
By: **Delegate Eckardt**
Introduced and read first time: February 9, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Adulterated Foods - Increasing the Amount of Alcohol That May Be Added to**
3 **Confectioneries**

4 FOR the purpose of increasing the permissible amount of alcohol that can be added to
5 a confectionery product before it is classified as adulterated food; requiring a
6 certain warning notice to be placed on the container of a confectionery product
7 which contains a certain amount of alcohol; prohibiting certain persons from
8 purchasing a confectionery product that contains a certain amount of alcohol;
9 excluding a confectionery product that contains a certain amount of alcohol from
10 the definition of alcoholic beverages; and generally relating to alcohol as an
11 ingredient of a confectionery product.

12 BY repealing and reenacting, without amendments,
13 Article 2B - Alcoholic Beverages
14 Section 1-102(a)(1)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 2B - Alcoholic Beverages
19 Section 1-102(a)(2)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Health - General

1 Section 21-209
2 Annotated Code of Maryland
3 (2000 Replacement Volume)

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

6 **Article 2B - Alcoholic Beverages**

7 1-102.

8 (a) (1) In this article the following words have the meanings indicated.

9 (2) (I) "Alcoholic beverages" means alcohol, brandy, whiskey, rum, gin,
10 cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or
11 fermented liquor, liquid, or compound, by whatever name called, which contains,
12 EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, one-half of one
13 percent or more of alcohol by volume, which is fit for beverage purposes.

14 (II) "ALCOHOLIC BEVERAGES" DOES NOT INCLUDE A
15 CONFECTIONERY FOOD PRODUCT THAT CONTAINS UP TO 5 PERCENT OF ALCOHOL BY
16 VOLUME AND IS REGULATED BY THE DEPARTMENT OF HEALTH AND MENTAL
17 HYGIENE UNDER § 21-209 OF THE HEALTH - GENERAL ARTICLE.

18 **Article - Health - General**

19 21-209.

20 (a) In addition to any other ground that may be applicable under § 21-207 or
21 § 21-208 of this subtitle, a confectionery food product is adulterated if:

22 (1) It contains any nonnutritive object, except as permitted by the rules
23 and regulations adopted under subsection (b)(1) of this section;

24 (2) It contains any nonnutritive substance other than a safe substance:

25 (i) That is in or on the confectionery because of some practical
26 functional purpose in the manufacture, packaging, or storing of the confectionery; and

27 (ii) The use of which does not promote deception of the consumer or
28 otherwise result in any adulteration or misbranding in violation of this subtitle; or

29 (3) It contains any alcohol:

30 (i) In excess of [0.5] 5 percent by volume; or

31 (ii) Derived from anything but flavoring extracts.

32 (b) (1) If, in the judgment of the Secretary, a nonnutritive object is of
33 practical, functional value to a confectionery food product and its use is not injurious

1 or hazardous to health, the Secretary may adopt a rule or regulation that permits an
2 exception to subsection (a)(1) of this section, regarding nonnutritive objects.

3 (2) To avoid or resolve uncertainty, the Secretary may by rule or
4 regulation:

5 (i) Interpret subsection (a)(2) of this section as that subsection
6 applies to use of a particular nonnutritive substance; and

7 (ii) Allow or prohibit the use of the particular nonnutritive
8 substance.

9 (C) A CONFECTIONERY THAT IS MANUFACTURED OR SOLD THAT CONTAINS
10 UP TO 5 PERCENT OF ALCOHOL PER VOLUME:

11 (1) MAY NOT BE SOLD TO INDIVIDUALS UNDER 21 YEARS OF AGE;

12 (2) SHALL STATE ON THE LABEL THAT THE SALE OF THE PRODUCT TO
13 INDIVIDUALS UNDER 21 YEARS OF AGE IS PROHIBITED; AND

14 (3) SHALL STATE ON THE LABEL THAT THE PRODUCT CONTAINS
15 ALCOHOL UP TO 5 PERCENT PER VOLUME; ~~AND~~

16 (4) ~~SHALL HAVE A WARNING LABEL AFFIXED TO THE CONTAINER OF~~
17 ~~THE PRODUCT THAT STATES: "NOTICE: THIS PRODUCT CONTAINS ALCOHOL USED AS~~
18 ~~A FLAVORING AND, AS WITH ANY PRODUCT THAT CONTAINS ALCOHOL: (I) WOMEN~~
19 ~~SHOULD NOT CONSUME ALCOHOL DURING PREGNANCY BECAUSE OF THE RISK OF~~
20 ~~BIRTH DEFECTS; AND (II) CONSUMPTION OF ALCOHOL IMPAIRS YOUR ABILITY TO~~
21 ~~DRIVE A CAR OR OPERATE MACHINERY AND MAY CAUSE HEALTH PROBLEMS."~~

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