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**SB-68 Major food allergens.** (2025-2026)

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**Senate Bill No. 68**

**CHAPTER 741**

An act to amend Section 113820.5 of, and to add Section 114093.5 to, the Health and Safety Code, relating to major food allergens.

[ Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 68, Menjivar. Major food allergens.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, and requires local health agencies to enforce those provisions. Existing law makes a person who violates a provision of the code guilty of a misdemeanor.

Existing law requires the person in charge of a food facility to have adequate knowledge of major food allergens, as defined, 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 and to educate food facility employees regarding those matters. Existing law requires a food handler to obtain a food handler card from a specified training provider after completing a food handler training course and examination that covers, among other things, major food allergens and symptoms of allergic reactions.

This bill would add sesame to the list of major food allergens.

Existing law, the Federal Food, Drug, and Cosmetic Act, requires certain restaurants and similar retail food establishments that are 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 disclose nutrient content information, as specified.

This bill, commencing July 1, 2026, would require a food facility that is subject to the federal disclosure provisions for nutrient content information to provide written notification of the major food allergens that the food facility knows or reasonably should know are contained as an ingredient in each menu item, either directly on its menu or in a digital format, as specified. The bill would specify that its provisions requiring a food facility to provide the above-described notifications do not apply to compact mobile food operations or nonpermanent food facilities.

By expanding the scope of existing crimes and by imposing new duties on local health officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 113820.5 of the Health and Safety Code is amended to read:

**113820.5.** (a) "Major food allergen" means all of the following:

- (1) Milk.
- (2) Eggs.
- (3) Fish, including, but not limited to, bass, flounder, and cod.
- (4) Crustacean shellfish, including, but not limited to, crab, lobster, and shrimp.
- (5) Tree nuts, including, but not limited to, almonds, pecans, and walnuts.
- (6) Wheat.
- (7) Peanuts.
- (8) Soybeans.
- (9) Sesame.
- (10) A food ingredient that contains protein derived from a food listed in paragraphs (1) to (9), inclusive.

(b) Major food allergen does not include either of the following:

- (1) A highly refined oil derived from a food specified in paragraphs (1) to (9), inclusive, of subdivision (a) and any ingredient derived from that highly refined oil.
- (2) An ingredient that is exempt under the petition or notification process specified in the federal Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

**SEC. 2.** Section 114093.5 is added to the Health and Safety Code, to read:

**114093.5.** (a) Commencing July 1, 2026, a food facility that is subject to Section 343(q)(5)(H) of Title 21 of the United States Code that serves or sells food to the consumer shall provide written notification of major food allergens that the food facility knows or reasonably should know are contained as ingredients in each menu item. The food facility shall provide this information in either of the following manners:

(1) Directly on the food facility's menu. If the food facility elects to provide major food allergen information directly on its menu, the menu item shall be followed by a written statement below or immediately adjacent to the menu item indicating the major food allergens contained in the menu item.

(2) (A) In a digital format, including, but not limited to, using a quick response (QR) code that links to the food facility's digital menu.

(B) If a food facility elects to provide the major food allergen information in a digital format, the food facility shall also use an alternative method to provide the information to customers who are not able to access the information in the digital format. For purposes of this subparagraph, "alternative method" includes, but is not limited to, any of the following:

- (i) A separate allergen-specific menu.
- (ii) An allergen chart.
- (iii) An allergen grid.
- (iv) An allergen booklet.
- (v) Other written materials.

(b) A food facility required to provide major food allergen information pursuant to this section shall use either of the following when providing the information:

- (1) Common or usual names of the major food allergens.
- (2) Standardized pictograms to communicate the presence of major food allergens.

(c) An enforcement agency may utilize either of the following methods to evaluate a food facility's compliance with this section:

- (1) Visual verification of allergen disclosure. An enforcement officer may confirm that required allergen statements are displayed on printed menus, digital menus, or the alternative methods described in subparagraph (B) of paragraph (2) of subdivision (a).
- (2) Other reasonable methods of verification consistent with the intent of this section.

(d) For purposes of this section, the following definitions apply:

- (1) "Major food allergen" has the same meaning as defined in Section 113820.5.
- (2) "Menu" has the same meaning as "menu or menu board," as defined in Section 101.11 of Title 21 of the Code of Federal Regulations.

(e) This section does not apply to prepackaged foods that are subject to federal labeling requirements for major food allergens pursuant to Section 343 of Title 21 of the United States Code.

(f) This section does not apply to compact mobile food operations, as defined in Section 113831, or nonpermanent food facilities, as defined in Section 113839.

(g) This section does not alter any duty that a food facility may have under existing law to reasonably ensure the safety of its patrons.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.