HOUSE BILL 105

J1, C2   6lr0647

(PRE–FILED)

By: **Delegate Foley**
Requested: July 23, 2025
Introduced and read first time: January 14, 2026
Assigned to: Health

A BILL ENTITLED

1   AN ACT concerning

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

3   FOR the purpose of requiring restaurants to make available to each customer a written
4   disclosure of each main food allergen, if any, that is an ingredient in each menu item;
5   excluding a violation of this Act from certain criminal penalties; and generally
6   relating to restaurants and the disclosure of main food allergens.

7   BY renumbering
8   Article – Health – General
9   Section 21–330.3 and 21–330.4
10   to be Section 21–330.4 and 21–330.5, respectively
11   Annotated Code of Maryland
12   (2023 Replacement Volume and 2025 Supplement)

13   BY repealing and reenacting, without amendments,
14   Article – Education
15   Section 13–517(a)(1)
16   Annotated Code of Maryland
17   (2022 Replacement Volume and 2025 Supplement)

18   BY repealing and reenacting, with amendments,
19   Article – Education
20   Section 13–517(a)(4)
21   Annotated Code of Maryland
22   (2022 Replacement Volume and 2025 Supplement)

23   BY adding to
24   Article – Health – General
25   Section 21–330.3
26   Annotated Code of Maryland

EXPLANATION: **Capitals indicate matter added to existing law.**
      [Brackets] indicate matter deleted from existing law.

1   (2023 Replacement Volume and 2025 Supplement)

2   BY repealing and reenacting, with amendments,
3   Article – Health – General
4   Section 21–1214
5   Annotated Code of Maryland
6   (2023 Replacement Volume and 2025 Supplement)

7   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8   That Section(s) 21–330.3 and 21–330.4 of Article – Health – General of the Annotated Code
9   of Maryland be renumbered to be Section(s) 21–330.4 and 21–330.5, respectively.

10   SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
11   as follows:

Article – Education

13   13–517.

14   (a)   (1)   In this section the following words have the meanings indicated.

15   (4)   (i)   "Facility" means an agency, an association, a corporation, a firm,
16   a partnership, or any other entity.

17   (ii)   "Facility" does not include a grocery store or restaurant that is
18   subject to **[**§ 21–330.3**] § 21–330.4** of the Health – General Article.

Article – Health – General

20   **21–330.3.**

21   **(A)   IN THIS SECTION, "MAIN FOOD ALLERGEN" HAS THE MEANING STATED**
22   **IN 21 U.S.C. § 321.**

23   **(B)   EACH RESTAURANT SHALL MAKE AVAILABLE TO EACH CUSTOMER A**
24   **WRITTEN DISCLOSURE OF EACH MAIN FOOD ALLERGEN, IF ANY, THAT IS AN**
25   **INGREDIENT IN EACH MENU ITEM.**

26   **(C)   A RESTAURANT MAY SATISFY THE REQUIREMENT ESTABLISHED UNDER**
27   **SUBSECTION (B) OF THIS SECTION BY MAKING THE DISCLOSURE IN ANY**
28   **REASONABLY ACCESSIBLE FORM, INCLUDING:**

29   **(1)   ON THE MENU;**

30   **(2)   IN A SEPARATE INSERT OR HANDOUT; OR**

1   **(3)   IN AN ELECTRONIC OR DIGITAL FORMAT.**

2   21–1214.

3   (a)   (1)   Except as provided in paragraph (2) of this subsection, any person who
4   violates any provision of Subtitle 3 of this title or any rule or regulation adopted under
5   Subtitle 3 of this title is guilty of a misdemeanor and on conviction is subject to:

6   (i)   For a first offense, a fine not exceeding $1,000 or imprisonment
7   not exceeding 90 days, or both; and

8   (ii)   For a second offense, a fine not exceeding $2,500 or imprisonment
9   not exceeding 1 year, or both.

10   (2)   A person who violates § 21–330.1 **OR § 21–330.3** of this title is not
11   subject to paragraph (1) of this subsection.

12   (b)   In addition to any criminal penalties imposed under this section, a person who
13   violates any provision of Subtitle 3 of this title or any rule or regulation adopted under
14   Subtitle 3 of this title or any term, condition, or limitation of any license or registration
15   issued under Subtitle 3 of this title:

16   (1)   Is liable for a civil penalty not exceeding $5,000, to be collected in a civil
17   action in the District Court for any county; and

18   (2)   May be enjoined from continuing the violation.

19   (c)   Each day on which a violation occurs is a separate violation under this section.

20   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21   October 1, 2026.