

SENATE BILL 922

M4

(9lr3140)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Environment and Transportation —

Introduced by **Senators Gallion, Bailey, Hershey, and Jennings**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Agriculture – Milk and Milk-Based Products~~ Public Health – Milk – Labeling

3 FOR the purpose of ~~prohibiting a person from selling, offering for sale, or advertising a~~
4 ~~product labeled as milk or a milk-based product if the product is not derived from a~~
5 ~~cow or another animal; defining a certain term~~ prohibiting a person from stating on
6 a label of a food product that ~~a~~ the product is milk unless ~~it~~ the product meets a
7 certain definition; requiring the Maryland Department of Health to establish and
8 implement a certain plan to enforce a certain prohibition; altering a certain
9 definition; making this Act subject to a certain contingency; requiring the Maryland
10 Department of Health to track certain legislation and notify the Department of
11 Legislative Services of a certain occurrence within a certain period of time; providing
12 for the application of certain provisions of this Act; providing for the effective date of
13 certain provisions of this Act; and generally relating to labeling for milk ~~and milk-~~
14 based products.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~BY adding to repealing and reenacting, without amendments,~~
 2 ~~Article – Agriculture Health – General~~
 3 ~~Section 10-401 to be under the new subtitle “Subtitle 4. Milk and Milk-Based~~
 4 ~~Products” 21-401(a)~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2016 (2015 Replacement Volume and 2018 Supplement))~~

7 BY repealing and reenacting, with amendments,
 8 Article – Health – General
 9 Section 21-401(l) and 21-424
 10 Annotated Code of Maryland
 11 (2015 Replacement Volume and 2018 Supplement)

12 Preamble

13 WHEREAS, It is necessary to take steps to ensure the continued viability of dairy
 14 farming and to assure consumers of an adequate, local supply of pure and wholesome milk;
 15 and

16 WHEREAS, The dairy industry is an essential agricultural activity and dairy farms,
 17 and associated suppliers, marketers, and processors, and retailers, are an integral
 18 component of the region’s economy; and

19 WHEREAS, The U.S. Food and Drug Administration has not provided consistent
 20 guidance to the State Department of Agriculture, dairy farms, associated suppliers,
 21 marketers, processors, retailers, and consumers on the application of the established
 22 standard of identity of milk as defined in 21 C.F.R. § 131.110; and

23 WHEREAS, The State of Maryland seeks to be a national leader in the preservation
 24 of the dairy industry while balancing the need to maintain commerce; now, therefore,

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

27 ~~Article – Agriculture~~

28 ~~SUBTITLE 4. MILK AND MILK-BASED PRODUCTS.~~

29 ~~10-401.~~

30 ~~(A) (1) IN THIS SUBTITLE, “MILK” MEANS THE LACTEAL SECRETION OF~~
 31 ~~COWS OR OTHER ANIMALS.~~

32 ~~(2) “MILK” INCLUDES ALL SKIM, BUTTERFAT, OR OTHER~~
 33 ~~CONSTITUENTS OBTAINED FROM SEPARATION OR OTHER PROCESSES.~~

~~(B) A PERSON MAY NOT SELL, OFFER FOR SALE, OR ADVERTISE A PRODUCT
LABELED AS MILK OR A MILK-BASED PRODUCT IF THE PRODUCT IS NOT DERIVED
FROM A COW OR ANOTHER ANIMAL.~~

Article – Health – General

21-401.

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

(l) (1) “Milk” means the [milk of a cow, goat, or other hooved mammal]
LACTEAL SECRETION, PRACTICALLY FREE OF COLOSTRUM, OBTAINED BY THE
COMPLETE MILKING OF ONE OR MORE HEALTHY HOOVED MAMMALS, INCLUDING
MEMBERS OF THE ORDER CETARTIODACTYLA, INCLUDING:

(i) FAMILY BOVIDAE, INCLUDING CATTLE, WATER BUFFALO,
SHEEP, GOATS, AND YAKS;

(ii) FAMILY CERVIDAE, INCLUDING DEER, REINDEER, AND
MOOSE; AND

(iii) FAMILY EQUIDAE, INCLUDING HORSES AND DONKEYS.

(2) “Grade A milk” means the milk of a cow, goat, or other hooved mammal
produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the
Grade A Pasteurized Milk Ordinance.

(3) “Manufactured milk” means the milk of a cow, goat, or other hooved
mammal which is not Grade A milk and which is produced, processed, pasteurized, bottled,
packaged, or prepared in accordance with “Milk for Manufacturing Purposes and Its
Production and Processing: Recommended Requirements”.

21-424.

(A) After the milk product has been processed, each milk product shall be labeled
with:

(1) The description of that milk product under this subtitle or the rules and
regulations adopted under this subtitle; and

(2) Any other information that the Secretary requires by rule or regulation.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO HUMAN BREAST MILK.

1 **(2) A PERSON MAY NOT STATE ON A LABEL OF A FOOD PRODUCT THAT**
 2 **THE PRODUCT IS MILK UNLESS ~~IF~~ THE PRODUCT MEETS THE DEFINITION OF “MILK”**
 3 **ESTABLISHED IN § 21-401 OF THIS SUBTITLE.**

4 **(C) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A PLAN TO**
 5 **ENFORCE THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION, INCLUDING**
 6 **NOTICE OF THE DEPARTMENT’S INTENT TO IMPLEMENT A BAN ON ALL PRODUCTS**
 7 **THAT DO NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION,**
 8 **INCLUDING PLANT-BASED PRODUCTS MISLABELED AS MILK.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
 10 enacting of a similar act in *any 11 states of the group of states composed of* Alabama,
 11 Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma,
 12 South Carolina, Tennessee, Texas, Virginia, and West Virginia. The Maryland Department
 13 of Health shall notify the Department of Legislative Services within 10 days after 11 of
 14 these 14 states have enacted an act that is similar to this Act. If notice of enactment is not
 15 received by the Department of Legislative Services on or before October 1, 2029, this Act,
 16 with no further action required by the General Assembly, shall be null and void.

17 SECTION 3. AND BE IT FURTHER ENACTED, That:

18 (a) Section 21-424(b) of the Health – General Article, as enacted by Section 1 of
 19 this Act, shall go into effect 6 months after the date on which this Act becomes effective
 20 under Section 2 of this Act.

21 (b) The Maryland Department of Health shall meet the requirements of §
 22 21-424(c) of the Health – General Article, as enacted by Section 1 of this Act, on or before
 23 6 months after the date on which this Act becomes effective under Section 2 of this Act.

24 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Sections 2 and
 25 3 of this Act, this Act shall take effect October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.