

As Introduced

CORRECTED VERSION

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 38

**Senator DeMora
Cosponsor: Senator Smith**

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 "food service operation" have the same
meanings as in section 3717.01 of the Revised Code.

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(2) "Operator" means the person, association, corporation,
or governmental operation that is responsible for conducting a
food service operation.

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

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stream of commerce. 17

(B) In a civil action for damages brought by a person who 18
suffered injury, death, or loss to person allegedly caused by 19
the person's consumption of food that contained a substance that 20
is injurious to human health and was provided to the person by a 21
food service operation or obtained by the person from a 22
supplier, the liability of the operator of the food service 23
operation or the liability of the supplier is determined by 24
whether the injured person, in consuming such food, had a 25
reasonable expectation that the food did not contain a substance 26
that is injurious to human health. 27

(C) The trier of fact shall determine whether the person 28
who suffered the injury, death, or loss to person reasonably 29
expected that the food consumed by the person did not contain a 30
substance injurious to human health. 31