
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**

Introduced and read first time: February 8, 1999
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facilities - Food Additives and Allergens**

3 FOR the purpose of requiring certain food service facilities, on the request of a
4 customer, to provide the customer with a list of certain additives and allergens
5 that the food service facility uses in the preparation of each item on the menu of
6 the food service facility; excluding certain organizations from a certain
7 requirement; defining certain terms; and generally relating to certain additives
8 and allergens used by certain food service facilities in the preparation of food.

9 BY repealing and reenacting, without amendments,
10 Article - Health - General
11 Section 21-301(e) and (h), 21-304(a)(1), and 21-1214
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

14 BY adding to
15 Article - Health - General
16 Section 21-330.1
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

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

21 **Article - Health - General**

22 21-301.

23 (e) "Excluded organization" means a volunteer fire company or bona fide
24 nonprofit fraternal, civic, war veterans', religious, or charitable organization or

1 corporation that does not serve food to the public more often than 4 days per week
2 except that once a year an organization may serve food to the public for up to 14
3 consecutive days.

4 (h) (1) "Food service facility" means:

5 (i) A place where food or drink is prepared for sale or service on the
6 premises or elsewhere; or

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

9 (2) "Food service facility" does not include:

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

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

16 21-304.

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

19 21-330.1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

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

24 (I) MONOSODIUM GLUTAMATE (MSG); OR

25 (II) ANY SULFITE.

26 (3) "ALLERGEN" MEANS:

27 (I) EGGS;

28 (II) FISH;

29 (III) MILK;

30 (IV) PEANUTS;

31 (V) SHELLFISH;

1 (VI) SOY;

2 (VII) TREE NUTS; OR

3 (VIII) WHEAT.

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

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

7 (C) ON THE REQUEST OF A CUSTOMER, A FOOD SERVICE FACILITY SHALL
8 PROVIDE THE CUSTOMER WITH A LIST OF ADDITIVES AND ALLERGENS THAT THE
9 FOOD SERVICE FACILITY USES IN THE PREPARATION OF EACH ITEM ON THE MENU
10 OF THE FOOD SERVICE FACILITY.

11 21-1214.

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

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1999.