

SENATE BILL 188

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By: **Senators Gallion, Bailey, Cassilly, Eckardt, Edwards, Hershey, Jennings, Ready, Reilly, Salling, Simonaire, and West**

Introduced and read first time: January 15, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Misbranded Food – Meat Products**

3 FOR the purpose of providing that a food is misbranded if it is offered for sale in the State
4 with a label that identifies the product as a meat or a meat product and the product
5 contains animal tissue cultured from animal cells outside the animal from which the
6 tissue is derived or is made from plants or insects; and generally relating to
7 misbranded food.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 21–210
11 Annotated Code of Maryland
12 (2019 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article – Health – General
15 Section 21–256
16 Annotated Code of Maryland
17 (2019 Replacement Volume)

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

20 **Article – Health – General**

21 21–210.

22 (a) For purposes of this subtitle, a food is considered to be misbranded under any
23 condition specified in this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (b) A food is misbranded if:
- 2 (1) Its labeling or packaging is false or misleading in any way;
- 3 (2) It is an imitation of another food, and it does not have a label that bears,
4 in type of uniform size and prominence, the word “imitation” followed immediately by the
5 name of the food imitated;
- 6 (3) It is in package form and it does not bear a label that contains the name
7 and place of business of the manufacturer, packer, or distributor;
- 8 (4) Any word, statement, or other information required under this subtitle
9 to appear on its labeling is not placed prominently on the labeling in a manner that is:
- 10 (i) Conspicuous, as compared with other words, statements,
11 designs, or devices on the labeling; and
- 12 (ii) In terms likely to be read and understood by the ordinary
13 individual under customary conditions of purchase and use;
- 14 (5) It purports to be or is represented as a food for which a definition and
15 standard of identity has been set by a rule or regulation as provided under § 21–237 of this
16 subtitle and:
- 17 (i) The food does not conform to the definition or standard; or
- 18 (ii) Its label either does not bear the name of the food specified in the
19 definition and standard or, contrary to the rule or regulation, it does not bear the common
20 name of an optional ingredient, other than spices, flavoring, and coloring, that is in the
21 food;
- 22 (6) It purports to be or is represented as a food for which a standard of
23 quality has been set by a rule or regulation under § 21–237 of this subtitle and its quality
24 falls below that standard, unless its label bears, in the manner and form that the rule or
25 regulation specifies, a statement that the food falls below the standard;
- 26 (7) It is not subject to item (5) of this subsection and does not bear labeling
27 that clearly gives:
- 28 (i) The common or usual name of the food, if there is such a name;
29 and
- 30 (ii) Except as provided under subsections (d) and (e) of this section,
31 if the food is made from 2 or more ingredients, the common or usual name of each
32 ingredient;
- 33 (8) It purports to be or is represented for special dietary uses, unless its

1 label bears the information about its vitamin, mineral, and other dietary properties that
2 the Secretary determines by a rule or regulation adopted under § 21–213 of this subtitle to
3 be necessary to inform purchasers fully of its value for those uses;

4 (9) Except as provided under subsections (c) and (e) of this section, it
5 contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears
6 labeling that states that fact;

7 (10) It is a color additive and its packaging and labeling do not conform to
8 the applicable requirements of the federal act;

9 (11) After it was manufactured, processed, or packaged, the food was in a
10 frozen state and it then is offered for sale in an unfrozen state, unless its labeling clearly
11 and conspicuously states that the food was previously frozen and should not be refrozen;

12 (12) It is a product that:

13 (i) Is intended to be used as an ingredient of another food; and

14 (ii) If used according to the directions of the supplier, would result
15 in the final food product being adulterated or misbranded; [or]

16 (13) It is offered for sale under the name of another food; OR

17 **(14) IT IS OFFERED FOR SALE IN THE STATE WITH A LABEL THAT**
18 **IDENTIFIES THE PRODUCT AS A MEAT OR A MEAT PRODUCT AND THE PRODUCT:**

19 **(I) CONTAINS ANIMAL TISSUE CULTURED FROM ANIMAL CELLS**
20 **OUTSIDE THE ANIMAL FROM WHICH THE TISSUE IS DERIVED; OR**

21 **(II) IS MADE FROM PLANTS OR INSECTS.**

22 (c) As they relate to the use of artificial coloring, the provisions of subsection
23 (b)(7), (9), and (10) of this section do not apply to butter, cheese, or ice cream.

24 (d) Notwithstanding the provisions of subsection (b)(7)(ii) of this section,
25 regarding the labeling requirements for a food that is made from 2 or more ingredients,
26 spices, flavorings, and coloring ingredients may be designated as “spices”, “flavorings”, and
27 “colorings”, without naming each specific item. However, this exception does not apply if
28 the food product itself is sold as a spice, flavoring, or food coloring.

29 (e) (1) If, as applied to a particular food, compliance with the requirement that
30 each of the 2 or more ingredients in the food be set forth in its labeling is impractical or
31 results in deception or unfair competition, the Secretary shall adopt a rule or regulation
32 that exempts that food product from the provisions of subsection (b)(7)(ii) of this section.

1 (2) If, as applied to a particular food product, it is impractical to comply
2 with the requirement that the labeling disclose the presence of an artificial flavoring, an
3 artificial coloring, or a chemical preservative, the Secretary shall adopt a rule or regulation
4 that, to the extent appropriate, exempts that food product from any appropriate provision
5 of subsection (b)(9) of this section.

6 21–256.

7 A person may not:

8 (1) Manufacture or sell any food, drug, device, or cosmetic that is
9 adulterated or misbranded;

10 (2) Adulterate or misbrand any food, drug, device, or cosmetic;

11 (3) Make a food, drug, device, or cosmetic become adulterated by altering,
12 mutilating, destroying, obliterating, or removing any part of its labeling while the food,
13 drug, device, or cosmetic is held for sale;

14 (4) Receive in commerce any adulterated or misbranded food, drug, device,
15 or cosmetic;

16 (5) Deliver or offer for delivery any adulterated or misbranded food, drug,
17 device, or cosmetic, whether or not for pay;

18 (6) Disseminate any false advertisement;

19 (7) Sell any food in violation of any requirement imposed under § 21–211
20 of this subtitle;

21 (8) Fail to comply with § 21–249 or § 21–250 of this subtitle by refusing to
22 permit:

23 (i) An entry or inspection;

24 (ii) The taking of a sample; or

25 (iii) Access to or copying of any record;

26 (9) Remove or dispose of any article that is detained or restricted under §
27 21–253 of this subtitle; or

28 (10) Forge, counterfeit, simulate, falsely represent, or, without proper
29 authority, use any mark, stamp, tag, label, or other identifying symbol that is authorized
30 or required by any rule or regulation that is adopted under the provisions of the federal act
31 or of this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.