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S.B. 38
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Demora

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SUMMARY

- Creates a civil action for injury, death, or loss to person resulting from consuming food containing a substance injurious to human health.

DETAILED ANALYSIS

Civil action for consuming substance that causes injury

The bill creates a civil cause of action for persons who suffer injury, death, or loss to person allegedly caused by consuming food containing a substance injurious to human health when that food was provided by a food supplier or food service operation.¹ The liability of the food supplier or the food service operator is determined by whether the injured person had a reasonable expectation that the food did not contain a substance injurious to human health when consuming the food.² The trier of fact determines whether this standard is met.³

Definitions

The bill defines the following terms:

- **“Food”** means any raw, cooked, or processed edible substance used or intended for use in whole or in part for human consumption, and includes ice, beverages, food ingredients, and chewing gum.⁴

¹ R.C. 2307.56(B).

² R.C. 2307.56(B).

³ R.C. 2307.56(C).

⁴ R.C. 2307.56(A)(1), by reference to R.C. 3717.01(B), not in the bill.

- **“Food service operation”** means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. It generally includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.⁵
- **“Operator”** means the person, association, corporation, or governmental operation that is responsible for conducting a food service operation.⁶
- **“Supplier”** means a person that, in the course of a business conducted for the purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise participates in placing a product in the stream of commerce, as applied to the placing of food in the stream of commerce.⁷

HISTORY

Action	Date
Introduced	01-28-25

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⁵ R.C. 2307.56(A)(1), by reference to R.C. 3717.01(F), not in the bill.

⁶ R.C. 2307.56(A)(2).

⁷ R.C. 2307.56(A)(3) and 2307.71(A)(15)(a)(i), not in the bill.