

HOUSE BILL 8

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5lr1215

(PRE-FILED)

By: **Delegate Harrison**

Requested: October 15, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Food and Milk Product Labeling – Requirements**

3 FOR the purpose of requiring, beginning on a certain date, certain food manufacturers,
4 processors, and retailers to use certain terms regarding the quality or safety date on
5 labels of food items manufactured for human consumption; prohibiting, beginning on
6 a certain date, a person from selling, or offering for sale, food items manufactured
7 for human consumption that are labeled with a “sell by date” or that do not meet the
8 labeling requirements of certain provisions of this Act; requiring the Maryland
9 Department of Health to create a marketing program and educational materials for
10 food labels on or before a certain date and to post the information on the
11 Department’s website; requiring that certain milk products be labeled with a certain
12 quality assurance date; and generally relating to food and milk product labeling
13 requirements.

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 21–101(a), (i), (k), (l), and (n) and 21–401(a), (j)(1), (k), (l)(2), (o), and (p)
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 21–328.1
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Health – General
26 Section 21–424
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2023 Replacement Volume and 2024 Supplement)

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

Article – Health – General

21–101.

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

(i) “Food” means:

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

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

(k) “Label” means a display of written, printed, or graphic matter on the container, other than the package liner, of a substance.

(l) “Labeling” means any label or other written or graphic material that:

(1) Is on a substance or its container or its wrapping; or

(2) Accompanies a substance.

(n) (1) “Package” means any container or wrapping of a consumer commodity that is used for delivery or display to retail consumers.

(2) “Package” does not include any container or wrapping that is used only for:

(i) Transportation of a consumer commodity in bulk or quantity to a manufacturer, packer, processor, or wholesale or retail distributor; or

(ii) Shipment or delivery of a consumer commodity to a retail customer, if the container or wrapping bears no printed material that relates to a particular consumer commodity.

21–328.1.

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

1 **(2) “QUALITY DATE” MEANS THE DATE ON A LABEL AFFIXED TO THE**
2 **PACKAGING OR CONTAINER OF FOOD AFTER WHICH FOOD QUALITY MAY BEGIN TO**
3 **DETERIORATE BUT THE FOOD MAY STILL BE ACCEPTABLE FOR HUMAN**
4 **CONSUMPTION.**

5 **(3) “SAFETY DATE” MEANS A DATE ON A LABEL AFFIXED TO THE**
6 **PACKAGING OR CONTAINER OF PERISHABLE FOOD THAT COMMUNICATES THAT THE**
7 **FOOD SHOULD BE CONSUMED OR FROZEN BY THE DATE LISTED.**

8 **(4) “SELL BY DATE” MEANS A DATE ON A LABEL AFFIXED TO THE**
9 **PACKAGING OR CONTAINER OF FOOD THAT IS NOT A QUALITY DATE OR A SAFETY**
10 **DATE AND INDICATES STOCK ROTATION PRIMARILY TO A DISTRIBUTOR OR**
11 **RETAILER.**

12 **(B) THIS SECTION DOES NOT APPLY TO:**

13 **(1) INFANT FORMULA;**

14 **(2) EGGS OR PASTEURIZED IN-SHELL EGGS; OR**

15 **(3) BEER AND OTHER MALT BEVERAGES.**

16 **(C) BEGINNING JULY 1, 2026, A FOOD MANUFACTURER, PROCESSOR, OR**
17 **RETAILER RESPONSIBLE FOR THE LABELING OF FOOD ITEMS FOR HUMAN**
18 **CONSUMPTION THAT OPTS OR IS REQUIRED BY LAW TO INCLUDE A DATE LABEL TO**
19 **COMMUNICATE A QUALITY OR SAFETY DATE ON A FOOD ITEM MANUFACTURED ON**
20 **OR AFTER JULY 1, 2026, SHALL USE ONE OF THE FOLLOWING TERMS, AS**
21 **APPROPRIATE:**

22 **(1) (I) “BEST IF USED BY” OR “BEST IF USED OR FROZEN BY” TO**
23 **INDICATE THE QUALITY DATE OF THE FOOD ITEM; OR**

24 **(II) IF THE FOOD ITEM IS TOO SMALL TO INCLUDE THE LABEL**
25 **REQUIRED UNDER ITEM (I) OF THIS ITEM, “BB”; OR**

26 **(2) (I) “USE BY” OR “USE BY OR FREEZE BY” TO INDICATE THE**
27 **SAFETY DATE OF THE FOOD ITEM; OR**

28 **(II) IF THE FOOD ITEM IS TOO SMALL TO INCLUDE THE LABEL**
29 **REQUIRED UNDER ITEM (I) OF THIS ITEM, “UB”.**

30 **(D) BEGINNING JULY 1, 2026, A PERSON MAY NOT:**

1 **(1) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR**
2 **HUMAN CONSUMPTION ON OR AFTER JULY 1, 2026, THAT IS LABELED WITH THE**
3 **PHRASE “SELL BY”; OR**

4 **(2) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR**
5 **HUMAN CONSUMPTION ON OR AFTER JULY 1, 2026, THAT IS NOT LABELED IN**
6 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

7 **(E) BEGINNING JULY 1, 2026, A FOOD RETAILER MAY:**

8 **(1) DONATE A FOOD ITEM MANUFACTURED FOR HUMAN**
9 **CONSUMPTION THAT IS NOT LABELED IN ACCORDANCE WITH THIS SECTION; AND**

10 **(2) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR**
11 **HUMAN CONSUMPTION LABELED WITH THE PHRASE “PACKED ON” IF THE FOOD**
12 **ITEM ALSO DISPLAYS A QUALITY OR SAFETY DATE IN ACCORDANCE WITH**
13 **SUBSECTION (C) OF THIS SECTION.**

14 **(F) THIS SECTION DOES NOT PROHIBIT:**

15 **(1) THE SALE, DONATION, OR USE OF A FOOD ITEM MANUFACTURED**
16 **FOR HUMAN CONSUMPTION AFTER THE QUALITY DATE;**

17 **(2) THE USE OF A LABEL THAT COMMUNICATES THE DATE WINE, A**
18 **DISTILLED SPIRIT, OR WINE- OR DISTILLED SPIRIT-BASED PRODUCT WAS**
19 **PRODUCED, MANUFACTURED, BOTTLED, OR PACKAGED;**

20 **(3) THE USE OF SELL BY DATES THAT ARE PRESENTED IN A CODED**
21 **FORMAT THAT ARE NOT EASILY READABLE BY CONSUMERS AND DO NOT USE THE**
22 **PHRASE “SELL BY”; OR**

23 **(4) THE USE OR DISPLAY OF A LABEL THAT ALLOWS A CONSUMER TO**
24 **VIEW ONLINE INFORMATION ABOUT A FOOD ITEM MANUFACTURED FOR HUMAN**
25 **CONSUMPTION.**

26 **(G) THIS SECTION DOES NOT REQUIRE THE USE OR DISPLAY OF A DATE**
27 **LABEL ON A FOOD ITEM UNLESS THE PREPARED FOOD ITEM DISPLAYS A DATE**
28 **LABEL.**

29 **(H) (1) ON OR BEFORE JULY 1, 2026, THE DEPARTMENT SHALL CREATE**
30 **AN EDUCATIONAL PROGRAM AND EDUCATIONAL MATERIALS TO INFORM**
31 **CONSUMERS ABOUT THE MEANING OF QUALITY DATES AND SPECIFIED DATES.**

1 **(2) THE DEPARTMENT SHALL POST ON THE DEPARTMENT’S WEBSITE**
2 **THE EDUCATIONAL MATERIALS CREATED UNDER PARAGRAPH (1) OF THIS**
3 **SUBSECTION.**

4 **(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
5 **SECTION.**

6 21–401.

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

8 (j) (1) “Grade A milk product” means:

9 (i) Grade A milk;

10 (ii) Grade A cream; or

11 (iii) Any other Grade A milk product that the Secretary designates.

12 (k) “Grade A Pasteurized Milk Ordinance” means the recommended Grade “A”
13 Pasteurized Milk Ordinance published by the federal government.

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

17 (o) (1) “Milk plant” means any place where, for distribution, milk products are:

18 (i) Processed;

19 (ii) Pasteurized;

20 (iii) Bottled or packaged; or

21 (iv) Prepared.

22 (2) “Milk plant” does not include a place where milk products are sold at
23 retail only.

24 (p) “Milk processor” means a person who owns, operates, or controls a milk plant.

25 21–424.

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

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

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

4 **(B) (1) THIS SUBSECTION DOES NOT APPLY TO:**

5 **(I) A MILK PRODUCT PROCESSED, PACKAGED, AND SOLD BY**
6 **DISTRIBUTORS DIRECTLY TO CONSUMERS; OR**

7 **(II) A BULK SHIPMENT OF A MILK PRODUCT BETWEEN**
8 **DISTRIBUTORS.**

9 **(2) BEFORE A GRADE A MILK PRODUCT IS SOLD TO A CONSUMER AT**
10 **RETAIL, THE GRADE A MILK PRODUCT MUST BE LABELED WITH THE DATE**
11 **ESTABLISHED BY THE MILK PROCESSOR AS THE DATE BY WHICH THE PRODUCT**
12 **SHOULD NORMALLY BE USED TO ENSURE CONSUMER QUALITY.**

13 **(3) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT**
14 **THIS SUBSECTION, INCLUDING REGULATIONS RELATED TO:**

15 **(I) THE RESPONSIBILITY FOR AFFIXING TO PACKAGES OR**
16 **OTHER CONTAINERS THE QUALITY ASSURANCE DATE REQUIRED UNDER**
17 **PARAGRAPH (2) OF THIS SUBSECTION;**

18 **(II) THE MANNER, STYLE, FORM, AND PLACE OF AFFIXATION OF**
19 **THE QUALITY ASSURANCE DATE REQUIRED UNDER PARAGRAPH (2) OF THIS**
20 **SUBSECTION IN A CONSPICUOUS PLACE IN A FORM THAT IS READILY SEEN AND**
21 **EASILY UNDERSTOOD BY CONSUMERS; AND**

22 **(III) ADMINISTRATION AND ENFORCEMENT OF THIS**
23 **SUBSECTION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.