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Zirkin**

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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
14 of Legislative Services to staff the Task Force; establishing the duties of the
15 Task Force; providing that a member of the Task Force may not be compensated
16 but may receive travel expenses; providing for the termination of this Act; and
17 generally relating to a Task Force to examine the concerns that a person with a
18 food allergy may have about eating in a restaurant.

19 ~~BY repealing and reenacting, without amendments,~~
20 ~~Article – Health – General~~
21 ~~Section 21-301(e) and (h), 21-304(a)(1), and 21-1214~~
22 ~~Annotated Code of Maryland~~

1 (~~1996 Replacement Volume and 1998 Supplement~~)

2 ~~BY adding to~~

3 ~~Article Health General~~

4 ~~Section 21-330.1~~

5 ~~Annotated Code of Maryland~~

6 (~~1996 Replacement Volume and 1998 Supplement~~)

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

9 **~~Article Health General~~**

10 ~~21-301.~~

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

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

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

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

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

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

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

28 ~~21-304.~~

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

31 ~~21-330.1.~~

32 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
33 ~~INDICATED.~~

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

3 (I) ~~MONOSODIUM GLUTAMATE (MSG); OR~~

4 (II) ~~ANY SULFITE.~~

5 (3) ~~"ALLERGEN" MEANS:~~

6 (I) ~~EGGS;~~

7 (II) ~~FISH;~~

8 (III) ~~MILK;~~

9 (IV) ~~PEANUTS;~~

10 (V) ~~SHELLFISH;~~

11 (VI) ~~SOY;~~

12 (VII) ~~TREE NUTS; OR~~

13 (VIII) ~~WHEAT.~~

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

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

17 (C) ~~ON THE REQUEST OF A CUSTOMER, A FOOD SERVICE FACILITY SHALL~~
18 ~~PROVIDE THE CUSTOMER WITH A LIST OF ADDITIVES AND ALLERGENS THAT THE~~
19 ~~FOOD SERVICE FACILITY USES IN THE PREPARATION OF EACH ITEM ON THE MENU~~
20 ~~OF THE FOOD SERVICE FACILITY.~~

21 ~~21-1214.~~

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

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

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

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

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

3 (2) ~~May be enjoined from continuing the violation.~~

4 (e) ~~Each day on which a violation occurs is a separate violation under this~~
5 ~~section.~~

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

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

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

10 (1) a member of the Senate Finance Committee, appointed by the
11 President of the Senate;

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

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

16 (4) the Attorney General of Maryland, or the Attorney General's
17 designee;

18 (5) a representative of the Restaurant Association of Maryland,
19 appointed by the President of the Association;

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

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

23 (8) a consumer who suffers from food allergies, appointed by the
24 Governor;

25 (9) a parent of a child who suffers from food allergies, appointed by the
26 Governor; and

27 (10) a representative of the food marketing and processing industry,
28 appointed by the Governor.

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

31 (d) The Department of Legislative Services shall provide staff support for the
32 Task Force.

33 (e) The Task Force shall:

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

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

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

7 (4) report its recommendations to the Governor and, in accordance with
8 § 2-1246 of the State Government Article, the General Assembly by December 1,
9 2000.

10 (f) A member of the Task Force:

11 (1) may not receive compensation; but

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

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