American Latex Allergy Association

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Passing State Legislation: What Does It Take?

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We?ve received a number of requests from members interested in pursuing state legislation to ban natural rubber latex gloves in food service. Currently, multiple states have bills in progress, but only Rhode Island has succeeded in passing legislation into law. The process of introducing legislation and seeing it through to completion can be daunting, so we asked Dr. Anthony Ricci, who was instrumental in Rhode Island?s Latex Gloves Safety Act, to share his experience and advice.

Ricci, a Rhode Island allergist, says, ?I never realized how difficult it is to pass a law.? The first requirement, according to Ricci, is having someone in government who supports the bill. Sheldon Whitehouse, the Rhode Island Attorney General at the time, supported Ricci. Even so, it took several years to pass the bill, which was rejected the first time because it was too complex (it included schools, movie theaters, restaurants, and other public areas). Ricci says changing the proposed ban to include only restaurants helped it pass on the second attempt.

Working on a food handling bill also means you have to be willing to speak publicly. Ricci testified before both the House of Representatives and Senate subcommittees. It?s also crucial to have someone sponsoring the bill; the Rhode Island bill was sponsored by State Representative Elizabeth Dennigan.

The Rhode Island Latex Gloves Safety Act was passed into law on July 13, 2001, and Ricci estimates that, currently, about 90% of Rhode Island?s restaurants are latex-safe. If Ricci finds a restaurant not in compliance, he notifies the Attorney General?s office. The restaurant can be fined $500, and can be subject to other penalties, even up to license revocation.

Ricci says the work on this legislation is far from over. He still actively educates people about latex allergy and the Latex Gloves Safety Act, even appearing on television three times.

The Rhode Island Latex Gloves Safety Act appears on page 4 of this newsletter. The following is a summary of other states with bills in progress, with links to each bill.

Connecticut - **http://www.cga.ct.gov/2003/tob/h/2003HB-05329-R00-HB.htm** [1] Bill proposes ?That the general statutes be amended to prohibit the use of products containing latex in food preparation and service.?

Minnesota - **http://www.leg.state.mn.us/leg/legis.asp** [2] (House Bill #1330) Bill calls for addition of a subdivision to section 157.011 of the Minnesota Statutes 2004: ?The commissioner shall adopt rules prohibiting the use of nonsterile and sterile natural rubber latex gloves by any person, firm, or corporation operating a food and beverage service establishment licensed under section 157.16.? New York - **http://assembly.state.ny.us/leg/?bn=S00754&sh=t** [3] Bill calls for addition of a subdivision to section 1352 of the public health law: ?Any food service establishment, as defined in the state sanitary code, where natural rubber latex gloves are used for the preparation or conveyance of foods for consumers, shall provide notice to patrons by means of signs, printed materials or other written communication, to read as follows: ?Latex gloves are used by staff in the preparation and conveyance of food in this establishment. If you are allergic to latex products, please take appropriate precautions.??

In other states, other government agencies have created rules banning latex glove use in food service.

Arizona - In 1999, the Arizona Department of Health Services up-dated the state?s Food Code to include a ban against latex gloves in food service establishments.

Oregon - As of March 2003, the Oregon Department of Human Services updated the state?s Food Code to prohibit the use of latex gloves in food service establishments.

Wisconsin - In 2001, the Wisconsin Department of Health and Family Services issued a memo related to the state?s updated Food Code to ?strongly discourage the use of latex gloves in food preparation.?

These state changes were inspired by the 1999 and 2001 U.S. Food and Drug Administration Food Code (see page 5). You can see the most recent version at **http://www.fda.gov?not_found=www.cfsan.fda.gov** [4].

If you?re interested in pursuing legislation in your state, the National Conference of State Legislatures can be a helpful resource (**www.ncsl.org** [5]). This Web site lists the state legislature Internet links for all 50 states, the District of Columbia, and the Territories, along with the 2005 session calendar and a subscription-based directory.

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[4] http://www.fda.gov?not_found=www.cfsan.fda.gov
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