its menu pursuant to paragraph (1) of this subsection, the
8 menu item shall be followed by a written statement that is adjacent or
9 in close proximity to the applicable menu item using a font and format
10 that is at least as prominent, in size and appearance, as that used to
11 post either the name or price of the menu item, indicating any major
12 food allergen contained in the menu item.

13 b. A food service business that is required to provide major food
14 allergen information pursuant to this act shall, when providing the
15 information, use:

16 (1) common or usual names of the major food allergens; or

17 (2) standardized icons or symbols approved by the Commissioner
18 of Health to communicate the presence of major food allergens.

19 c. ¹(1) A convenience store, grocery store, supermarket, or other
20 food service business that offers prepared foods through a self-service
21 food bar, hot bar, salad bar, buffet, or similar self-service operation
22 shall be deemed in compliance with the allergen disclosure
23 requirements of this act if the food service business prominently
24 displays signage stating: "Please ask a store associate for allergen
25 information."

26 (2) The signage required pursuant to paragraph (1) of this
27 subsection shall be posted in a conspicuous location at or near the
28 point of display or service of the prepared food items, and the food
29 service business shall make reasonable efforts to provide written
30 allergen information to customers upon request.

31 d.¹ This act shall not apply to prepackaged foods that are subject to
32 federal labeling requirements for major food allergens pursuant to 21
33 U.S.C. s.343 ¹or to any menu item that is an alcoholic beverage as
34 defined in R.S.33:1-1¹.

35 ¹**[d.] e.¹** The Department of Health or the local board of health or
36 the board, body, or officers exercising the functions of the local board
37 of health according to law, upon written complaint or having reason to
38 suspect that a violation of this act has occurred, shall, by written
39 notification, advise the food service business accordingly and order
40 appropriate action to be taken.

41 ¹**[e.] f.¹** The Commissioner of Health shall adopt rules and
42 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
43 c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

44
45 3. This act shall take effect on the first day of the 13th month
46 next following the date of enactment, but the Commissioner of
47 Health may take such anticipated action in advance as shall be
48 necessary for the implementation of this act.