

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 81 (Delegates Hubbard and Hammen)  
Health and Government Operations

Finance

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**Task Force to Study the Regulation of Artificial Trans Fat**

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This bill establishes a task force to study the regulation of artificial trans fat. The task force is charged with studying the local regulation of trans fat in the State, determining whether such efforts could be implemented statewide, and making recommendations for a program to regulate trans fat throughout the State. The task force must report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee by February 1, 2009. Task force members may not receive compensation but are entitled to reimbursement for travel expenses.

The bill takes effect June 1, 2008 and terminates November 30, 2009.

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**Fiscal Summary**

**State Effect:** Any expense reimbursements for task force members are assumed to be minimal and absorbable with existing resources. The Department of Health and Mental Hygiene should be able to provide staffing with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Maryland law does not specifically address trans fats.

**Background:** Trans fat increases a person’s low-density lipoprotein, also known as “bad cholesterol,” levels which increases a person’s risk of coronary heart disease.

Trans fat is made when hydrogen is added to vegetable oil. Food manufacturers use trans fat because it increases a food’s shelf life and stabilizes its flavors, according to the U.S. Food and Drug Administration. Trans fat can be found in vegetable shortenings, some margarines, crackers, cookies, snack foods, and other foods that are made with or fried in partially hydrogenated oils. FDA requires food manufacturers to list trans fat on all their products on the nutrition facts panel directly under the line for saturated fat.

The New York City Board of Health voted December 5, 2006 to require all restaurants in the city to remove artificial trans fat over an 18-month period. Effective July 1, 2007, with some exceptions, no foods containing artificial trans fat that are used for frying or in spreads may be stored, distributed, held for service, used in preparation of any menu item, or served in any food service establishment or by any mobile food unit commissary. This restriction applies to oils or shortenings used for deep frying yeast dough or cake batter and all other foods containing artificial trans fat beginning July 1, 2008. A food with less than 0.5 trans fat grams per serving is not considered to contain artificial trans fat for nutrition facts panel purposes. Establishments and commissaries must maintain food product labels or approved documentation for specified food products.

Legislation restricting or banning the use of trans fats has been proposed in at least 23 states and a number of municipalities. In Maryland, both Howard and Montgomery counties regulate trans fat. The Montgomery County Council approved a trans fat ban for restaurants and grocery store bakeries in May 2007. DHMH is required to investigate possible violations and take appropriate action, including civil citations or license suspensions. Most recently, Baltimore City passed a ban on trans fats on March 17, 2008.

**State Expenditures:** The Department of Legislative Services advises that DHMH should have the resources available to undertake the study and support the task force with one current staff member. However, DHMH advises it would need to hire a contractual nutritionist to staff the task force at an expense of \$36,447 in fiscal 2009 and \$45,159 in fiscal 2010.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Montgomery County, U.S. Department of Health and Human Services, Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2008  
mll/ljm Revised - House Third Reader - March 20, 2008

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