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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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Testimony in Support of HB 410
Public Health - Food and Milk Product Labeling - Requirements

How many times have you paused before opening a package of salad mix in the refrigerator, unsure whether it has gone bad? How many times have you reconsidered your morning yogurt, because the food date label reads that today is the end of its life, but your nose and mouth tell you differently? Every time you clean out the refrigerator, you are making health, environmental, and safety decisions based on what you believe the food date label suggests is safe and/or of good quality. "Sell by," "Use By," "Best By," "Best If Used By," "Best If Used or Frozen By," "Best Before," "Packaged On," "Manufactured On," and "Expires On" all provide a hint or suggestion about whether food is edible. What we know is these varying food date labels do not have the same meaning. Yet, as a consumer, they cause great confusion that often leads to perfectly good-quality food to be thrown away.

HB 410, Public Health - Food and Milk Product Labeling – Requirements, establishes requirements and prohibitions regarding food and milk product labeling, and requires the Maryland Department of Health to create a marketing program and educational materials to inform consumers about the meaning of the standardized food date labels on food products. Updating and standardizing food date labels in this way would take the guesswork out of making determinations of whether food is safe to consume. Clear, standardized food date labels can help consumers save money, reduce wasted food, and keep food on their shelves.

HB 410 was previously introduced in 2025 as HB 8 by Delegate Andrea Fletcher Harrison, a cosponsor of this year's bill. **HB 410 will clarify food date labels with two simple, consistent terms: "use by" to indicate safety, or "best if used by" to indicate quality.** From a national perspective, this bill was heavily modeled after [California's AB 660](#), signed in September 2025, which requires uniform "best if used by" and "use by" food date labels starting July 1, 2026, and eliminates "sell by" dates. Currently, there is also bipartisan federal legislation focused on this issue with the [Food Date Labeling Act of 2025 \(S.2541\)](#) currently in the U.S. Senate Health, Education, Labor, and Pensions Committee for legislative review. The commonality of HB 410, California's AB 660, and

S.2541 is the use of quality date phrases (“best if used by”) and discard date phrases (“use by”). These bills have paved the way for states like Maryland to implement smart, consumer-friendly practices for food date labeling.

Over 80 percent of Americans throw away safe, edible food due to confusion over food date labels. The term “Sell by” will be removed or concealed from the consumer, as the label is made only for retailers to determine when to rotate product in stores. Consumers waste thousands of dollars per year on food that might be past the food label date, but is still edible. The 2013 NRDC report, [The Dating Game: How Confusing Food Date Labels Lead to Food Waste in America](#) says that it is estimated that per capita food loss is \$390 per year, putting the total food loss for a family of four at \$1,560 annually (and that doesn’t even account for inflation). [In a survey from the Grocery Manufacturers’ Association](#), 85 percent of respondents said that it would be helpful if manufacturers shifted to using only two labels for safety and quality. When asked how the labels would assist them, the top benefits were feeling safer about the foods they eat, believing they would throw away less food, saving money by throwing away less food, and increasing confidence in products they use.

The U.S. Department of Agriculture estimates that **over one-third of the food produced in the United States is never eaten**, wasting the resources used to produce, transport, process, and distribute it. Further, most of the food is sent to landfills, where it breaks down and generates methane, a powerful greenhouse gas ([EPA](#)). **Wasted food accounts for 24 percent of landfill space**, much of it from unopened, edible food. Because food date labeling has not been yet federally standardized, we can expect to continue to see inconsistencies across the country.

HB 410 will assist Marylanders with keeping edible food on the shelves and out of landfills, and will divert good, healthy, quality food from the waste stream. By standardizing food date labels and providing education on what those labels mean, we begin thoughtful consideration for our planet, our health, our pantries, and our wallets.

Thank you for your consideration, and I urge a favorable report for HB 410.

Sincerely,



Regina T. Boyce