



June 3, 2026

The Honorable Roy Klopfenstein
Chair of the House Committee on Agriculture
77 S. High St
11th Floor
Columbus, OH 43215

Re: LETTER OF SUPPORT FOR HB.364

Dear Chairman Klopfenstein and members of the Agriculture Committee,

I. Introduction

On behalf of the Asthma and Allergy Foundation of America (AAFA) and the more than one million Ohioans living with food allergies, I am writing to express that AAFA is a proud supporter of HB.364. AAFA is the leading patient organization for people with asthma and allergies, and the oldest asthma and allergy patient organization in the world. Kids with Food Allergies, a division of AAFA, offers tools, education, and community to families and children with food allergies across the country. We write to urge the Agriculture Committee to issue a favorable report on HB.394.

HB.364 would ensure that milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans are documented in a written format in restaurant menu items. This bill is a monumental first step to establishing a culture in Ohio where people with food allergies can enjoy safe dining with their families and friends. This law is about promoting public health and safety. People in Ohio deserve to know what is in their food, especially those managing food allergies.

In January 2023, sesame was added as the 9th major food allergen in the Federal Food, Drug, and Cosmetic Act and the 2022 FDA Food Code. Ohio has adopted the 2022 FDA Food Code and requires employee food safety training programs to include the Top 9 allergens. We urge the committee and bill sponsors to amend HB.364 to require food service operations to denote the Top 9 allergens in menu items.

II. Food Allergies Are a Growing Public Health Emergency



More than one million Ohio residents live with food allergies. Exposure to an allergen can cause severe reactions, including anaphylaxis and, in some rare cases, death. Adverse reactions to food at restaurants are common, and account for a large share of food allergy fatalities.¹ We can reduce the chances of needless food allergy-related tragedies by enacting HB.364, which would allow consumers to be aware of the allergens contained within restaurant meals for qualifying food facilities.

While federal laws have made it easier for individuals to avoid allergens in packaged foods, the labeling of restaurant food represents a glaring gap in consumer safety. The Food Allergen Labeling and Consumer Protection Act (FALCPA) of 2004 requires packaged foods regulated by the FDA to clearly identify the Top 9 major food allergens.² However, FALCPA does not apply to restaurant food, leaving millions of individuals with food allergies at risk when dining out.³

III. Ohioans Deserve Dignity and Respect

Children and adults with food allergies want to participate in special occasions and everyday social engagements that take place in restaurants. In our 2019 parent survey report, *My Life With Food Allergy*, AAFA's research team found that more than half of parents (53%) have left a restaurant in the middle of dining as a result of an allergy and nearly 90% of parents have avoided certain restaurants due to their child's allergy.⁴ This type of avoidance is primarily a result of a lack of information.

Surveyed parents communicated the need for greater availability of allergen information and asked regulators to prioritize better food labeling inside restaurants.⁵ Making restaurants safer through labeling for the Top 9 allergens on menus in Ohio would allow people with food allergies to engage more fully in social activities with their family and friends with less fear, aid parents to make well-informed decisions about where to eat, and increase business to Ohio restaurants.

¹ Weiss, C., & Munoz-Furlong, A. (2008). Fatal food allergy reactions in restaurants and food-service establishments: Strategies for prevention. *Food Protection Trends*, 28, 657–661.

² Baker, R. (2018). The global status of food allergen labeling laws. *California Western Law Review*, 54(2), Article 4. <https://scholarlycommons.law.cwsl.edu/cwlr/vol54/iss2/4>

³ Doctorov, E. C. (2023). Fearless dining: Mandating universal allergen disclosures on restaurant menus. *California Law Review*, 111(6). <https://doi.org/10.15779/Z385T3G14X>

⁴ Asthma and Allergy Foundation of America. (2019). *My life with food allergy: Parent survey report*. (p. 16)

⁵ Asthma and Allergy Foundation of America, 2019, p. 38



IV. Ohio and Global Best Practice

HB.364 would also align Ohio with global best practices. Numerous countries around the world have had mandatory food allergen information laws in restaurants for more than a decade, leaving the United States far behind on this common-sense piece of legislation.⁶ If enacted, HB.364 would set an example and serve as a template to other states who seek to avoid allergy-related deaths in restaurants, ensure consumers can be made aware of the contents of their food, and attract customers with food allergies to restaurants in Ohio.

As of 2025, the global standard has been shifting towards the model in Ireland where allergen disclosures are made available at the point of sale. Written, clear information is required before ordering a meal. In the United Kingdom, the proposal of “Owen’s Law” makes it clear that the cutting edge of written disclosure is designed to benefit the consumer: putting it visibly on the menu. HB.364 responds to that growing consensus by prioritizing health and safety for Ohioans with on-menu disclosure.

VI. Request for Passage

AAFA strongly encourages the legislature to pass this bill into law. We believe that HB.364 in its current form is an enormous step forward and can continue to be built upon in coming years. Everyone deserves to dine out without fear, and this begins with food allergen disclosure. Thank you very much for your work to protect the health and wellbeing of Ohio children and adults with food allergies.

Sincerely,

Kenneth Mendez
President and Chief Executive Officer
Asthma and Allergy Foundation of America

⁶ European Commission. (2017). Commission notice of 13 July 2017 relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers (2017/C 428/01). *Official Journal of the European Union*, C 428, 1