



Bill: HB410 Public Health - Food and Milk Product Labeling - Requirements
Committee: Health
Hearing Date: February 3, 2026
Position: Support

Dear Chair Bagnall, Vice Chair Cullison, and Members of the Committee:

Trash Free Maryland supports HB410, which will help standardize food date labeling to prevent unnecessary food waste due to consumer confusion over inconsistent and misleading date labels. HB410 will improve clarity of food date labels and reduce consumer confusion by:

- prohibiting the sale of foods labeled with a consumer-facing “sell by” date that can mislead consumers as to the food’s safety or quality;
- allow coded “sell by” date information meant to help with stock rotation but not consumer-facing; and
- requiring foods with a date label to uniformly communicate quality or safety with “best by” or “use by”;
- ensuring edible, wholesome foods are able to be donated and used after a past-date;
- establishing a consumer education program or website to clarify date labels and their meaning, including what foods may still be donated by retailers or consumers to food rescue organizations.

Trash Free Maryland works toward a state that is free of trash and litter, and where land and waterways are safe and healthy for all to enjoy. We support programs that decrease the likelihood that valuable products will end up disposed of in our landfills and incinerators where they cost money to maintain and emit greenhouse gas and other polluting emissions.

Trash Free Maryland urges you to support this legislation for the following reasons:

- 91% of consumers surveyed reported at least occasionally discarding food past its “sell by” date out of product safety concerns, and 25% reported that they always did so;¹
- Many foods remain edible and nutritious for weeks to years past the date on the sealed package;²
- Inconsistent date labels lead to food waste because consumers may discard food after the package date and retailers may discard food due to confusion about selling or donating past-date food;³
- Preventing bulk disposal of packaged foods can reduce the need for depackagers that can create microplastic pollution during the food waste recycling process;

¹ NRDC Report: The Dating Game: How confusing food date labels lead to food waste in America, <https://www.nrdc.org/sites/default/files/dating-game-report.pdf>, at p.19 (accessed February 25, 2026)

² UMD Extension Tips for Donating Food (explaining that expired food can be donated), <https://extension.umd.edu/resource/tips-donating-food/> (accessed February 25, 2026)

³ ReFED U.S. Food Waste Policy Finder: Maryland Food Waste Policy, explaining ReFED’s negative rating of Maryland’s food date labeling regulations, <https://policyfinder.refed.org/maryland/> (accessed February 25, 2026)

- 350 million barrels of oil are wasted on food that will be thrown out in the U.S. each year;⁴
- The average American spends over \$1,300 per year on food that is never eaten, and confusing date labels contribute to this problem; Marylanders will save money by avoiding waste of edible food;
- Taxpayers and local governments will save money by avoiding disposal of edible food that could have been consumed or redirected;
- The simplification and consolidation of dozens of food date labels into two categories to indicate either quality or safety is easier to communicate to consumers, retailers, food assistance providers, and the regulated community, as seen in the example webpage screen capture below;⁵
- When 1 in 3 Marylanders are facing food insecurity, we can't afford to waste any otherwise wholesome food due to confusion over varied food date label forms and meanings.⁶
- New standards have limited benefit without being combined with public-facing education to explain what the dates mean. The public education component of this bill is critical to ensuring that Marylanders understand how to interpret the standard date labels and when their food is safe;⁷
- Food waste prevention supports Maryland's climate goals and saves disposal space.

For these reasons, we respectfully request a favorable report on HB410.

Contact: Kelly Doordan, Executive Director, Trash Free Maryland, kelly@trashfreemaryland.org

Example food label education page:

Quality Dates
 "BEST if Used by"
 or
 "BEST if Used or Frozen by"
 Indicates peak freshness (or quality) of a food item

Safety Dates
 "USE by"
 or
 "USE by or Freeze by"
 Indicates when a food item is no longer safe to eat

Sell by Dates

Starting July 1, 2026, this bill prohibits the sale of any food item (except eggs and infant formula) for human consumption in California that is not labeled for quality using the terms "best if used by" or "best if frozen by" or labeled for food safety using the terms "use by" or "use or freeze by." Also starting July 1, 2026, this bill prohibits the use of consumer-facing "sell by" dates, alternatively allowing coded "sell by" dates that retain stock rotation information for retailers while eliminating the source of consumer confusion that results in the disposal of wholesome, nutritious food.

Why Is Food Date Labeling Important?

AB 660 co-sponsor [Californians Against Waste](#) reports that more than 50 differently phrased date labels have been used in the U.S., resulting in confusion and food waste. The California Department of Resources Recycling and Recovery

⁴ <https://notreallyexpired.com/the-problem/> (accessed February 25, 2026)

⁵ <https://www.cdfa.ca.gov/is/foodrecovery/fooddatelabeling/> (accessed February 23, 2026)

⁶ <https://mdfoodbank.org/hunger-in-maryland/> (accessed February 23, 2026)

⁷ Maryland Matters, Food Waste is a Major Problem: Confusing date labels are making it worse, May 19, 2029, <https://marylandmatters.org/2019/05/09/food-waste-is-a-major-problem-confusing-date-labels-are-making-it-worse/> (accessed February 23, 2026)