

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 321**

**Senator DeMora  
Cosponsor: Senator Smith**

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**A BILL**

To enact section 2307.56 of the Revised Code to  
provide for a reasonable expectation test in  
determining liability for injury caused by  
consumption of food containing a substance  
injurious to health and for the jury to make  
that determination.

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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2307.56 of the Revised Code be  
enacted to read as follows:

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**Sec. 2307.56.** (A) As used in this section:

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(1) "Food" and "retail food establishment" have the same  
meanings as in section 3717.01 of the Revised Code.

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(2) "Supplier" has the same meaning as in section 2307.71  
of the Revised Code as it applies to the placing of food in the  
stream of commerce.

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(B) In a civil action for damages brought by a person who  
suffered injury, death, or loss to person allegedly caused by  
the person's consumption of food that contained a substance that

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is injurious to human health and was provided to the person by a 18  
retail food establishment or obtained by the person from a 19  
supplier, the liability of the retail food establishment or 20  
supplier is determined by whether the injured person, in 21  
consuming such food, had a reasonable expectation that the food 22  
did not contain a substance that is injurious to human health. 23

(C) The trier of fact shall determine whether the person 24  
who suffered the injury, death, or loss to person reasonably 25  
expected that the food consumed by the person did not contain a 26  
substance injurious to human health. 27