

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 610 (Delegate M. Morgan, *et al.*)  
Health and Government Operations

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Food Service Facilities - Food Containing Insect Flour - Labeling

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This bill prohibits a food service facility from serving any food containing or consisting of “insect flour” unless any menu or notice that includes such a food clearly and conspicuously labels the food with the term insect flour. “Insect flour” means a powdered food product that consists of ground insects. A person who violates the bill’s prohibition 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 sold in violation of the bill.

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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 State finances.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** The sale of insect flour or food 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.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 606 of 2023.

**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 12, 2024  
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