

HOUSE BILL 410

J1

6lr1224
CF SB 546

By: Delegates Boyce, Harrison, Charkoudian, Embry, Fair, Healey, Hill, Kaufman, Mireku-North, Pasteur, Patterson, Ruff, Ruth, Terrasa, Wells, Woods, Woorman, and Ziegler ~~Ziegler~~, Alston, Bagnall, Cullison, Guzzone, S. Johnson, Lopez, Martinez, Rosenberg, Ross, Taveras, and White Holland

Introduced and read first time: January 22, 2026

Assigned to: Health

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2026

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of establishing requirements and prohibitions regarding food ~~and milk~~
4 ~~product~~ labeling; requiring the Maryland Department of Health, in conjunction with
5 the University of Maryland Extension and food donation organizations, to create ~~a~~
6 ~~marketing program and~~ educational materials for food labels on or before a certain
7 date and to post the information on the Department's website; and generally relating
8 to food ~~and milk product~~ labeling requirements.

9 BY repealing and reenacting, without amendments,

10 Article – Health – General

11 Section 21-101(a), (i), (k), (l), and (n) ~~and 21-401(a), (j)(1), (k), (l)(2), (o), and (p)~~

12 Annotated Code of Maryland

13 (2023 Replacement Volume and 2025 Supplement)

14 BY adding to

15 Article – Health – General

16 Section 21-329.1

17 Annotated Code of Maryland

18 (2023 Replacement Volume and 2025 Supplement)

19 ~~BY repealing and reenacting, with amendments,~~

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.



1 ~~Article – Health – General~~
2 ~~Section 21–424~~
3 ~~Annotated Code of Maryland~~
4 ~~(2023 Replacement Volume and 2025 Supplement)~~

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

7 **Article – Health – General**

8 21–101.

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

10 (i) “Food” means:

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

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

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

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

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

19 (2) Accompanies a substance.

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

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

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

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

29 **21–329.1.**

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

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

7 (3) "SAFETY DATE" MEANS A DATE ON A LABEL AFFIXED TO THE
8 PACKAGING OR CONTAINER OF PERISHABLE FOOD THAT COMMUNICATES THAT THE
9 FOOD SHOULD BE CONSUMED OR FROZEN BY THE DATE LISTED.

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

14 (B) THIS SECTION DOES NOT APPLY TO:

15 (1) INFANT FORMULA; ~~OR~~

16 (2) BEER AND OTHER MALT BEVERAGES; OR

17 (3) A DIETARY SUPPLEMENT, AS DEFINED IN 21 U.S.C. § 321(FE).

18 (C) BEGINNING JULY 1, ~~2027~~ 2028, A FOOD MANUFACTURER, PROCESSOR,
19 OR RETAILER RESPONSIBLE FOR THE LABELING OF FOOD ITEMS FOR HUMAN
20 CONSUMPTION THAT OPTS TO INCLUDE OR IS REQUIRED BY LAW TO INCLUDE A DATE
21 LABEL TO COMMUNICATE A QUALITY OR SAFETY DATE ON A FOOD ITEM
22 MANUFACTURED ON OR AFTER JULY 1, ~~2027~~ 2028, SHALL USE ONE OF THE
23 FOLLOWING TERMS, AS APPROPRIATE:

24 (1) (I) "BEST IF USED BY" OR "BEST IF USED OR FROZEN BY" TO
25 INDICATE THE QUALITY DATE OF THE FOOD ITEM; OR

26 (II) IF THE FOOD ITEM IS TOO SMALL TO INCLUDE THE LABEL
27 REQUIRED UNDER ITEM (I) OF THIS ITEM, "BB"; OR

28 (2) (I) "USE BY" OR "USE BY OR FREEZE BY" TO INDICATE THE
29 SAFETY DATE OF THE FOOD ITEM; OR

30 (II) IF THE FOOD ITEM IS TOO SMALL TO INCLUDE THE LABEL
31 REQUIRED UNDER ITEM (I) OF THIS ITEM, "UB".

1 (D) BEGINNING JULY 1, ~~2027~~ 2028, A PERSON MAY NOT:

2 (1) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR
3 HUMAN CONSUMPTION ON OR AFTER JULY 1, ~~2027~~ 2028, THAT IS LABELED WITH
4 THE PHRASE “SELL BY”; OR

5 (2) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR
6 HUMAN CONSUMPTION ON OR AFTER JULY 1, ~~2027~~ 2028, THAT IS NOT LABELED IN
7 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

8 (E) BEGINNING JULY 1, ~~2027~~ 2028, A FOOD RETAILER MAY:

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

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

15 (3) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR
16 HUMAN CONSUMPTION THAT IS NOT LABELED IN ACCORDANCE WITH THIS SECTION
17 IF THE FOOD RETAILER PURCHASED THE FOOD ITEM ON OR BEFORE JUNE 30, 2028.

18 (F) THIS SECTION DOES NOT PROHIBIT:

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

21 (2) THE USE OF A LABEL THAT COMMUNICATES THE DATE WINE, A
22 DISTILLED SPIRIT, OR WINE-BASED OR DISTILLED SPIRIT-BASED PRODUCT WAS
23 PRODUCED, MANUFACTURED, BOTTLED, OR PACKAGED;

24 (3) THE USE OF SELL BY DATES THAT ARE PRESENTED IN A CODED
25 FORMAT THAT ARE NOT EASILY READABLE BY CONSUMERS AND DO NOT USE THE
26 PHRASE “SELL BY”; OR

27 (4) THE USE OR DISPLAY OF A LABEL THAT ALLOWS A CONSUMER TO
28 VIEW ONLINE INFORMATION ABOUT A FOOD ITEM MANUFACTURED FOR HUMAN
29 CONSUMPTION.

1 (G) THIS SECTION DOES NOT REQUIRE THE USE OR DISPLAY OF A DATE
2 LABEL ON A FOOD ITEM UNLESS THE FOOD ITEM DISPLAYS A DATE LABEL.

3 (H) (1) ON OR BEFORE JULY 1, ~~2027~~ 2028, THE DEPARTMENT, IN
4 CONJUNCTION WITH THE UNIVERSITY OF MARYLAND EXTENSION AND FOOD
5 DONATION ORGANIZATIONS, SHALL CREATE ~~AN EDUCATIONAL PROGRAM AND~~
6 EDUCATIONAL MATERIALS TO INFORM CONSUMERS ABOUT THE MEANING OF
7 QUALITY DATES AND SAFETY DATES.

8 (2) THE DEPARTMENT SHALL POST ON THE DEPARTMENT'S WEBSITE
9 THE EDUCATIONAL MATERIALS CREATED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION.

11 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
12 SECTION.

13 ~~21-401.~~

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

15 (j) (1) ~~"Grade A milk product" means:~~

16 (i) ~~Grade A milk;~~

17 (ii) ~~Grade A cream; or~~

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

19 (k) ~~"Grade A Pasteurized Milk Ordinance" means the recommended Grade "A"~~
20 ~~Pasteurized Milk Ordinance published by the federal government.~~

21 (l) (2) ~~"Grade A milk" means the milk of a cow, goat, or other hooved mammal~~
22 ~~produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the~~
23 ~~Grade A Pasteurized Milk Ordinance.~~

24 (o) (1) ~~"Milk plant" means any place where, for distribution, milk products are:~~

25 (i) ~~Processed;~~

26 (ii) ~~Pasteurized;~~

27 (iii) ~~Bottled or packaged; or~~

28 (iv) ~~Prepared.~~

1 ~~(2) "Milk plant" does not include a place where milk products are sold at~~
 2 ~~retail only.~~

3 ~~(p) "Milk processor" means a person who owns, operates, or controls a milk plant.~~
 4 ~~21-424.~~

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

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

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

10 ~~(B) (1) (i) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE~~
 11 ~~MEANINGS INDICATED.~~

12 ~~(ii) "QUALITY DATE" MEANS THE DATE ON A LABEL AFFIXED TO~~
 13 ~~THE PACKAGING OR CONTAINER OF A GRADE A MILK PRODUCT AFTER WHICH~~
 14 ~~QUALITY MAY BEGIN TO DETERIORATE BUT THE GRADE A MILK PRODUCT MAY STILL~~
 15 ~~BE ACCEPTABLE FOR HUMAN CONSUMPTION.~~

16 ~~(iii) "SAFETY DATE" MEANS A DATE ON A LABEL AFFIXED TO THE~~
 17 ~~PACKAGING OR CONTAINER OF A GRADE A MILK PRODUCT THAT COMMUNICATES~~
 18 ~~THAT A GRADE A MILK PRODUCT SHOULD BE CONSUMED OR FROZEN BY THE DATE~~
 19 ~~LISTED.~~

20 ~~(2) THIS SUBSECTION DOES NOT APPLY TO:~~

21 ~~(i) A MILK PRODUCT PROCESSED, PACKAGED, AND SOLD BY~~
 22 ~~DISTRIBUTORS DIRECTLY TO CONSUMERS; OR~~

23 ~~(ii) A BULK SHIPMENT OF A MILK PRODUCT BETWEEN~~
 24 ~~DISTRIBUTORS.~~

25 ~~(3) (i) BEGINNING JULY 1, 2027, A MILK PLANT, MILK PROCESSOR,~~
 26 ~~OR OTHER PERSON RESPONSIBLE FOR THE LABELING OF GRADE A MILK PRODUCTS~~
 27 ~~SOLD TO CONSUMERS AT RETAIL SHALL LABEL EACH GRADE A MILK PRODUCT WITH~~
 28 ~~ONE OF THE FOLLOWING TERMS, AS APPROPRIATE:~~

29 ~~1. A. "BEST IF USED BY" TO INDICATE THE QUALITY~~
 30 ~~DATE OF THE GRADE A MILK PRODUCT; OR~~

~~B. IF THE GRADE A MILK PRODUCT IS TOO SMALL TO INCLUDE THE LABEL REQUIRED UNDER ITEM A OF THIS ITEM, "BB"; OR~~

~~2. A. "USE BY" OR "USE BY OR FREEZE BY" TO INDICATE THE SAFETY DATE OF THE GRADE A MILK PRODUCT; OR~~

~~B. IF THE GRADE A MILK PRODUCT IS TOO SMALL TO INCLUDE THE LABEL REQUIRED UNDER ITEM A OF THIS ITEM, "UB".~~

~~(H) BEGINNING JULY 1, 2027, A PERSON MAY NOT SELL, OR OFFER FOR SALE, A GRADE A MILK PRODUCT TO A CONSUMER AT RETAIL UNLESS THE MILK PRODUCT IS LABELED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(4) (I) IN THIS SUBSECTION, "SELL BY DATE" MEANS A DATE ON A LABEL AFFIXED TO THE PACKAGING OR CONTAINER OF A GRADE A MILK PRODUCT THAT IS NOT A QUALITY DATE OR A SAFETY DATE AND INDICATES STOCK ROTATION PRIMARILY TO A DISTRIBUTOR OR RETAILER.~~

~~(H) BEGINNING JULY 1, 2027, A PERSON MAY NOT SELL, OR OFFER FOR SALE, A GRADE A MILK PRODUCT TO A CONSUMER AT RETAIL THAT IS LABELED WITH THE PHRASE "SELL BY".~~

~~(H) SUBPARAGRAPH (H) OF THIS PARAGRAPH DOES NOT PROHIBIT THE USE OF A SELL BY DATE THAT IS PRESENTED IN A CODED FORMAT THAT IS NOT EASILY READABLE BY CONSUMERS AND DOES NOT USE THE PHRASE "SELL BY".~~

~~(5) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING REGULATIONS RELATED TO:~~

~~(I) THE RESPONSIBILITY FOR AFFIXING TO PACKAGES OR OTHER CONTAINERS THE QUALITY DATE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION;~~

~~(H) THE MANNER, STYLE, FORM, AND PLACE OF AFFIXATION OF THE QUALITY DATE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION IN A CONSPICUOUS PLACE IN A FORM THAT IS READILY SEEN AND EASILY UNDERSTOOD BY CONSUMERS; AND~~

~~(H) ADMINISTRATION AND ENFORCEMENT OF THIS SUBSECTION.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.