

HOUSE BILL 350

Unofficial Copy
J1

1999 Regular Session
(91r0929)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Stern, Barkley, Bronrott, Brown, Cane, Carlson, Clagett, D'Amato, D. Davis, Dypski, Griffith, Grosfeld, Healey, Hixson, Howard, Hubbard, V. Jones, Kopp, Marriott, Menes, Moe, Nathan-Pulliam, Paige, Pitkin, Proctor, Riley, Rosenberg, Rosso, Sophocleus, Valderrama, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Food Service Facilities – Food Additives and Allergens~~
3 Task Force on Food Allergies and Restaurant Patrons

4 FOR the purpose of ~~requiring certain food service facilities, on the request of a~~
5 ~~customer, to provide the customer with a list of certain additives and allergens~~
6 ~~that the food service facility uses in the preparation of each item on the menu of~~
7 ~~the food service facility; excluding certain organizations from a certain~~
8 ~~requirement; defining certain terms; and generally relating to certain additives~~
9 ~~and allergens used by certain food service facilities in the preparation of food~~
10 establishing a Task Force on Food Allergies and Restaurant Patrons to examine
11 the concerns that a person with a food allergy may have about eating in a
12 restaurant; providing for the membership of the Task Force; requiring the
13 Governor to appoint the Chairman of the Task Force; requiring the Department

1 ~~of Legislative Services Health and Mental Hygiene to staff the Task Force;~~
 2 ~~establishing the duties of the Task Force; providing that a member of the Task~~
 3 ~~Force may not be compensated but may receive travel expenses; providing for~~
 4 ~~the termination of this Act; and generally relating to a Task Force to examine~~
 5 ~~the concerns that a person with a food allergy may have about eating in a~~
 6 ~~restaurant.~~

7 ~~BY repealing and reenacting, without amendments,~~
 8 ~~Article Health General~~
 9 ~~Section 21-301(e) and (h), 21-304(a)(1), and 21-1214~~
 10 ~~Annotated Code of Maryland~~
 11 ~~(1996 Replacement Volume and 1998 Supplement)~~

12 ~~BY adding to~~
 13 ~~Article Health General~~
 14 ~~Section 21-330.1~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(1996 Replacement Volume and 1998 Supplement)~~

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

19 **~~Article -- Health -- General~~**

20 ~~21-301.~~

21 ~~(e) "Excluded organization" means a volunteer fire company or bona fide~~
 22 ~~nonprofit fraternal, civic, war veterans', religious, or charitable organization or~~
 23 ~~corporation that does not serve food to the public more often than 4 days per week~~
 24 ~~except that once a year an organization may serve food to the public for up to 14~~
 25 ~~consecutive days.~~

26 ~~(h) (1) "Food service facility" means:~~

27 ~~(i) A place where food or drink is prepared for sale or service on the~~
 28 ~~premises or elsewhere; or~~

29 ~~(ii) Any operation where food is served to or provided for the public,~~
 30 ~~with or without charge.~~

31 ~~(2) "Food service facility" does not include:~~

32 ~~(i) A kitchen in a private home where food is prepared at no charge~~
 33 ~~for guests in the home, for guests at a social gathering, or for service to unemployed,~~
 34 ~~homeless or other disadvantaged populations; or~~

1 (ii) A food preparation or serving area where only nonpotentially
2 hazardous food, as defined by the United States Food and Drug Administration, is
3 prepared or served only by an excluded organization.

4 ~~21-304.~~

5 (a) (1) The Department shall adopt rules and regulations necessary to carry
6 out the provisions of this subtitle.

7 ~~21-330.1.~~

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "ADDITIVE" MEANS, IF AT A LEVEL DETECTABLE BY A FOOD SERVICE
11 FACILITY:

12 (I) MONOSODIUM GLUTAMATE (MSG); OR

13 (II) ANY SULFITE.

14 (3) "ALLERGEN" MEANS:

15 (I) EGGS;

16 (II) FISH;

17 (III) MILK;

18 (IV) PEANUTS;

19 (V) SHELLFISH;

20 (VI) SOY;

21 (VII) TREE NUTS; OR

22 (VIII) WHEAT.

23 (4) "FOOD SERVICE FACILITY" DOES NOT INCLUDE A PENAL FACILITY.

24 (B) THIS SECTION DOES NOT APPLY TO AN EXCLUDED ORGANIZATION, AS
25 DEFINED IN § 21-301(E) OF THIS SUBTITLE.

26 (C) ON THE REQUEST OF A CUSTOMER, A FOOD SERVICE FACILITY SHALL
27 PROVIDE THE CUSTOMER WITH A LIST OF ADDITIVES AND ALLERGENS THAT THE
28 FOOD SERVICE FACILITY USES IN THE PREPARATION OF EACH ITEM ON THE MENU
29 OF THE FOOD SERVICE FACILITY.

1 ~~21-1214.~~

2 (a) Any person who violates any provision of Subtitle 3 of this title or any rule
3 or regulation adopted under Subtitle 3 of this title is guilty of a misdemeanor and on
4 conviction is subject to:

5 (1) For a first offense, a fine not exceeding \$1,000 or imprisonment not
6 exceeding 90 days, or both; and

7 (2) For a second offense, a fine not exceeding \$2,500 or imprisonment not
8 exceeding 1 year, or both.

9 (b) In addition to any criminal penalties imposed under this section, a person
10 who violates any provision of Subtitle 3 of this title or any rule or regulation adopted
11 under Subtitle 3 of this title or any term, condition or limitation of any license or
12 registration issued under Subtitle 3 of this title:

13 (1) Is liable for a civil penalty not exceeding \$5,000, to be collected in a
14 civil action in the District Court for any county; and

15 (2) May be enjoined from continuing the violation.

16 (c) Each day on which a violation occurs is a separate violation under this
17 section.

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
19 ~~October 1, 1999.~~

20 (a) There is a Task Force on Food Allergies and Restaurant Patrons.

21 (b) The Task Force shall consist of the following members:

22 (1) a member of the Senate ~~Finance~~ *Economic and Environmental*
23 *Affairs* Committee, appointed by the President of the Senate;

24 (2) a member of the House Environmental Matters Committee,
25 appointed by the Speaker of the House;

26 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
27 designee;

28 (4) the Attorney General of Maryland, or the Attorney General's
29 designee;

30 (5) a representative of the Restaurant Association of Maryland,
31 appointed by the President of the Association;

32 (6) a registered dietitian from the Maryland Dietetic Association,
33 appointed by the President of the Association;

34 (7) a food allergist, appointed by the Governor;

- 1 (8) a consumer who suffers from food allergies, appointed by the
2 Governor;
- 3 (9) a parent of a child who suffers from food allergies, appointed by the
4 Governor; and
- 5 (10) a representative of the food marketing and processing industry,
6 appointed by the Governor.

7 (c) The Governor shall designate one of the members as chairman of the Task
8 Force.

9 (d) The Department of ~~Legislative Services~~ *Health and Mental Hygiene* shall
10 provide staff support for the Task Force.

11 (e) The Task Force shall:

12 (1) examine the concerns of, and problems encountered by, individuals
13 with a food allergy who eat in restaurants;

14 (2) consult with the federal Food and Drug Administration on food
15 labeling laws and policies;

16 (3) recommend measures to address the problems and concerns
17 identified by the Task Force; and

18 (4) report its recommendations to the Governor and, in accordance with
19 § 2-1246 of the State Government Article, the General Assembly by December 1,
20 2000.

21 (f) A member of the Task Force:

22 (1) may not receive compensation; but

23 (2) is entitled to reimbursement for expenses under the Standard State
24 Travel Regulations, as provided in the State budget.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1999. It shall remain effective for a period of 1 year and 7 months and, at
27 the end of April 30, 2001, and with no further action required by the General
28 Assembly, this Act shall be abrogated and of no further force and effect.

