

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 606 (Delegate M. Morgan, *et al.*)
Health and Government Operations

Public Health - Food Products Containing Insect Flour - Labeling

This bill prohibits the sale of food products containing or consisting of “insect flour” unless the packaging is clearly and conspicuously labeled with the term insect flour. A food service facility may not serve any food containing or consisting of insect flour unless any menu or notice that includes such a food is clearly and conspicuously labeled. “Insect flour” means a powdered food product that consists of ground insects. A person who violates the bill’s prohibitions is subject to existing criminal and civil penalties relating to food establishments. In addition to those penalties, the Secretary of Health may seize or condemn any food product or food sold in violation of the bill.

Fiscal Summary

State Effect: The Maryland Department of Health (MDH) can handle the bill’s requirements with existing budgeted resources. Revenues are not affected. The application of existing penalties is not anticipated to materially affect State finances.

Local Effect: Local health departments (LHDs) can enforce the bill with existing budgeted resources. The application of existing penalties is not anticipated to materially affect local finances.

Small Business Effect: Minimal.

Analysis

Current Law: The sale of insect flour or food products containing insect flour is not currently regulated under State law.

A person may not operate a food establishment unless licensed (by MDH or an LHD) or exempt from licensure requirements. In practice, the licensing, inspection, and enforcement of statutory provisions related to food service facilities are delegated to LHDs. Each food establishment must be separately licensed. A representative of MDH (including an appropriate LHD) may enter any food establishment at a reasonable time to conduct inspections.

Under § 21-1214 of the Health-General Article, a food establishment licensee that violates any law or regulation relating to food establishments is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and/or up to 90 days imprisonment for a first violation. For a second violation, the maximum penalty is a \$2,500 fine and/or one year imprisonment. In addition, a violator is subject to a civil penalty of up to \$5,000, to be collected by the District Court for any county and may be enjoined from continuing the violation. Each day is a separate violation.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2023
js/jc

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