



## House Bill 181

*Public Health – Restaurants – Disclosure of Main Food Allergens*

February 3, 2026

Position: ***Oppose unless Amended***

Madame Chair and Members of the House Health Committee:

The Restaurant Association of Maryland opposes House Bill 181 as introduced. We have met with the bill sponsor's office, and we are working on amendments to address our concerns.

As introduced, this legislation would require all restaurants to *make available to each customer a written disclose of each main food allergen, if any, that the restaurant knows or reasonably should know is contained as an ingredient in each menu item.* Under the bill, such a disclosure could be provided on the menu, in a digital format (such as a QR code or website), or via a separate document, chart, booklet, or other written material.

“Main food allergen” has the meaning stated in federal code 21 U.S.C. § 321, and includes milk, egg, fish (e.g., bass, flounder, or cod), crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, soybeans, and sesame.

Based on feedback from our membership, we have concerns about the burden such a requirement would impose on many restaurants to keep allergen disclosure information updated. Ongoing supply chain issues often require unanticipated ingredient substitutions. Many restaurants change their menu often (e.g., weekly, seasonally, daily specials, etc.). And restaurants do not control food ingredient manufacturing facilities where an undisclosed food allergen may end up in a food ingredient due to cross-contact or contamination before the restaurant receives the ingredient. These operational complexities can make it difficult for many restaurants to maintain the information this legislation would require. We also have concerns about new liability exposure that passage of this bill may cause.

To address our concerns, we will be seeking amendments to narrow the scope of the bill to apply only to restaurants and similar retail food establishments selling restaurant-type food that are: part of a chain with 20 or more fixed locations; doing business under the same name; and offering for sale substantially the same menu items. These are the same food establishments to which federal menu labeling law/regulations apply, which requires disclosure of calories on the menu and additional nutrition information upon request. These restaurants and food establishments already have the resources and capability to comply with menu disclosures. And such an amendment would be consistent with a similar food allergen menu disclosure law enacted in California last year (becomes effective on 7/1/2026), which applies only to restaurants and food establishments that are also subject to the federal menu labeling law/regulations.

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We will also be seeking an amendment to provide liability protection for restaurants and food establishments that would be subject to the requirements of this amended legislation and make good-faith efforts to comply.

The restaurant and foodservice industry always strives to meet the needs of our customers, including those with dietary restrictions. Accommodating customers is a core part of our business. Although we oppose this legislation as introduced, we hope that the bill sponsor and this committee will work with us on the amendments to address our concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Melvin R. Thompson", followed by a long, sweeping horizontal line that extends to the right.

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