

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 111 (Senator Stone)
Finance

Public Health - Food Allergen Labeling - Vending Machines

This bill requires vending machine operators to include labeling information required under the federal Food Allergen Labeling and Consumer Protection Act of 2004 on the outside of vending machines. The bill applies only when a food contained in a vending machine is subject to the federal law.

Fiscal Summary

State Effect: The Comptroller's Office can handle the bill's requirements with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Food Allergen Labeling and Consumer Protection Act requires that the label of a food containing an ingredient that is, or contains a protein from, a “major food allergen” declare the presence of the allergen. The law identifies the following eight foods or food groups as major food allergens: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans.

A person has to have a vending machine license to sell or offer goods for sale through a vending machine in the State. The clerk of the circuit court issues vending machine licenses at a fee of \$2.50 for each vending machine.

Background: According to the U.S. Food and Drug Administration, about 2% of adults and 5% of children suffer from food allergies nationwide. About 30,000 consumers require emergency room treatment, and 150 Americans die each year because of allergic reactions to food.

The Comptroller's Office advises that its Division of Field Enforcement checks vending machine licenses when conducting other inspections delegated to the division.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office, Office of the Attorney General (Consumer Protection Division), Department of Health and Mental Hygiene, U.S. Food and Drug administration, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2009
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