

SENATE BILL 546

J1

6lr1225
CF HB 410

By: **Senator Attar**

Introduced and read first time: February 4, 2026

Assigned to: Finance

A BILL ENTITLED

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 to create a
5 marketing program and educational materials for food labels on or before a certain
6 date and to post the information on the Department’s website; and generally relating
7 to food and milk product labeling requirements.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 21–101(a), (i), (k), (l), and (n) and 21–401(a), (j)(1), (k), (l)(2), (o), and (p)

11 Annotated Code of Maryland

12 (2023 Replacement Volume and 2025 Supplement)

13 BY adding to

14 Article – Health – General

15 Section 21–329.1

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Health – General

20 Section 21–424

21 Annotated Code of Maryland

22 (2023 Replacement Volume and 2025 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

21-329.1.

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

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

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

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

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

9 **(1) INFANT FORMULA; OR**

10 **(2) BEER AND OTHER MALT BEVERAGES.**

11 **(C) BEGINNING JULY 1, 2027, A FOOD MANUFACTURER, PROCESSOR, OR**
12 **RETAILER RESPONSIBLE FOR THE LABELING OF FOOD ITEMS FOR HUMAN**
13 **CONSUMPTION THAT OPTS TO INCLUDE OR IS REQUIRED BY LAW TO INCLUDE A DATE**
14 **LABEL TO COMMUNICATE A QUALITY OR SAFETY DATE ON A FOOD ITEM**
15 **MANUFACTURED ON OR AFTER JULY 1, 2027, SHALL USE ONE OF THE FOLLOWING**
16 **TERMS, AS APPROPRIATE:**

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

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

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

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

25 **(D) BEGINNING JULY 1, 2027, A PERSON MAY NOT:**

26 **(1) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR**
27 **HUMAN CONSUMPTION ON OR AFTER JULY 1, 2027, THAT IS LABELED WITH THE**
28 **PHRASE “SELL BY”; OR**

29 **(2) SELL, OR OFFER FOR SALE, A FOOD ITEM MANUFACTURED FOR**
30 **HUMAN CONSUMPTION ON OR AFTER JULY 1, 2027, THAT IS NOT LABELED IN**
31 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

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

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

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

(F) THIS SECTION DOES NOT PROHIBIT:

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

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

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

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

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

(H) (1) ON OR BEFORE JULY 1, 2027, THE DEPARTMENT SHALL CREATE AN EDUCATIONAL PROGRAM AND EDUCATIONAL MATERIALS TO INFORM CONSUMERS ABOUT THE MEANING OF QUALITY DATES AND SAFETY DATES.

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

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

21–401.

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

(j) (1) “Grade A milk product” means:

(i) Grade A milk;

(ii) Grade A cream; or

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

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

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

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

(i) Processed;

(ii) Pasteurized;

(iii) Bottled or packaged; or

(iv) Prepared.

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

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

21–424.

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

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

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

(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(II) “QUALITY DATE” MEANS THE DATE ON A LABEL AFFIXED TO THE PACKAGING OR CONTAINER OF A GRADE A MILK PRODUCT AFTER WHICH QUALITY MAY BEGIN TO DETERIORATE BUT THE GRADE A MILK PRODUCT MAY STILL BE ACCEPTABLE FOR HUMAN CONSUMPTION.

(III) “SAFETY DATE” MEANS A DATE ON A LABEL AFFIXED TO THE PACKAGING OR CONTAINER OF A GRADE A MILK PRODUCT THAT COMMUNICATES THAT A GRADE A MILK PRODUCT SHOULD BE CONSUMED OR FROZEN BY THE DATE LISTED.

(2) THIS SUBSECTION DOES NOT APPLY TO:

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

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

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

1. A. “BEST IF USED BY” TO INDICATE THE QUALITY 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”.

(II) 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

1 THAT IS NOT A QUALITY DATE OR A SAFETY DATE AND INDICATES STOCK ROTATION
2 PRIMARILY TO A DISTRIBUTOR OR RETAILER.

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

6 (III) SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT
7 PROHIBIT THE USE OF A SELL BY DATE THAT IS PRESENTED IN A CODED FORMAT
8 THAT IS NOT EASILY READABLE BY CONSUMERS AND DOES NOT USE THE PHRASE
9 "SELL BY".

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

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

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

19 (III) ADMINISTRATION AND ENFORCEMENT OF THIS
20 SUBSECTION.

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