

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 181
Health

Public Health – Restaurants – Disclosure of Main Food Allergens

This bill requires a restaurant to offer a written disclosure of each “main food allergen” that a restaurant knows or reasonably should know is contained as an ingredient in each menu item. The disclosure must use the common names of the main food allergen or standardized pictograms. The disclosure may be (1) written on the menu; (2) available in digital format (such as a QR code linked to a digital menu); (3) a separate allergen-specific menu; (4) an allergen chart, grid, or booklet; or (5) any other written material. The bill does not apply to prepackaged foods that are subject to federal labeling requirements for main food allergens. A restaurant that violates the bill’s requirement is subject to existing civil and criminal penalty provisions for food establishments.

Fiscal Summary

State Effect: The Maryland Department of Health (MDH) can work with local health departments (LHDs) to enforce the bill using existing budgeted resources. The application of existing penalties is not anticipated to materially affect State finances.

Local Effect: LHDs can enforce the bill with existing budgeted resources. The application of existing penalties is not anticipated to materially affect local finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary: “Main food allergen,” as defined in 21 U.S.C. § 321, means (1) milk, egg, fish, Crustacean shellfish, tree nuts, wheat, peanuts, soybeans, and sesame; and (2) a food ingredient that contains protein derived from a food specified above, except a highly refined oil derived from an above ingredient.

Current Law: “Food establishment” means a food service facility or a food processing plant. “Food service facility” means (1) a place where food or drink is prepared for sale or service on the premises or elsewhere or (2) any operation where food is served to or provided for the public, with or without charge. Restaurant is not defined under the Health-General Article.

Chapters 251 and 252 of 2013 require food establishments to display a poster related to food allergies, as designed and made available by MDH.

A food establishment other than a cottage food business that violates any provision of Subtitle 3 of the Health-General Article – including the requirement to display a poster related to food allergies – is guilty of a misdemeanor and on conviction is subject to (1) for a first offense, a fine of up to \$1,000 and/or imprisonment for up to 90 days; and (2) for a second offense, a fine of up to \$2,500 and/or imprisonment for up to one year. The food establishment is also liable for a civil penalty of up to \$5,000 and may be enjoined from continuing the violation.

Under Maryland regulations (COMAR 10.15.03.12) and the federal Food Allergen Labeling and Consumer Protection Act, a food service facility must ensure that each item of packaged food has a label that includes, among other things, the food source of any main food allergens, unless the common name of the ingredient already identifies the allergen.

Small Business Effect: Small business restaurants must comply with the bill’s main food allergens disclosure requirement or be subject to civil and criminal penalty provisions.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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jg/jc

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