

SENATE BILL 866

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6lr2086
CF HB 1048

By: **Senator A. Washington**

Introduced and read first time: February 6, 2026

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 5, 2026

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Chain Restaurants – Disclosure and Notice to Customers of**
3 **Sodium and Added Sugars ~~Warning Icons~~**

4 FOR the purpose of requiring the Maryland Department of Health to ~~adopt certain~~
5 ~~regulations relating to the sale of food items with a high added sugars content or~~
6 ~~high sodium content by a chain restaurant by a certain date and to administer a~~
7 ~~certain continuing education campaign~~ direct chain restaurants to its website within
8 ~~a certain time~~ for a certain purpose; requiring certain chain restaurants to display a
9 certain ~~icons next to~~ disclosure and notice regarding food items with a high added
10 sugars content or high sodium content on each menu or menu board; and generally
11 relating to chain restaurants and high sodium and added sugars menu ~~icons~~ items.

12 BY renumbering

13 Article – Health – General

14 Section 21–330.3 and 21–330.4

15 to be Section 21–330.4 and 21–330.5, respectively

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Education

20 Section 13–517(a)(1)

21 Annotated Code of Maryland

22 (2022 Replacement Volume and 2025 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Education
 3 Section 13–517(a)(4)
 4 Annotated Code of Maryland
 5 (2022 Replacement Volume and 2025 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Health – General
 8 Section 21–301(a) and (h)
 9 Annotated Code of Maryland
 10 (2023 Replacement Volume and 2025 Supplement)

11 BY adding to
 12 Article – Health – General
 13 Section 21–330.3
 14 Annotated Code of Maryland
 15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Health – General
 18 Section 21–1214
 19 Annotated Code of Maryland
 20 (2023 Replacement Volume and 2025 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 22 That Section(s) 21–330.3 and 21–330.4 of Article – Health – General of the Annotated Code
 23 of Maryland be renumbered to be Section(s) 21–330.4 and 21–330.5, respectively.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 25 as follows:

26 **Article – Education**

27 13–517.

28 (a) (1) In this section the following words have the meanings indicated.

29 (4) (i) “Facility” means an agency, an association, a corporation, a firm,
 30 a partnership, or any other entity.

31 (ii) “Facility” does not include a grocery store or restaurant that is
 32 subject to [§ 21–330.3] § 21–330.4 of the Health – General Article.

33 **Article – Health – General**

34 21–301.

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

2 (h) (1) “Food service facility” means:

3 (i) A place where food or drink is prepared for sale or service on the
4 premises or elsewhere; or

5 (ii) Any operation where food is served to or provided for the public,
6 with or without charge.

7 (2) “Food service facility” includes a micro market licensed under Title 17,
8 Subtitle 17 of the Business Regulation Article.

9 (3) “Food service facility” does not include:

10 (i) A kitchen in a private home where food is prepared at no charge
11 for guests in the home, for guests at a social gathering, or for service to unemployed,
12 homeless, or other disadvantaged populations;

13 (ii) A food preparation or serving area where food is prepared or
14 served only by an excluded organization;

15 (iii) A location in a farmer’s market or at a public festival or event
16 where raw agricultural products, as defined in § 21–304(d)(1)(iii) of this subtitle, are sold;
17 or

18 (iv) A cottage food business.

19 **21–330.3.**

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

22 (2) **“CHAIN RESTAURANT” MEANS A FOOD SERVICE FACILITY THAT ~~IS~~:**

23 **(I) IS PART OF A CHAIN WITH 20 OR MORE LOCATIONS DOING**
24 **BUSINESS UNDER THE SAME NAME, REGARDLESS OF OWNERSHIP STRUCTURE, AND**
25 **OFFERING FOR SALE SUBSTANTIALLY SIMILAR MENU ITEMS; AND**

26 **(II) IS SUBJECT TO FEDERAL LABELING REQUIREMENTS UNDER**
27 **21 U.S.C. § 343(Q)(5)(H).**

28 (3) **“HIGH ADDED SUGARS CONTENT” MEANS ~~25 MILLIGRAMS~~ GRAMS**
29 **OR MORE OF ADDED SUGARS PER SERVING.**

1 (4) "HIGH SODIUM CONTENT" MEANS 1,150 MILLIGRAMS OR MORE OF
2 SODIUM PER SERVING.

3 (5) "MENU" OR "MENU BOARD" MEANS THE PRIMARY WRITING
4 SOURCE FROM WHICH A CUSTOMER MAKES AN ORDER SELECTION.

5 ~~(6) "POINT OF SELECTION" MEANS A PLACE WHERE A CUSTOMER MAY
6 VIEW THE MENU AND MAKE A SELECTION TO PURCHASE A MENU ITEM.~~

7 ~~(7) (6) (I) "STANDARD MENU ITEM" MEANS A FOOD OR
8 BEVERAGE ITEM THAT IS LISTED ON A MENU OR MENU BOARD.~~

9 (II) "STANDARD MENU ITEM" DOES NOT INCLUDE A FOOD OR
10 BEVERAGE ITEM THAT APPEARS ON A MENU OR MENU BOARD FOR LESS THAN 60
11 CALENDAR DAYS PER YEAR.

12 ~~(B) ON OR BEFORE JANUARY 1, 2027, THE DEPARTMENT SHALL ADOPT
13 REGULATIONS TO:~~

14 ~~(1) ESTABLISH A HIGH SODIUM CONTENT WARNING ICON AND
15 ACCOMPANYING TEXT;~~

16 ~~(2) ESTABLISH A HIGH ADDED SUGARS CONTENT WARNING ICON AND
17 ACCOMPANYING TEXT;~~

18 ~~(3) ESTABLISH A MINIMUM SIZE FOR EACH WARNING ICON THAT IS AT
19 LEAST AS LARGE AS THE LARGEST TEXT CHARACTER USED IN THE NAME OF THE
20 MENU ITEM THAT THE ICON WILL BE DISPLAYED NEXT TO ON THE MENU OR MENU
21 BOARD; AND~~

22 ~~(4) IMPLEMENT THIS SECTION.~~

23 ~~(C) CONCURRENT WITH THE ADOPTION OF REGULATIONS UNDER
24 SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL PUBLISH GUIDANCE
25 ON ITS WEBSITE THAT DETAILS THE PURPOSE OF AND HOW A CHAIN RESTAURANT
26 MAY COMPLY WITH THE REQUIREMENTS OF THIS SECTION.~~

27 ~~(D) DURING CALENDAR YEAR 2027, THE DEPARTMENT SHALL ADMINISTER
28 A CONTINUING EDUCATION CAMPAIGN THAT EXPLAINS DIRECT CHAIN
29 RESTAURANTS TO ITS WEBSITE FOR THE PURPOSE OF EXPLAINING THE PURPOSE OF
30 AND HOW A CHAIN RESTAURANT MAY COMPLY WITH THE REQUIREMENTS OF THIS
31 SECTION.~~

1 ~~(E)~~ (C) BEGINNING JANUARY 1, ~~2028~~ 2027, EACH CHAIN RESTAURANT IN
2 THE STATE SHALL DISPLAY ON EACH MENU OR MENU BOARD A WRITTEN
3 DISCLOSURE AND NOTICE TO CUSTOMERS THAT:

4 (1) ~~NEXT TO EACH STANDARD MENU ITEM WITH A HIGH SODIUM~~
5 ~~CONTENT, THE HIGH SODIUM CONTENT WARNING ICON AND ACCOMPANYING TEXT~~
6 ~~ESTABLISHED IN REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION~~
7 STANDARD MENU ITEMS MAY CONTAIN HIGH SODIUM OR HIGH SUGAR; AND

8 (2) ~~NEXT TO EACH STANDARD MENU ITEM WITH A HIGH ADDED~~
9 ~~SUGARS CONTENT, THE HIGH ADDED SUGARS CONTENT WARNING ICON AND~~
10 ~~ACCOMPANYING TEXT ESTABLISHED IN REGULATIONS ADOPTED UNDER~~
11 ~~SUBSECTION (B) OF THIS SECTION~~ FULL NUTRITIONAL INFORMATION IS AVAILABLE
12 THROUGH A QUICK RESPONSE (QR) CODE, ONLINE, OR BY REQUEST.

13 (D) A CHAIN RESTAURANT MAY COMPLY WITH SUBSECTION (C) OF THIS
14 SECTION BY MAKING THE FULL NUTRITIONAL INFORMATION OF THE FOOD OR
15 BEVERAGE ITEM AVAILABLE:

16 (1) THROUGH USE OF A QUICK RESPONSE (QR) CODE THAT LINKS TO
17 THE CHAIN RESTAURANT'S ONLINE NUTRITIONAL INFORMATION; AND

18 (2) ON REQUEST OF A CUSTOMER, IN ANY PRINTED FORMAT.

19 (F) ~~(1) IF THE CHAIN RESTAURANT IS REQUIRED TO DISPLAY A WARNING~~
20 ~~ICON AND ACCOMPANYING TEXT UNDER SUBSECTION (E)(1) OF THIS SECTION, THE~~
21 ~~FOLLOWING TEXT SHALL BE PROMINENTLY, CLEARLY, AND CONSPICUOUSLY~~
22 ~~DISPLAYED AT THE POINT OF SELECTION LEAST ONCE ON EACH MENU OR MENU~~
23 BOARD:

24 ~~“THE HIGH SODIUM CONTENT WARNING ICON INDICATES A MENU ITEM WITH~~
25 ~~A SODIUM (SALT) CONTENT THAT EXCEEDS HALF THE TOTAL DAILY RECOMMENDED~~
26 ~~LIMIT. DIETS HIGHER IN SODIUM ARE ASSOCIATED WITH AN INCREASED RISK OF~~
27 ~~DEVELOPING HIGH BLOOD PRESSURE, WHICH IS A MAJOR CAUSE OF HEART DISEASE~~
28 ~~AND STROKE.”~~

29 ~~(2) IF THE CHAIN RESTAURANT IS REQUIRED TO DISPLAY A WARNING~~
30 ~~ICON AND ACCOMPANYING TEXT UNDER SUBSECTION (E)(2) OF THIS SECTION, THE~~
31 ~~FOLLOWING TEXT SHALL BE PROMINENTLY, CLEARLY, AND CONSPICUOUSLY~~
32 ~~DISPLAYED AT THE POINT OF SELECTION LEAST ONCE ON EACH MENU OR MENU~~
33 BOARD:

~~“THE HIGH ADDED SUGARS CONTENT WARNING ICON INDICATES A MENU ITEM WITH A SUGAR CONTENT THAT EXCEEDS HALF THE TOTAL DAILY RECOMMENDED LIMIT. DIETS WITH HIGHER AMOUNTS OF ADDED SUGARS OVER TIME MAY INCREASE THE RISK OF TYPE 2 DIABETES, WEIGHT GAIN, AND TOOTH DECAY.”~~

~~(G) ON OR BEFORE JULY 1, 2032, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THAT:~~

~~(1) REVIEWS ANY EVIDENCE OF THE IMPACT OF THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION, INCLUDING:~~

~~(i) WHETHER AND TO WHAT EXTENT ANY STANDARD MENU ITEMS WERE REFORMULATED; AND~~

~~(ii) WHETHER AND HOW CONSUMER BEHAVIOR CHANGED; AND~~

~~(2) RECOMMENDS ANY ADDITIONAL NUTRITION RELATED MENU WARNING ICONS THAT SHOULD BE CONSIDERED.~~

21-1214.

(a) (1) Except as provided in paragraph (2) of this subsection, any person who violates any provision of Subtitle 3 of this title or any rule or regulation adopted under Subtitle 3 of this title is guilty of a misdemeanor and on conviction is subject to:

(i) For a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days, or both; and

(ii) For a second offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year, or both.

(2) A person who violates § 21-330.1 OR § 21-330.3 of this title is not subject to paragraph (1) of this subsection.

(b) In addition to any criminal penalties imposed under this section, a person who violates any provision of Subtitle 3 of this title or any rule or regulation adopted under Subtitle 3 of this title or any term, condition, or limitation of any license or registration issued under Subtitle 3 of this title:

(1) Is liable for a civil penalty not exceeding \$5,000, to be collected in a civil action in the District Court for any county; and

(2) May be enjoined from continuing the violation.

1 (c) Each day on which a violation occurs is a separate violation under this section.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.