

I_136_0539-2

136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 364

To enact sections 3717.54 and 3717.55 of the 1
Revised Code to require food service operations 2
to denote certain allergens and sodium on their 3
menu. 4

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

Section 1. That sections 3717.54 and 3717.55 of the 5
Revised Code be enacted to read as follows: 6

Sec. 3717.54. A food service operation shall denote on its 7
menu or menu board the food items that contain milk, eggs, fish, 8
crustacean shellfish, tree nuts, peanuts, wheat, or soybeans. 9
With respect to a catering food service operation, the operation 10
shall inform its patrons, in a reasonable manner, of the food 11
items that include such allergens. 12

Sec. 3717.55. (A) As used in this section: 13

(1) "Chain food service operation" means a food service 14
operation that is part of a chain of establishments with twenty 15
or more locations doing business under the same name, regardless 16
of the type of ownership of the locations, and offering for sale 17
substantially similar menu items. 18



(2) "High sodium content" means when any standard menu item offered by a chain food service operation that contains fifty per cent or more per serving of the daily reference value used by the secretary of health and human services to calculate the per cent daily value for nutrition labeling of food required under 21 C.F.R. 101.9(c) as of January 1, 2025. 19
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(3) "Menu" or "menu board" means the primary writing of a chain food service operation from which a customer makes an order selection including menus on the internet. 25
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(4) "Menus on the internet" include menus on a chain food service operation's web site and application, and on third-party platforms when a chain food service operation posts and controls the menu posted on that platform. 28
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(5) "Point of selection" means the primary medium or location where a customer views menu options, including menus and menu boards. 32
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(6) "Standard menu item" means a food or beverage item that is listed on a menu or menu board of a chain food service operation, including any variable food or beverage item that is offered in different flavors, varieties, or combinations and is listed as a single item. "Standard menu item" excludes food or beverage items appearing on a menu or menu board for less than sixty days per calendar year. 35
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(7) "Third-party platform" means a web site, application, or other internet platform from which consumers can access a chain food service operation's menu. 42
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(B) Not later than one year after the effective date of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a 45
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high sodium warning icon to be displayed next to the name of any 48
standard menu item with high sodium content. 49

(C) Not later than two years after the effective date of 50
this section, the owner or operator of a chain food service 51
operation shall display on the chain food service operation's 52
menus or menu boards both of the following: 53

(1) In a clear and conspicuous manner, the high sodium 54
warning icon established in rules adopted under this section 55
immediately adjacent to each standard menu item with high sodium 56
content. The icon shall be displayed at a height not smaller 57
than the largest letter in the name of the item. 58

(2) The following factual warning statement explaining the 59
high sodium warning icon: "[Insert icon here] indicates that the 60
sodium (salt) content of this item exceeds half the total daily 61
recommended limit. Diets higher in sodium are associated with an 62
increased risk of developing high blood pressure, which is a 63
major cause of heart disease and stroke." 64

The owner or operator shall display a minimum of one 65
factual warning statement prominently, clearly, and 66
conspicuously at the point of selection. 67

(D) Any individual who serves a standard menu item at a 68
chain food service operation shall do both of the following: 69

(1) Ask a customer at the time the customer orders whether 70
that customer has any allergies; 71

(2) Communicate the sodium content of any standard menu 72
item to a customer upon request. 73

(E) Not later than one year after the effective date of 74
this section, the director shall publish on the department of 75

health's web site guidance explaining the requirements of this 76
section and rules adopted under it and the manner in which chain 77
food service operations must comply with those requirements. 78

(F) (1) In the course of inspecting a chain food service 79
operation, a licensor shall confirm that the operation is in 80
compliance with this section. 81

(2) A licensor shall assess a civil penalty of not more 82
than five hundred dollars for a violation of this section. Each 83
day is a separate violation for each location. A violator may 84
appeal the assessment in accordance with Chapter 119. of the 85
Revised Code. 86

(3) The director shall establish a process by which a 87
member of the public may submit a complaint regarding 88
noncompliance with this section. 89

(G) Not later than six years after the effective date of 90
this section, the director of health shall review evidence of 91
the impact of this section on standard menu item reformulation 92
and consumer behavior and issue a report. The director shall 93
publish the report on the department's web site. The director 94
shall include in the report recommendations of additional 95
nutrients that should be considered for menu warning icons. 96