

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Joint Resolution 2 (Delegate Stern)

Environmental Matters

Economic and Environmental Affairs

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United States Food and Drug Administration - Labeling Laws and Policies  
Relating to Allergenic Ingredients in Food

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This resolution requests the U.S. Food and Drug Administration (FDA) to: (1) create a symbol for display on food packages indicating that certain allergenic ingredients are contained in the packaged food; (2) create a toll-free hot line where consumers can obtain food ingredient information; (3) develop rules and guidelines for labeling food products that contain allergenic ingredients even in insignificant levels; (4) prohibit the use of certain generic terms for describing food ingredients; (5) create guidelines to prevent the migration of allergenic ingredients from one food product to another during processing and preparation; and (6) establish a list of standard names for certain products.

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Fiscal Summary

**State Effect:** None. Compliance with this joint resolution would not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under federal law, when food is fabricated from two or more ingredients the common or usual name of each ingredient must be declared on the food's label. However, incidental additives that are present in a food at insignificant levels and do not have any technical or functional effect in that food are exempt from this requirement. There is no requirement that the label indicate certain ingredients may be allergenic.

**Background:** In 1996 the FDA issued a Notice to Industry to raise food allergen awareness and increase food safety, but to date has not regulated requirements related to these issues. Consequently, the FDA has come under increasing pressure from the U.S. Congress, the states, and citizen groups to create labeling laws and policies for allergenic ingredients in food. In September 1999 House Resolution 309 was introduced in the 106<sup>th</sup> Congress. This resolution expressed the sense of the House of Representatives regarding strategies to better protect Americans with food allergies from potentially fatal allergic reactions, and to further assure the safety of manufactured food from inadvertent allergen contamination. In October 2000 the Food Allergen Consumer Protection Act, HR 5532, was introduced in the U.S. House of Representatives to require that foods containing known allergens bear labeling to state that fact and the names of the allergens. No action was taken on the bill.

In May 2000 the Attorneys General of New York, Maryland, Michigan, Wyoming, Ohio, Tennessee, Connecticut, Vermont, and Massachusetts submitted a petition to request action by the FDA regarding allergenic substances, specifically asking the FDA to amend parts of the Code of Federal Regulations so as to provide adequate protection and notice to people with food allergies.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader – January 12, 2001  
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Analysis by: Sandra Steele

Direct Inquires to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510