

H. B. No. 364

As Introduced

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1
after "3717.54" insert "and 3717.55" 2

In line 3 of the title, after "allergens" insert "and sodium" 3

In line 4, delete "section" and insert "sections"; after "3717.54" 4
insert "and 3717.55" 5

After line 11, insert: 6

"Sec. 3717.55. (A) As used in this section: 7

(1) "Chain food service operation" means a food service 8
operation that is part of a chain of establishments with twenty 9
or more locations doing business under the same name, regardless 10
of the type of ownership of the locations, and offering for sale 11
substantially similar menu items. 12

(2) "High sodium content" means when any standard menu 13
item offered by a chain food service operation that contains 14
fifty per cent or more per serving of the daily reference value 15
used by the secretary of health and human services to calculate 16



the per cent daily value for nutrition labeling of food required 17
under 21 C.F.R. 101.9(c) as of January 1, 2025. 18

(3) "Menu" or "menu board" means the primary writing of a 19
chain food service operation from which a customer makes an 20
order selection. 21

(4) "Menus on the internet" include menus on a chain food 22
service operation's web site and application, and on third-party 23
platforms when a chain food service operation posts and controls 24
the menu posted on that platform. 25

(5) "Point of selection" means a place where a customer 26
may view menu options and make the customer's selection when 27
purchasing food from a chain food service operation. 28

(6) "Standard menu item" means a food or beverage item 29
that is listed on a menu or menu board of a chain food service 30
operation, including any variable food or beverage item that is 31
offered in different flavors, varieties, or combinations and is 32
listed as a single item. "Standard menu item" excludes food or 33
beverage items appearing on a menu or menu board for less than 34
sixty days per calendar year. 35

(7) "Third-party platform" means a web site, application, 36
or other internet platform from which consumers can access a 37
chain food service operation's menu. 38

(B) Not later than one year after the effective date of 39
this section, the director of health shall adopt rules in 40
accordance with Chapter 119. of the Revised Code establishing a 41
high sodium warning icon and accompanying text to be displayed 42
next to the name of any standard menu item with high sodium 43
content. 44

(C) Not later than two years after the effective date of 45
this section, the owner or operator of a chain food service 46
operation shall display on the chain food service operation's 47
menus or menu boards both of the following: 48

(1) In a clear and conspicuous manner, the high sodium 49
warning icon and accompanying text established in rules adopted 50
under this section immediately adjacent to each standard menu 51
item with high sodium content. The icon and text shall be 52
displayed at a height no smaller than the largest letter in the 53
name of the item. 54

(2) The following factual warning statement explaining the 55
high sodium warning icon and accompanying text: "[Insert icon 56
and accompanying text here] indicates that the sodium (salt) 57
content of this item exceeds half the total daily recommended 58
limit. Diets higher in sodium are associated with an increased 59
risk of developing high blood pressure, which is a major cause 60
of heart disease and stroke." 61

The owner or operator shall display the factual warning 62
statement prominently, clearly, and conspicuously at the point 63
of selection. 64

(D) Not later than one year after the effective date of 65
this section, the director shall publish on the department of 66
health's web site guidance explaining the requirements of this 67
section and rules adopted under it and the manner in which chain 68
food service operations must comply with those requirements. 69

(E) (1) In the course of inspecting a chain food service 70
operation, a licenser shall confirm that the operation is in 71
compliance with this section. 72

(2) A licenser shall assess a civil penalty of not more 73

than five hundred dollars for a violation of this section. Each 74
day is a separate violation for each location. A violator may 75
appeal the assessment in accordance with Chapter 119. of the 76
Revised Code. 77

(3) The director shall establish a process by which a 78
member of the public may submit a complaint regarding 79
noncompliance with this section. 80

(F) Not later than six years after the effective date of 81
this section, the director of health shall review evidence of 82
the impact of this section on standard menu item reformulation 83
and consumer behavior and issue a report. The director shall 84
publish the report on the department's web site. The director 85
shall include in the report recommendations of additional 86
nutrients that should be considered for menu warning icons." 87

The motion was _____ agreed to.

SYNOPSIS 88

High sodium content warning 89

R.C. 3717.55 90

Requires the Director of Health to adopt rules in 91
accordance with the Administrative Procedures Act establishing a 92
high sodium warning icon and accompanying text to be displayed 93
next to the name of any standard menu item with high sodium 94
content at a chain food service operation. 95

Requires the owner or operator of a chain food service 96
operation to display on the operation's menus certain 97

information regarding high sodium content food, including the	98
high sodium warning icon.	99
Requires a local board of health or the Director to	100
inspect for compliance with the above requirements and to assess	101
a civil penalty of up to \$500 for a violation.	102
Requires the Director to review evidence of the impact of	103
the amendment's provisions on standard menu item reformulation	104
and consumer behavior, and issue a report.	105