

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 410
Health

Public Health - Food and Milk Product Labeling - Requirements

This bill establishes new requirements regarding labeling of food items and milk products for human consumption and prohibits the sale of items labeled with a “sell by” date that do not meet such requirements. Beginning July 1, 2027, a food manufacturer, processor, or retailer and a Grade A milk plant or processor must use specified phrasing to indicate a “quality date” or “safety date” on any food item offered for sale. The bill’s food labeling provisions do not apply to infant formula or beer and other malt beverages. By July 1, 2027, the Maryland Department of Health (MDH) must create and post on the department’s website educational materials to inform consumers about the meaning of quality and safety dates and adopt regulations to carry out the bill.

Fiscal Summary

State Effect: MDH general fund expenditures increase by \$125,000 in FY 2027 and FY 2028 for contractual services, as discussed below. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	125,000	125,000	0	0	0
Net Effect	(\$125,000)	(\$125,000)	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential increase in local health department (LHD) expenditures to enforce retailer compliance. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Quality date” means the date on a label affixed to the packaging or container of food or a Grade A milk product after which quality may begin to deteriorate but the product may still be acceptable for human consumption. “Safety date” means a date on a label affixed to the packaging or container of perishable food or a Grade A milk product that communicates that the product should be consumed or frozen by the date listed. “Sell by date” means a date on a label affixed to the packaging or container of food or 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.

Food Labels

Beginning July 1, 2027, a food manufacturer, processor, or retailer that opts or is required by law to include a date label to communicate a quality or safety date on a food item manufactured on or after July 1, 2027, must use one of the following terms:

- “Best if used by” or “best if frozen by” to indicate the quality date of a food item (which can be abbreviated “BB” if the item is too small); or
- “Use by” or “use or freeze by” to indicate the safety date of the food item (which can be abbreviated “UB” if the item is too small).

Beginning July 1, 2027, a person may not sell or offer for sale a food item manufactured for human consumption on or after July 1, 2027, that is (1) not labeled as specified above, or (2) labeled with the phrase “sell by.” A food retailer may donate a food item that is not labeled as required or sell a food item labeled with the phrase “packed on” if the food item also displays a quality date or safety date, as specified.

The bill does not prohibit:

- the sale, donation, or use of a food item after the quality date;
- the use of a label that communicates the date a wine, distilled spirit, or wine-based or distilled spirit-based product was produced, manufactured, bottled, or packaged;
- the use of sell by dates that are presented in a coded format not easily readable by consumers and do not use the phrase “sell by”; or
- the use or display of a label that allows a consumer to view online information about a food item.

The bill does not require the use or display of a date label on a food item unless the food item displays a date label.

Milk Labels

Beginning July 1, 2027, a milk plant, milk processor, or other person responsible for the labeling of Grade A milk products must label the milk product with one of the following terms, as appropriate:

- “Best if used by” to indicate the quality date of the Grade A milk product (which can be abbreviated “BB” if the product is too small); or
- “Use by” or “use by or freeze by” to indicate the safety date of the Grade A milk product (which can be abbreviated “UB” if the product is too small).

Beginning July 1, 2027, a person may not sell or offer for sale a Grade A milk product that (1) is not labeled as specified above; or (2) is labeled with the phrase “sell by,” unless the sell by date is presented in a coded format not easily readable by consumers and does not use the phrase “sell by.”

This requirement does not apply to a milk product processed, packaged, and sold by distributors directly to consumers or a bulk shipment of milk product between distributors.

The Secretary of Health must adopt regulations to carry out these milk labeling requirements, including regulations related to (1) the responsibility for affixing the quality date to packages or other containers; (2) the manner, style, form, and place of affixation of the quality date in a place that can be readily seen and easily understood by consumers; and (3) the administration and enforcement of these requirements.

Current Law: Although there is no uniform national system for food date labeling, the U.S. Department of Agriculture and the U.S. Food and Drug Administration encourage retailers and food manufacturers to use a “best if used by” date on food products. Several states, including Maryland, have their own regulations to guide food labeling.

Under Maryland regulations (COMAR 10.15.04.13), the labels of packaged food must include information about ingredients, processing and manufacturing locations, refrigeration, major food allergens, and pasteurization, as well as a “use by” date if the package contains a food whose safety is assured only until a given date specified on the label. A food label must be durable, conspicuous, legible, and remain on a container for the food’s shelf life. Section 21-212 of the Health-General Article specifies that a federal rule exempting a food from label requirements is automatically effective in the State.

Section 21-424 of the Health-General Article requires that after a milk product has been processed, each milk product must be labeled with the description of the milk product and any other information the Secretary requires by rule or regulation.

State Fiscal Effect: MDH advises that the bill would require them to create an educational program to inform consumers about quality and safety dates and adopt and implement regulations related to labeling that differ from national expectations. To execute these requirements, MDH advises that it would need to contract with two vendors. One vendor would be a contractor with expertise in food science and labeling, responsible for conducting research, validating the proposed definitions, and updating regulations accordingly. The second vendor would be a marketing and advertising company that would develop the educational program. Combined, these contractual services cost an estimated \$125,000 in each of fiscal 2027 and 2028.

Local Fiscal Effect: The Maryland Association of County Health Officers (MACHO) advises that LHDs would be responsible for retail enforcement of the bill. In the past, the work of checking retailers has been done through a complaint-based system rather than proactively checking each facility or retailer for compliance due to the staffing limitations of each LHD. Should that continue to be the case, MACHO advises that existing resources and staff at LHDs would likely be sufficient to handle enforcement.

However, food programs are categorized under environmental health programs, which struggle with staff recruitment, retention, and shortages. Therefore, there may be a minimal increase in LHD expenditures to enforce compliance if the bill requires proactively checking retailer compliance.

Small Business Effect: Small businesses that manufacture, process, or sell food items must comply with the bill's labeling requirements. Food manufactured on or after July 1, 2027, that does not comply with bill cannot be sold.

Additional Comments: California was the first (and to date, only) state to enact a date label law similar to the bill. The legislation, Chapter 911 of 2024 (AB-660), takes effect July 1, 2026.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 8 of 2025.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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