

HOUSE BILL 69

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2000 Regular Session  
0lr0708

(PRE-FILED)

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By: **Delegate D'Amato**

Requested: October 19, 1999

Introduced and read first time: January 12, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Imported Crab Meat - Restrictions**

3 FOR the purpose of prohibiting a person from putting certain statements on a  
4 package of crab meat or on products made from crab meat; prohibiting a person  
5 from marking certain containers of crab meat with a mark identifying the  
6 product with the State; providing that certain phraseology is considered  
7 misleading under certain circumstances; requiring certain containers of crab  
8 meat and certain products made from crab meat to be marked with certain  
9 labels provided by the Department of Health and Mental Hygiene; requiring the  
10 Secretary of the Department of Health and Mental Hygiene to impose a certain  
11 fine on certain individuals for certain violations; requiring the Department of  
12 Business and Economic Development to provide a certain report to the General  
13 Assembly by a certain date; making provisions of this Act severable; and  
14 generally relating to restrictions on imported crab meat.

15 BY repealing and reenacting, with amendments,  
16 Article - Health - General  
17 Section 21-339 and 21-343  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1999 Supplement)

20 BY adding to  
21 Article - Health - General  
22 Section 21-344  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 1999 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 21-339.

3 (a) In this section, "repack crab meat" means to take or remove crab meat  
4 from any container or package, when the crab meat has been picked from a crab at  
5 another location, and place that crab meat in another container or package.

6 (b) Each container of crab meat shall be marked plainly with the information  
7 required by this section.

8 (c) (1) Each container of crab meat shall be marked by:

9 (i) Embossing;

10 (ii) Imprinting;

11 (iii) Lithography; or

12 (iv) Subject to paragraph (2) of this subsection, any other method  
13 that the Department approves.

14 (2) Unless approved by the Secretary, a container of crab meat may not  
15 be stamped with ink.

16 (d) (1) Each container of crab meat shall be marked with:

17 (i) A description of the product in the container;

18 (ii) Subject to the requirements of paragraph (2) of this subsection,  
19 the name and address of the picking plant or the distributor;

20 (iii) If a chemical is added to the crab meat, a statement to that  
21 effect;

22 (iv) The license number of the crab meat plant preceded by the  
23 State abbreviation applicable to the picking plant;

24 (v) The net weight of the contents of the container; and

25 (vi) Any other information that the Department requires.

26 (2) If a container of crab meat is marked with the name of the  
27 distributor, the name of the distributor shall be:

28 (i) Preceded by the words "packed for" or "distributed by"; or

29 (ii) Followed by the word "distributor".

30 (e) (1) FOR PURPOSES OF THIS SUBSECTION, USE OF THE WORDS "PRODUCT  
31 OF MARYLAND", "MARYLAND STYLE", OR OTHER PHRASEOLOGY IMPLYING THAT

1 MARYLAND CRAB MEAT IS THE BASIS OF A PRODUCT THAT IS MADE FROM CRAB  
2 MEAT ORIGINATING FROM A FOREIGN COUNTRY SHALL BE CONSIDERED  
3 MISLEADING.

4 (2) A person may not put any false or misleading statement on a  
5 container OR PACKAGE of crab meat OR PRODUCTS MADE FROM CRAB MEAT.

6 (3) A PERSON MAY NOT MARK A CONTAINER CONTAINING CRAB MEAT  
7 ORIGINATING FROM A FOREIGN COUNTRY WITH A MARK IDENTIFYING THE PRODUCT  
8 WITH THE STATE.

9 (f) (1) A person may not repack crab meat or change crab meat containers or  
10 container lids with the intent to sell the crab meat except as provided by the  
11 Department.

12 (2) (i) A person may not possess more than 12 empty crab meat  
13 containers or container lids unless the person:

14 1. Is a manufacturer of containers or lids;

15 2. Is a licensed crab meat packer and the containers or lids  
16 are the same as used by the packer in the ordinary course of business;

17 3. Has removed the crab meat from the containers and lids  
18 for consumption on the premises; or

19 4. Is in possession of the containers or lids as provided for by  
20 the Department.

21 (ii) Possession of empty containers or crab meat container lids in  
22 violation of this section shall be presumptive evidence of intent to repack crab meat in  
23 violation of this Part VI of this subtitle.

24 (iii) Possession of crab meat containers or crab meat container lids  
25 from which the crab meat has been consumed or cooked for consumption and which  
26 have been properly disposed of may not constitute presumptive evidence of intent to  
27 repack or change crab meat containers for sale.

28 (g) (1) Notwithstanding any other provision of law, each container of crab  
29 meat OR PRODUCT MADE FROM CRAB MEAT sold in the State containing crab meat  
30 picked from a crab, packed, repacked, or processed outside of the United States shall  
31 be marked with A LABEL PROVIDED BY THE DEPARTMENT THAT STATES THE  
32 COUNTRY OF ORIGIN AND INCLUDES the words "This product contains crab meat  
33 from (name of country of origin)".

34 (2) The marking required by paragraph (1) of this subsection shall be  
35 prominently displayed in letters not smaller than 12-point type on the principal  
36 display panel of the container so as to be easily read by the consumer.

1 21-343.

2 (A) The Secretary shall seize and condemn any crab meat that does not comply  
3 with this subtitle.

4 (B) THE SECRETARY SHALL IMPOSE A FINE NOT EXCEEDING \$5,000 ON A  
5 SELLER, PRODUCER, OR IMPORTER OF CRAB MEAT THAT DOES NOT COMPLY WITH  
6 THIS SUBTITLE.

7 21-344.

8 A RETAILER OF CRAB MEAT, INCLUDING A GROCER OR RESTAURANT OPERATOR,  
9 IS ENCOURAGED TO IDENTIFY CRAB MEAT BY COUNTRY OF ORIGIN ON MENUS,  
10 ADVERTISEMENTS, OR OTHER DISPLAYS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
12 Business and Economic Development shall report to the General Assembly on or  
13 before October 1, 2001, in accordance with § 2-1246 of the State Government Article,  
14 on the extent to which retailers of crab meat are identifying crab meat by country of  
15 origin.

16 SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this  
17 Act or the application thereof to any person or circumstance is held invalid for any  
18 reason in a court of competent jurisdiction, the invalidity does not affect other  
19 provisions or any other application of this Act which can be given effect without the  
20 invalid provision or application, and for this purpose the provisions of this Act are  
21 declared severable.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2000.