

# HOUSE BILL 938

J1

4r1272

---

By: **Delegates Kramer, Barkley, Fraser–Hidalgo, Stocksdale, and Valderrama**  
Introduced and read first time: February 5, 2014  
Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health – General – Poultry Processed in the People’s Republic of China –**  
3 **Notice Requirements**

4 FOR the purpose of requiring a food service facility that purchases a poultry product  
5 that was processed in the People’s Republic of China to display on its menu, in a  
6 certain manner and location, a notice containing certain information; requiring  
7 a grocery store that sells a poultry product that was processed in the People’s  
8 Republic of China to post, in a certain manner and location, a notice containing  
9 certain information; establishing certain penalties for a violation of this Act;  
10 defining certain terms; and generally relating to notice requirements for poultry  
11 products.

12 BY repealing and reenacting, without amendments,  
13 Article – Health – General  
14 Section 21–301(a) and (h)  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2013 Supplement)

17 BY adding to  
18 Article – Health – General  
19 Section 21–330.3, 21–1001, and 21–1216  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Health – General  
24 Section 21–1214  
25 Annotated Code of Maryland  
26 (2009 Replacement Volume and 2013 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 21–301.

5 (a) In this subtitle the following words have the meanings indicated.

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

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

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

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

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

15 (ii) A food preparation or serving area where only  
16 nonpotentially hazardous food, as defined by the United States Food and Drug  
17 Administration, is prepared or served only by an excluded organization;

18 (iii) A location in a farmer’s market or at a public festival or  
19 event where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle,  
20 are sold; or

21 (iv) A cottage food business.

22 **21–330.3.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
24 **MEANINGS INDICATED.**

25 **(2) “POULTRY PRODUCT” MEANS:**

26 **(I) ANY POULTRY CARCASS;**

27 **(II) ANY PART OF A POULTRY CARCASS; OR**

28 **(III) ANY PRODUCT THAT IS MADE WHOLLY OR PARTIALLY**  
29 **FROM ANY POULTRY CARCASS OR PART OF A POULTRY CARCASS.**

1           **(3) “PROCESSED” MEANS SLAUGHTERED, CANNED, SALTED,**  
2 **STUFFED, RENDERED, BONED, CUT UP, OR OTHERWISE MANUFACTURED OR**  
3 **PROCESSED.**

4           **(B) (1) A FOOD SERVICE FACILITY THAT PURCHASES A POULTRY**  
5 **PRODUCT PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA SHALL INCLUDE**  
6 **ON A MENU PROVIDED BY THE FOOD SERVICE FACILITY A NOTICE TO THE**  
7 **CUSTOMER INDICATING THAT AN ITEM ON THE MENU CONTAINS POULTRY**  
8 **PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA.**

9           **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION SHALL:**

11                   **(I) BE LISTED NEXT TO THE NAME OF THE MENU ITEM;**

12                   **(II) STATE “THIS ITEM CONTAINS POULTRY PROCESSED IN**  
13 **THE PEOPLE’S REPUBLIC OF CHINA.”; AND**

14                   **(III) BE IN A SIZE AND TYPEFACE OF EQUAL PROMINENCE TO**  
15 **THE PRICE OR NAME OF THE MENU ITEM.**

16 **21-1001.**

17           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
18 **MEANINGS INDICATED.**

19           **(2) “POULTRY PRODUCT” MEANS:**

20                   **(I) ANY POULTRY CARCASS;**

21                   **(II) ANY PART OF A POULTRY CARCASS; OR**

22                   **(III) ANY PRODUCT THAT IS MADE WHOLLY OR PARTIALLY**  
23 **FROM ANY POULTRY CARCASS OR PART OF A POULTRY CARCASS.**

24           **(3) “PROCESSED” MEANS SLAUGHTERED, CANNED, SALTED,**  
25 **STUFFED, RENDERED, BONED, CUT UP, OR OTHERWISE MANUFACTURED OR**  
26 **PROCESSED.**

27           **(B) (1) A GROCERY STORE THAT SELLS A POULTRY PRODUCT**  
28 **PROCESSED IN THE PEOPLE’S REPUBLIC OF CHINA SHALL POST A NOTICE TO**

1 CUSTOMERS INDICATING THAT THE GROCERY STORE SELLS A PRODUCT THAT  
2 CONTAINS POULTRY PROCESSED IN THE PEOPLE'S REPUBLIC OF CHINA.

3 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS  
4 SUBSECTION SHALL:

5 (I) BE POSTED IN AN AREA INSIDE THE GROCERY STORE  
6 THAT IS PROMINENTLY VISIBLE TO ALL CUSTOMERS; AND

7 (II) STATE "THIS GROCERY STORE SELLS POULTRY  
8 PRODUCTS THAT ARE PROCESSED IN THE PEOPLE'S REPUBLIC OF CHINA." IN  
9 AT LEAST A 2-INCH BOLD FONT.

10 21-1214.

11 (a) THIS SECTION DOES NOT APPLY TO A VIOLATION OF § 21-330.3 OF  
12 THIS TITLE.

13 (B) (1) Except as provided in paragraph (2) of this subsection, any person  
14 who violates any provision of Subtitle 3 of this title or any rule or regulation adopted  
15 under Subtitle 3 of this title is guilty of a misdemeanor and on conviction is subject to:

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

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

20 (2) A person who violates § 21-330.1 of this title is not subject to  
21 paragraph (1) of this subsection.

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

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

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

29 [(c)] (D) Each day on which a violation occurs is a separate violation under  
30 this section.

31 21-1216.

1           A PERSON WHO VIOLATES § 21-330.3 OR § 21-1001 OF THIS TITLE IS  
2 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

3                   (1)    A FINE OF \$1,000 FOR A FIRST OFFENSE; AND

4                   (2)    A FINE OF \$2,500 FOR EACH SUBSEQUENT OFFENSE.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2014.