

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 128

(Senator Simonaire)

Finance

Health and Government Operations

Public Health - Required Temperatures for Sale of Crab Meat - Repeal

This bill repeals obsolete statutory requirements for the storage of crab meat. Specifically, the bill repeals the prohibition against keeping for sale (1) unfrozen crab meat at a temperature higher than 45 degrees Fahrenheit; (2) frozen crab meat at a temperature higher than 0 degrees Fahrenheit; or (3) any pasteurized crab meat at a temperature higher than 38 degrees Fahrenheit.

Fiscal Summary

State Effect: None. The bill does not substantively change State activities or operations. The Department of Health and Mental Hygiene (DHMH) can continue to promulgate updated regulations, as necessary, with existing budgeted resources.

Local Effect: None.

Small Business Effect: None, as discussed below.

Analysis

Current Law: Temperature requirements for food protection are addressed in both statute and regulation. Section 21-304 of the Health-General Article requires DHMH to adopt regulations related to food safety, and § 21-340 specifically requires crab meat to comply with *both* statute and regulations. Section 21-342 of the Health-General Article specifies the temperature standards for crab meat. While under the Code of Maryland Regulations, the person in charge or the licensee/other person responsible for the operation of a crab meat plant must ensure that (1) after being picked and packed in ice, blast chilled, or otherwise cooled in a sanitary and effective way, fresh crab meat is kept in ice or in an

ambient temperature of 40 degrees Fahrenheit or below; (2) except when pasteurized within 2.5 hours of weigh-up in the packing room, packed crab meat for pasteurization is kept in ice or in an ambient air temperature of 45 degrees Fahrenheit or below until pasteurization; (3) pasteurized crab meat in hermetically sealed containers is kept in an ambient air temperature of 38 degrees Fahrenheit or below; (4) reduced oxygen packaged nonpasteurized crab meat is kept in an ambient air temperature of 0 degrees Fahrenheit or below; and (5) crab meat is protected from contamination during storage.

Background: According to DHMH, the U.S. Food and Drug Administration regularly revises guidance on food hazard analysis and critical point control protocols to ensure food safety, promote uniform national regulatory standards for seafood, and reflect common retail and consumer storage conditions. DHMH advises that both Maryland statute and regulations are outdated with regard to the federal standards. Adherence to these guidelines protects the public from food-borne illnesses, as refrigeration serves as a second barrier for the inhibition of spores of nonproteolytic clostridium botulinum, which if consumed, can result in consumer illness and death. DHMH advises that repealing obsolete statutory requirements for the storage of crab meat allows the department to more readily respond, through regulation, to changing food safety standards at the federal level.

Small Business Impact: According to DHMH, all businesses in the crab meat industry already implement current federal regulations that DHMH plans to incorporate through regulation once out-of-date statutory language is repealed. However, to the extent that a crab meat industry business is not implementing federal guidelines, there is a potential minimal reduction in expenditures from cost savings in energy use.

Additional Information

Prior Introductions: None.

Cross File: HB 524 (Delegate Jacobs) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene; Department of Natural Resources; Department of Legislative Services

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