

---

By: **Delegates Stull, Amedori, Bartlett, Boutin, Brinkley, Elliott, Glassman,  
Klima, McKee, Mohorovic, Shank, Snodgrass, and Stocksdales**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Weights and Measures - Sale of Ice Cream**

3 FOR the purpose of allowing hand dipped ice cream to be sold by weight, fluid volume,  
4 or the serving; and generally relating to the weight or measure at which ice  
5 cream can be sold.

6 BY repealing and reenacting, with amendments,  
7 Article - Agriculture  
8 Section 11-312  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2001 Supplement)

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

13 **Article - Agriculture**

14 11-312.

15 (a) All fluid dairy products, including whole milk, skimmed milk, cultured  
16 milk, sweet cream, and buttermilk shall be sold by fluid volume.

17 (b) Cottage cheese, cottage cheese products, sour cream, and yogurt shall be  
18 sold by weight.

19 (c) (1) Ice cream, ice milk, French ice cream, French custard ice cream,  
20 frozen custard, frozen dietary dairy dessert, frozen yogurt, mellorine, parevine,  
21 sherbert, water ice, fruit ice, dietary frozen dessert, quiescently frozen confection, or  
22 quiescently frozen dairy confection, and any products which are similar in  
23 appearance, odor, or taste to such products or are prepared or frozen as such products  
24 are customarily prepared or frozen, whether made with dairy products or nondairy  
25 products, together with the mixes used in such products and for which a standard has  
26 been promulgated by the Secretary of Health and Mental Hygiene, shall be kept,  
27 offered, and exposed for sale and sold by fluid volume.

1                   (2)       Frozen yogurt shall be sold or offered for sale by weight, whether or  
2 not combined with other condiments, if the amount of the frozen yogurt to be  
3 purchased is:

4                   (i)       Determined by the purchaser; and

5                   (ii)      Dispensed by the purchaser.

6                   (3)       HAND DIPPED ICE CREAM MAY BE SOLD BY WEIGHT, FLUID VOLUME,  
7 OR THE SERVING.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.