

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 162

(Senator Simonaire)

Education, Energy, and the Environment

Environment and Transportation

**Agriculture - Departmental Authority Over Identification, Inspection, and Sale
of Cantaloupes - Repeal**

This bill repeals Title 10, Subtitle 9 of the Agriculture Article, which generally governs the regulation of cantaloupes by the Maryland Department of Agriculture (MDA).

Fiscal Summary

State Effect: The bill does not affect State finances or operations. Despite the existence of statutory provisions related to cantaloupes, MDA advises that it does not currently regulate or inspect cantaloupes in the State. Rather, the regulation of cantaloupes is handled at the federal level.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Title 10, Subtitle 9 of the Agriculture Article (Cantaloupes)

Under Title 10, Subtitle 9 of the Agriculture Article, the Secretary of Agriculture is authorized to adopt and enforce any rule or regulation necessary to secure uniformity in the enforcement of the subtitle and the proper marking of closed containers for cantaloupes. Among other things, the subtitle establishes (1) standards related to cantaloupes offered for sale; (2) prohibitions on the sale of uninspected cantaloupes and the purchase, sale,

shipment, or transportation of immature cantaloupes in closed containers; (3) provisions related to prosecutions for violations of the subtitle; and (4) provisions related to the applicability of the subtitle.

Regulation of Cantaloupes at the Federal Level

Federal regulation of cantaloupes primarily falls under the jurisdiction of the U.S. Department of Agriculture (USDA) and the U.S. Food and Drug Administration (FDA). USDA's Food Safety and Inspection Service is responsible for ensuring the safety of meat, poultry, and egg products, while FDA oversees the safety of other food products, including cantaloupes.

FDA enforces regulations to ensure cantaloupes are safe to consume, particularly under the Food Safety Modernization Act. This Act focuses on preventing contamination through regulations such as the Produce Safety Rule – which establishes science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables (including cantaloupes) – and the Preventive Controls for Human Foods Rule – which requires food facilities to have a food safety plan in place that includes an analysis of hazards and risk-based preventive controls to minimize or prevent the identified hazards.

USDA's Agricultural Marketing Service oversees grading standards for cantaloupes under the U.S. Standards for Grades of Cantaloupe. These standards establish uniform criteria for quality, such as size, color, and condition, to ensure consistency in the marketplace.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Agriculture; Maryland Department of Health; U.S. Department of Agriculture; U.S. Food and Drug Administration; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2025
rh/lgc Third Reader - February 14, 2025

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