

By: Delegates Stull, Beck, D. Hughes, and Snodgrass

Introduced and read first time: February 7, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Milk Products - Sell-By Period**

3 FOR the purpose of eliminating the authority of the Secretary of Health and Mental
4 Hygiene to review the keeping quality of certain milk products, conduct certain
5 studies, and adopt regulations that establish the maximum length of time certain
6 milk products may be kept for sale; authorizing certain milk processors to determine
7 the length of time certain milk products may be kept for sale; eliminating certain
8 standards regarding the length of time certain milk products may be kept for sale;
9 repealing certain provisions that permit certain milk processors to apply for
10 permission to extend the length of time certain milk products may be kept for sale
11 under certain circumstances; and generally relating to certain milk products and the
12 length of time they may be kept for sale.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 21-426
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1995 Supplement)

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

20 **Article - Health - General**

21 21-426.

22 (a) In this section, "sell-by period" means the length of time a Grade A milk
23 product may be kept for sale.

24 (b) [The Secretary shall:

25 (1) Review from time to time the keeping quality of Grade A milk products
26 by conducting scientific shelf-life studies that recognize different methods of
27 pasteurization; and

28 (2) After holding a public hearing, adopt rules and regulations that establish
29 the maximum sell-by period for each kind of Grade A milk product.] EACH GRADE A
30 MILK PROCESSOR SHALL DETERMINE THE SELL-BY PERIOD FOR ITS PRODUCTS.

1 (c) (1) After a public hearing, the Secretary shall adopt rules and regulations
2 that establish a method for conspicuously marking, on the Grade A milk product
3 container, the last date on which the product may be sold.

4 (2) Each Grade A milk product container shall be marked as required by
5 rules and regulations adopted under this subtitle.

6 [(d) (1) A Grade A milk product that is cooled to, packaged, and stored at 45
7 degrees Fahrenheit or less before it is purchased by or delivered to the ultimate consumer
8 has a sell-by period of 7 days.

9 (2) If a scientific study justifies a modification of the temperature
10 requirements of this subsection, the Secretary, after a public hearing, may adopt rules and
11 regulations that modify the temperature requirements of this subsection.

12 (e) (1) A Grade A milk processor may apply for permission to extend the
13 sell-by period of a Grade A milk product by not more than 5 days.

14 (2) If an application under this subsection is supported by a scientific study
15 of shelf-life and the study is acceptable to the Secretary, the Secretary shall grant
16 permission to extend the sell-by period by not more than 5 days.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 1996.