



Senate Bill 866

Public Health - Chain Restaurants - Sodium and Added Sugars Warning Icons

March 5, 2026

Position: **OPPOSE**

Madame Chair and Members of the Senate Finance Committee:

The Restaurant Association of Maryland opposes Senate Bill 866. This bill requires chain restaurants to display warning icons and accompanying text on menus and menu boards next to each standard menu item that has high sodium content or high added sugars content. An additional disclosure explaining the warning icons must be prominently, clearly, and conspicuously displayed at the point of selection.

No other state has enacted such requirements. Only New York City (NYC) and Philadelphia require similar high sodium warning icons and statements for chain restaurant menus. And NYC also requires high added sugar warning icons and statements for chain restaurant prepackaged food items and equivalent non-packaged items.

Since 2018, federal menu labeling regulations require chain restaurants with 20 or more locations doing business under the same name (and offering substantially the same menu items) to disclose calories on the menu and provide additional nutrition information to customers upon request (total calories, total fat, saturated fat, trans fat, cholesterol, **sodium**, total carbohydrate, dietary fiber, **sugars** [total], and protein).

Chain restaurants already provide comprehensive nutritional information to customers in compliance with the federal requirements, which includes information about sodium and sugar content. This information is widely available to customers on websites, via QR codes, and also in printed format at some chain restaurants. State-specific high sodium and high added sugar warning icons would undermine national uniformity, create a patchwork of inconsistent thresholds (the arbitrary thresholds in SB 866 do not align with FDA's dietary guidelines), and potentially confuse customers when nutrition messages differ by state/jurisdiction. Part of the intent of the federal menu labeling rules for chain restaurants was to establish nationwide uniformity for brands that operate in multiple states. Likewise, any additional requirements for menu disclosures or notices related to nutritional information at chain restaurants should also be uniform, federal rules.

With regard to added sugar specifically, unlike packaged foods, federal menu labeling rules do not require chain restaurants to disclose added sugars. The federal rules require disclosure of total sugars. Added sugar is far more difficult to calculate and maintain accurately in restaurant foods than in packaged foods. For these reasons, NYC's high added sugars warning icon requirement for chain restaurants applies only to prepackaged food items and equivalent non-packaged items (meaning non-packaged items presented as the same products as a packaged item, such as fountain soda or coffee beverages). NYC's added sugars warning does not apply to restaurant menu items prepared onsite to fulfill customer orders because FDA's current rules for disclosing added sugars apply only to prepackaged foods. Maryland Senate Bill 866 would be a significant departure from federal and NYC rules regarding sugars.

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Although Senate Bill 866 is well intended, the reality is that data from NYC show no significant changes in customer ordering habits since 2015 when the high sodium warning icons requirement for chain restaurants became effective. According to our registered dietitian consultant, there are two PLOS One studies ([Prasad et al., 2023](#); and [Sisti et al., 2023](#)) that confirm this, and are generally the best peer-reviewed evaluations of purchasing behavior during early implementation of the NYC sodium warning regulation. Interestingly, these are the same studies cited by the Maryland Department of Health in their *Letter of Information* submitted to the Senate Finance Committee regarding Senate Bill 866.

Without data showing a quantifiable public health benefit or change in customer ordering habits as a direct result of such warning icons, it would be imprudent for Maryland to be the first state to enact such a mandate.

Implementing such a requirement also imposes significant costs on chain restaurants to redesign/update menus and menu boards for compliance, which also includes drive-thru signage, kiosks, mobile apps, websites, and third-party delivery platforms. This can be a challenge because menu space is limited. And for franchise locations, these costs would be borne by small business owners.

And lastly, given that a substantial number of customers modify their orders, substitute ingredients, add or remove toppings/condiments/sauces to suit their taste, and often share appetizers, sides, and desserts, warning icons can be misleading because they do not account for these frequent variations and changes in serving sizes.

For these reasons, we oppose this legislation and request an unfavorable report.

Respectfully,

A handwritten signature in black ink, appearing to read "Melvin R. Thompson", with a long horizontal flourish extending to the right.

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy