



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 26, 2020

The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401-1991

**RE: HB 1017 – “Public Health - Cottage Food Product Labels - Identification Number”
– Letter of Opposition**

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (the “Department”) respectfully submits this letter of opposition for HB 1017 – Public Health - Cottage Food Product Labels - Identification Number. This bill requires the Department, upon request, to provide a unique identification number to a cottage food business. HB 1017 changes the labeling requirements for cottage food products to allow a cottage food business to choose to either include the name and address of the cottage food business or the name, phone number, and unique identification number issued by the Department.

The Department opposes HB 1017 because it is inconsistent with federal law, would impose a significant burden on the Department, and does not protect public health.

The Federal Fair Packaging and Labeling Act (FPLA) requires that food labels state the name and place of business of the product manufacturer, which includes home-based manufacturers such as cottage food businesses. These labeling requirements are enforced by the U.S. Food and Drug Administration (FDA) under Title 21, Part 101 of the Code of Federal Regulations (CFR). Specifically, 21 CFR § 101.5 requires the label of packaged foods to “specify conspicuously the name and place of business of the manufacturer, packer, or distributor,” which includes the street address, city, state, and ZIP code.¹

A manufacturer may omit the full address on the label only when the address is specifically listed in a current city directory or telephone directory. This exemption is not applicable to cottage food businesses because they are not included in city or telephone directories and are not required to list the full name of the owner on the label. While 21 CFR § 101.9 exempts home-based businesses from nutritional labeling requirements, there are no exemptions specific to home-based businesses for address labeling requirements. Health-General §21-330.1 codifies these labeling requirements for cottage foods.

¹ 21 C.F.R. § 101.5 Food; name and place of business of manufacturer, packer, or distributor.

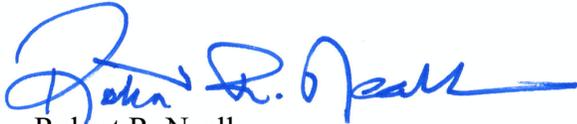
The public health justification for these labeling requirements is that consumers and public health authorities need to be able to rapidly identify the manufacturer or producer if there is a problem or defect with the food product.

In both Pennsylvania and Virginia, cottage food businesses are required to include the name and address on the label. A P.O. Box, telephone number, email address, website address, or other cannot be used as a substitute for the address. Both of these states also license and inspect cottage food businesses.

HB 1017 would have a fiscal impact on the Department, as it would require the Department to allocate staff to create an enforcement plan, answer inquiries, provide guidance to local health departments, review applications, issue identification numbers, and maintain a database.

I hope this information is useful. If you would like to discuss this further, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or webster.ye@maryland.gov.

Sincerely,



Robert R. Neall
Secretary