

# HOUSE BILL 1098

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By: **Delegates Alston, Acevero, R. Lewis, J. Long, and Simmons**

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Prohibited Ingredients in Food**

3 FOR the purpose of prohibiting a person from manufacturing, selling, delivering, holding,  
4 or offering for sale in the State food that contains certain ingredients; and generally  
5 relating to ingredients in food.

6 BY repealing and reenacting, without amendments,  
7 Article – Health – General  
8 Section 21–101(a) and (i) and 21–1215  
9 Annotated Code of Maryland  
10 (2023 Replacement Volume)

11 BY adding to  
12 Article – Health – General  
13 Section 21–259.4  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume)

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

18 **Article – Health – General**

19 21–101.

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

21 (i) “Food” means:

22 (1) Any substance that is used as food or drink for human beings or as a  
23 component of food or drink for human beings; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Chewing gum or any substance that is used as a component of chewing  
2 gum.

3 **21-259.4.**

4 **A PERSON MAY NOT MANUFACTURE, SELL, DELIVER, HOLD, OR OFFER FOR**  
5 **SALE FOOD IN THE STATE THAT CONTAINS:**

6 (1) **BROMINATED VEGETABLE OIL (CAS NO. 8016-94-2);**

7 (2) **POTASSIUM BROMATE (CAS NO. 7758-01-2);**

8 (3) **PROPYLPARABEN (CAS NO. 94-13-3); OR**

9 (4) **RED DYE 3 (CAS NO. 16423-68-0).**

10 21-1215.

11 (a) This section does not apply to a violation of § 21-220(b)(4) or § 21-259.2 of this  
12 title.

13 (b) A person who violates any provision of Subtitle 2 of this title or any regulation  
14 adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject  
15 to:

16 (1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or  
17 both; or

18 (2) If the person has been convicted once of violating Subtitle 2 of this title,  
19 a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

20 (c) In addition to any criminal penalties imposed under this section, a person who  
21 violates any provision of Subtitle 2 of this title, any rule or regulation adopted under  
22 Subtitle 2 of this title, or any term, condition, or limitation of any license or registration  
23 issued under Subtitle 2 of this title:

24 (1) Is subject to a civil penalty not exceeding \$5,000, in an action in any  
25 District Court; and

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

27 (d) Each day on which a violation occurs is a separate violation under this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2027.