

SENATE BILL 633

J1, F1, F2

71r1205

By: **Senators Raskin, Forehand, Britt, Madaleno, and Pinsky**
Introduced and read first time: February 2, 2007
Assigned to: Finance and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Food Containing Artificial Trans Fat – Prohibition**

3 FOR the purpose of providing for the types of foods that contain artificial trans fat;
4 prohibiting certain schools, certain institutions of higher education, and certain
5 food establishments from storing, distributing, holding for service, using in
6 preparation of certain menu items, or serving food containing artificial trans
7 fat; providing for the applicability of this Act to certain penalties; and generally
8 relating to the prohibition on the use of artificial trans fat in public schools,
9 public institutions of higher education, and State-owned or State-operated food
10 establishments.

11 BY adding to
12 Article – Education
13 Section 7–116 and 15–111
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article – Health – General
18 Section 21–301(e), (f), and (h)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2006 Supplement)

21 BY adding to
22 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 21–353 and 21–354 to be under the new part “Part VIII. Artificial Trans
 2 Fat”
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2006 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Health – General
 7 Section 21–1214
 8 Annotated Code of Maryland
 9 (2005 Replacement Volume and 2006 Supplement)

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

12 **Article – Education**

13 **7–116.**

14 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FOOD
 15 CONTAINS ARTIFICIAL TRANS FAT IF THE FOOD:

16 (1) IS LABELED AS CONTAINING VEGETABLE SHORTENING,
 17 MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL;

18 (2) LISTS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND
 19 OF PARTIALLY HYDROGENATED VEGETABLE OIL AS AN INGREDIENT; OR

20 (3) CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY
 21 KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL.

22 (B) A FOOD WITH A NUTRITION FACTS LABEL OR OTHER
 23 DOCUMENTATION FROM THE MANUFACTURER THAT LISTS THE TRANS FAT
 24 CONTENT OF THE FOOD AS LESS THAN 0.5 GRAMS PER SERVING MAY NOT BE
 25 CONSIDERED AS CONTAINING ARTIFICIAL TRANS FAT.

26 (C) A PUBLIC SCHOOL MAY NOT STORE, DISTRIBUTE, HOLD FOR
 27 SERVICE, USE IN PREPARATION OF ANY MENU ITEM, OR SERVE FOOD
 28 CONTAINING ARTIFICIAL TRANS FAT, INCLUDING FOOD THAT IS SERVED IN THE
 29 ORIGINAL SEALED PACKAGE OF THE MANUFACTURER.

30 **15–111.**

1 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FOOD**
2 **CONTAINS ARTIFICIAL TRANS FAT IF THE FOOD:**

3 **(1) IS LABELED AS CONTAINING VEGETABLE SHORTENING,**
4 **MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL;**

5 **(2) LISTS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND**
6 **OF PARTIALLY HYDROGENATED VEGETABLE OIL AS AN INGREDIENT; OR**

7 **(3) CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY**
8 **KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL.**

9 **(B) A FOOD WITH A NUTRITION FACTS LABEL OR OTHER**
10 **DOCUMENTATION FROM THE MANUFACTURER THAT LISTS THE TRANS FAT**
11 **CONTENT OF THE FOOD AS LESS THAN 0.5 GRAMS PER SERVING MAY NOT BE**
12 **CONSIDERED AS CONTAINING ARTIFICIAL TRANS FAT.**

13 **(C) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT STORE,**
14 **DISTRIBUTE, HOLD FOR SERVICE, USE IN PREPARATION OF ANY MENU ITEM, OR**
15 **SERVE FOOD CONTAINING ARTIFICIAL TRANS FAT, INCLUDING FOOD THAT IS**
16 **SERVED IN THE ORIGINAL SEALED PACKAGE OF THE MANUFACTURER.**

17 **Article – Health – General**

18 21–301.

19 (e) “Excluded organization” means:

20 (1) A bona fide nonprofit fraternal, civic, war veterans’, religious, or
21 charitable organization or corporation that does not serve food to the public more often
22 than 4 days per week except that once a year an organization may serve food to the
23 public for up to 14 consecutive days; and

24 (2) A volunteer fire company that does not serve food to the public
25 more often than 4 days per week except that once a year a volunteer fire company may
26 serve food to the public for up to 30 consecutive days.

27 (f) “Food establishment” means:

28 (1) A food service facility; or

1 (2) A food processing plant.

2 (h) (1) “Food service facility” means:

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

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

7 (2) “Food service facility” does not include:

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

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

14 **21-351. RESERVED.**

15 **21-352. RESERVED.**

16 **PART VIII. ARTIFICIAL TRANS FAT.**

17 **21-353.**

18 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A FOOD**
19 **CONTAINS ARTIFICIAL TRANS FAT IF THE FOOD:**

20 **(1) IS LABELED AS CONTAINING VEGETABLE SHORTENING,**
21 **MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL;**

22 **(2) LISTS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND**
23 **OF PARTIALLY HYDROGENATED VEGETABLE OIL AS AN INGREDIENT; OR**

24 **(3) CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY**
25 **KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL.**

1 **(B) A FOOD WITH A NUTRITION FACTS LABEL OR OTHER**
2 **DOCUMENTATION FROM THE MANUFACTURER THAT LISTS THE TRANS FAT**
3 **CONTENT OF THE FOOD AS LESS THAN 0.5 GRAMS PER SERVING MAY NOT BE**
4 **CONSIDERED AS CONTAINING ARTIFICIAL TRANS FAT.**

5 **21-354.**

6 **A STATE-OWNED OR STATE-OPERATED FOOD ESTABLISHMENT MAY NOT**
7 **STORE, DISTRIBUTE, HOLD FOR SERVICE, USE IN PREPARATION OF ANY MENU**
8 **ITEM, OR SERVE FOOD CONTAINING ARTIFICIAL TRANS FAT, INCLUDING FOOD**
9 **THAT IS SERVED IN THE ORIGINAL SEALED PACKAGE OF THE MANUFACTURER.**

10 **21-1214.**

11 **(A) THIS SECTION DOES NOT APPLY TO A VIOLATION OF PART VIII OF**
12 **SUBTITLE 3 OF THIS TITLE.**

13 **[(a)] (B)** Any person who violates any provision of Subtitle 3 of this title or
14 any rule or regulation adopted under Subtitle 3 of this title is guilty of a misdemeanor
15 and on conviction is subject to:

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

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

20 **[(b)] (C)** In addition to any criminal penalties imposed under this section, a
21 person who violates any provision of Subtitle 3 of this title or any rule or regulation
22 adopted under Subtitle 3 of this title or any term, condition or limitation of any license
23 or registration issued under Subtitle 3 of this title:

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

26 (2) May be enjoined from continuing the violation.

27 **[(c)] (D)** Each day on which a violation occurs is a separate violation under
28 this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.