

(PRE-FILED)

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By: **Delegate Stern**  
Requested: September 26, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Food Service Facilities - Labeling of Food and Drink - Information on**  
3 **Allergenic Ingredients and Food Allergies**

4 FOR the purpose of requiring a food service facility, at the request of a customer, to  
5 provide the customer with information about certain allergenic ingredients in  
6 the food or drink it serves or sells; allowing a food service facility to show a  
7 package label to a customer as proof of the ingredients; requiring a food service  
8 facility to display a food allergy alert poster in a certain manner; authorizing the  
9 Secretary of Health and Mental Hygiene to adopt certain regulations; and  
10 generally relating to providing information about the ingredients in food and  
11 drink served or sold by a food service facility.

12 BY repealing and reenacting, without amendments,  
13 Article - Health - General  
14 Section 21-301(h)  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume)

17 BY adding to  
18 Article - Health - General  
19 Section 21-330.1  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume)

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

24 **Article - Health - General**

25 21-301.

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

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

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

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

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

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

12 21-330.1.

13 (A) AT THE REQUEST OF A CUSTOMER, A FOOD SERVICE FACILITY SHALL  
14 PROVIDE EITHER VERBAL OR WRITTEN INFORMATION INDICATING THAT A SPECIFIC  
15 FOOD OR DRINK THAT IT SELLS OR SERVES CONTAINS ANY OF THE FOLLOWING  
16 ALLERGENIC INGREDIENTS:

17 (1) EGGS;

18 (2) FISH;

19 (3) MILK;

20 (4) MONOSODIUM GLUTAMATE;

21 (5) PEANUTS;

22 (6) SHELLFISH;

23 (7) SOY PRODUCTS;

24 (8) SULFITES;

25 (9) TREE NUTS; OR

26 (10) WHEAT.

27 (B) A FOOD SERVICE FACILITY MAY MEET THE REQUIREMENT OF  
28 SUBSECTION (A) OF THIS SECTION BY SHOWING THE CUSTOMER THE PACKAGE  
29 LABEL LISTING THE INGREDIENTS.

30 (C) EACH FOOD SERVICE FACILITY SHALL POST A FOOD ALLERGY ALERT  
31 POSTER IN A CONSPICUOUS PLACE THAT IS ACCESSIBLE TO ALL EMPLOYEES.

1 (D) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
2 PROVISIONS OF THIS SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001.