
By: **Delegates Stull, Amedori, Bartlett, Boutin, Brinkley, Elliott, Glassman,
Klima, McKee, Mohorovic, Shank, Snodgrass, and Stocksdale**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2002

CHAPTER 259

1 AN ACT concerning

2 **Agriculture - Weights and Measures - Sale of ~~Ice Cream~~ Frozen Desserts**

3 FOR the purpose of allowing hand dipped ~~ice cream~~ frozen desserts to be sold by
4 weight, fluid volume, or the serving; and generally relating to the weight or
5 measure at which ~~ice cream~~ frozen desserts can be sold.

6 BY repealing and reenacting, with amendments,
7 Article - Agriculture
8 Section 11-312
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

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

13 **Article - Agriculture**

14 11-312.

15 (a) All fluid dairy products, including whole milk, skimmed milk, cultured
16 milk, sweet cream, and buttermilk shall be sold by fluid volume.

17 (b) Cottage cheese, cottage cheese products, sour cream, and yogurt shall be
18 sold by weight.

19 (c) (1) Ice cream, ice milk, French ice cream, French custard ice cream,
20 frozen custard, frozen dietary dairy dessert, frozen yogurt, mellorine, parevine,

1 sherbert, water ice, fruit ice, dietary frozen dessert, quiescently frozen confection, or
2 quiescently frozen dairy confection, and any products which are similar in
3 appearance, odor, or taste to such products or are prepared or frozen as such products
4 are customarily prepared or frozen, whether made with dairy products or nondairy
5 products, together with the mixes used in such products and for which a standard has
6 been promulgated by the Secretary of Health and Mental Hygiene, shall be kept,
7 offered, and exposed for sale and sold by fluid volume.

8 (2) Frozen yogurt shall be sold or offered for sale by weight, whether or
9 not combined with other condiments, if the amount of the frozen yogurt to be
10 purchased is:

11 (i) Determined by the purchaser; and

12 (ii) Dispensed by the purchaser.

13 ~~(3) HAND-DIPPED ICE CREAM~~

14 ~~(D) IF HAND DIPPED, ANY OF THE ITEMS LISTED IN SUBSECTION (C) OF THIS~~
15 ~~SECTION~~ MAY BE SOLD BY WEIGHT, FLUID VOLUME, OR THE SERVING.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2002.