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Additional Legislation Expected to Mandate Food Allergen Disclosures for Food Establishments: What You Need to Know

In October 2025, California became the first state to pass legislation requiring certain restaurants to disclose the presence of any of the following nine major allergens in menu items: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybeans, and sesame. A summary of this legislation, Senate Bill 68 (SB 68), can be found here. SB 68 takes effect on July 1, 2026.

In the months since, several other states have introduced or passed legislation that would impose similar requirements on various food businesses. According to Dylan McDonnell, founder and CEO of Foodini, this "rapid introduction of allergen disclosure laws across several states in just four months is more than a trend; it is a fundamental structural shift in how the American food service industry must operate." McDonnell also notes that this emerging legislation demonstrates that "food allergy compliance is no longer just a food safety goal."

Here, we provide an overview of this new legislation, including the types of businesses impacted, how businesses could comply with these requirements, and what businesses could expect for noncompliance penalties.

New York

Signed into law by Governor Hochul in November 2025, Assembly Bill A6558A / Senate Bill S5381A (NY Allergen Law) will require food establishments to label all food "prepared, packaged, and offered or sold to customers on the same premises" with a written notification on the package, or on a label attached to the package, which identifies any of the nine major food allergens in the food. The written notification

must also contain information about any food ingredients which contain protein (other than highly refined oil) derived from any of the nine major food allergens.

The NY Allergen Law applies to all food establishments where food is both prepared and intended for off-premises consumption, regardless of establishment size. Delis, bakeries, ice cream parlors, sandwich shops, cafeterias, retail food stores, and food trucks are explicitly included in the definition of "food establishment". Prepackaged food does not include "food that is not in packaging or is packaged after a customer has ordered."

The NY Allergen Law is expected to become effective in November 2026 and will be enforced by state and local health departments. The NY Allergen Law does not describe any penalties for noncompliance.

Michigan

Introduced in December 2025, House Bill 5402 (MI Bill) would require all food service permit holders in Michigan, regardless of size, to provide customers with a written notification of any of the major food allergens (as determined by the U.S. Food and Drug Administration (FDA)) used as an ingredient in any "unpackaged food items served or sold to customers" by the food service permit holder. The written notification required by the MI Bill can be provided to customers either by "physical or electronic means, including, but not limited to, brochures, deli case or menu notifications, statements, table tents, placards, or other effective written means."

Food service permit holders include, but are not limited to, restaurants, cafeterias, coffee shops, bars, food trucks, and/or other mobile units, such as those which operate at fairs or festivals.

The MI Bill, as currently drafted, does not contain any details pertaining to enforcement, penalties for violations, or a proposed effective date.

Maryland

Introduced in January 2026, House Bill 181 (MD Bill) would require every restaurant, regardless of size, to provide customers with a written disclosure of any of the Nine major food allergens that the restaurant knows, or reasonably should know, is an

ingredient in each of its menu items. The written disclosure must also contain information about any food ingredients which contain protein (other than highly refined oil) derived from any of the nine major food allergens. Restaurants may disclose the nine major food allergens through written disclosure on the menu, via digital format or a QR code linking to a digital menu, or by a separate, allergen-specific menu, chart, grid, or booklet.

Although the MD Bill does not include a definition of a restaurant, current Maryland law which requires food establishments to display food allergy posters defines a "food establishment" as a food service facility or a food processing plant. A "food service facility" means (i) a place where food or drink is prepared for sale or service on the premises or elsewhere or (ii) any operation where food is served to or provided for the public, with or without charge.

If passed, the MD Bill would take effect on October 1, 2026. Maryland's Department of Health, as well as local health departments, would be responsible for enforcement. The most recent hearing on the MD Bill occurred on February 3. As currently drafted, the MD Bill would implement some of the strongest penalties for non-compliance, including conviction of a criminal misdemeanor, up to one year of imprisonment, and civil fines of up to $5,000 for each day on which a violation occurs, and injunctions.

Illinois

The Illinois General Assembly introduced HB 4686 (IL Bill) in February 2026, which would require every restaurant in the state, regardless of size, to include "clear and conspicuous notices" of each menu item containing any of the major food allergens (as determined by the FDA). As currently drafted, the IL Bill requires that these clear and conspicuous notices must be present on all of the restaurant's physical, digital, or online menus. The IL Bill also adds in an additional requirement that "a person working with a consumer's food must take necessary safety precautions when preparing the food to avoid cross contamination of the food with" any of such allergens.

Under Illinois' existing Food Handling Regulation Enforcement Act, which the IL Bill seeks to amend, a restaurant is defined as "any business that is primarily engaged in

the sale of ready-to-eat food for immediate consumption." "Primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51% of the total sales, excluding the sale of liquor.

If passed, the IL Bill would take effect on January 1, 2028. Most recently, the IL bill was referred to the Rules Committee for analysis on February 6, 2026. Illinois' Department of Public Health and local health departments would be responsible for enforcing the IL Bill through visual inspections of the restaurant's physical and digital menus. Penalties for non-compliance would include a fine of $500, as well as an additional $500 fine for each menu item that does not contain the notice required by the IL Bill. The IL Bill would also permit applicable inspectors to halt restaurant operations if they observe one or more violations during five separate inspections.

Missouri

In February 2026, Missouri's House of Representatives introduced House Bill 3446 (MO Bill), which would require all restaurants, regardless of size, to provide customers with written notification of the nine major food allergens, or any food ingredient that contains protein (other than highly refined oil) derived from any of the nine major food allergens. Restaurants could comply with the MO Bill by providing written notification of the nine major food allergens either (i) directly on the restaurant's menu below or immediately adjacent to each menu item or (ii) in a digital format, like a QR code linking to a digital menu. If a restaurant elects to provide information regarding the nine major food allergens in a digital format, the restaurant must also use an alternative method for those who cannot use a digital format, such as a separate allergen-specific menu, chart, grid, booklet, or other written material.

The MO Bill defines a restaurant as any business in Missouri which "operates its own permanent food service facilities with commercial cooking equipment on its premises" and "prepares and offers to sell multiple entrees for consumption on or off the premises."

Although a hearing on the MO Bill is not currently scheduled, the proposed expected day is August 28, 2026. The MO Bill would be enforced by Missouri's Department of Health and Senior Services through visual inspection or "other reasonable methods." Penalties for violations would include temporary or permanent injunctions.

This blog post was drafted by Megan E. Rockwell and Zachary Palomino, attorneys in the New York City office of Spencer Fane. For more information, visit spencerfane.com.

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