

# HOUSE BILL 938

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By: **Delegates Kramer, Barkley, Fraser-Hidalgo, Stocksdale, and Valderrama**  
Introduced and read first time: February 5, 2014  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

AN ACT concerning

### **Health – General – Poultry Processed in the People’s Republic of China – Notice Requirements**

FOR the purpose of requiring a food service facility that purchases a poultry product that was processed in the People’s Republic of China to display on its menu, in a certain manner and location, a notice containing certain information; requiring a grocery store that sells a poultry product that was processed in the People’s Republic of China to post, in a certain manner and location, a notice containing certain information; establishing certain penalties for a violation of this Act; defining certain terms; and generally relating to notice requirements for poultry products.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 21–301(a) and (h)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY adding to  
Article – Health – General  
Section 21–330.3, 21–1001, and 21–1216  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 21–1214  
Annotated Code of Maryland  
(2009 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Health – General**

21–301.

(a) In this subtitle the following words have the meanings indicated.

(h) (1) “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.

(2) “Food service facility” does not include:

(i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;

(ii) A food preparation or serving area where only nonpotentially hazardous food, as defined by the United States Food and Drug Administration, is prepared or served only by an excluded organization;

(iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold; or

(iv) A cottage food business.

**21–330.3.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “POULTRY PRODUCT” MEANS:**

**(I) ANY POULTRY CARCASS;**

**(II) ANY PART OF A POULTRY CARCASS; OR**

**(III) ANY PRODUCT THAT IS MADE WHOLLY OR PARTIALLY FROM ANY POULTRY CARCASS OR PART OF A POULTRY CARCASS.**

**(3) “PROCESSED” MEANS SLAUGHTERED, CANNED, SALTED, STUFFED, RENDERED, BONED, CUT UP, OR OTHERWISE MANUFACTURED OR PROCESSED.**

**(B) (1) A FOOD SERVICE FACILITY THAT PURCHASES A POULTRY PRODUCT PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA SHALL INCLUDE ON A MENU PROVIDED BY THE FOOD SERVICE FACILITY A NOTICE TO THE CUSTOMER INDICATING THAT AN ITEM ON THE MENU CONTAINS POULTRY PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA.**

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

**(I) BE LISTED NEXT TO THE NAME OF THE MENU ITEM;**

**(II) STATE “THIS ITEM CONTAINS POULTRY PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA.”; AND**

**(III) BE IN A SIZE AND TYPEFACE OF EQUAL PROMINENCE TO THE PRICE OR NAME OF THE MENU ITEM.**

**21-1001.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “POULTRY PRODUCT” MEANS:**

**(I) ANY POULTRY CARCASS;**

**(II) ANY PART OF A POULTRY CARCASS; OR**

**(III) ANY PRODUCT THAT IS MADE WHOLLY OR PARTIALLY FROM ANY POULTRY CARCASS OR PART OF A POULTRY CARCASS.**

**(3) “PROCESSED” MEANS SLAUGHTERED, CANNED, SALTED, STUFFED, RENDERED, BONED, CUT UP, OR OTHERWISE MANUFACTURED OR PROCESSED.**

**(B) (1) A GROCERY STORE THAT SELLS A POULTRY PRODUCT PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA SHALL POST A NOTICE TO**

CUSTOMERS INDICATING THAT THE GROCERY STORE SELLS A PRODUCT THAT CONTAINS POULTRY PROCESSED IN THE PEOPLE'S REPUBLIC OF CHINA.

**(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

**(I) BE POSTED IN AN AREA INSIDE THE GROCERY STORE THAT IS PROMINENTLY VISIBLE TO ALL CUSTOMERS; AND**

**(II) STATE "THIS GROCERY STORE SELLS POULTRY PRODUCTS THAT ARE PROCESSED IN THE PEOPLE'S REPUBLIC OF CHINA." IN AT LEAST A 2-INCH BOLD FONT.**

21-1214.

**(a) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 21-330.3 OF THIS TITLE.**

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

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

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

(2) A person who violates § 21-330.1 of this title is not subject to paragraph (1) of this subsection.

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

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

(2) May be enjoined from continuing the violation.

**[(c)] (D)** Each day on which a violation occurs is a separate violation under this section.

21-1216.

**A PERSON WHO VIOLATES § 21-330.3 OR § 21-1001 OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

- (1) A FINE OF \$1,000 FOR A FIRST OFFENSE; AND**
- (2) A FINE OF \$2,500 FOR EACH SUBSEQUENT OFFENSE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.