



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary*

January 29, 2025

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

**RE: House Bill (HB) 8 – Public Health – Food and Milk Product Labeling –  
Requirements – Letter of Concern**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (the Department) respectfully submits this letter of concern for House Bill (HB) 8 – Public Health – Food and Milk Product Labeling – Requirements. HB 8 establishes definitions for quality, safety, and sell by dates for food establishments to use the specific food date marking terms: “Best if Used By”, “Best if Used or Frozen By”, “Use By”, and “Use By or Freeze By.” HB 8 restricts the use of the term “Sell By” on manufactured food products and allows for a food retailer to add a “Packed On” date if the label also includes a quality or safety date. The bill also requires the Department to create an educational program with materials informing consumers about quality and specified dates, with these materials available on the Department’s website. Additionally the Department should adopt regulations to implement the new labeling requirements, including on Grade A milk product labeling requirements to include a date the product should be used by, how it is affixed, and administration and enforcement.

The Department acknowledges that, with certain exceptions, food date labeling is not federally regulated or standardized. The Department also notes that there are opportunities for both safe food donation and consumption even when the “Best if used by” dates are exceeded. The Department is concerned, however, that the bill as written could impose significant costs on Maryland food producers and on the Department. Many food producers in Maryland already have date labels on their products, particularly larger producers who distribute foods in interstate commerce. These producers would need to modify their existing processes and labels, which would be potentially costly and time-consuming. In addition, the Department would need to develop regulations and an educational campaign, which will require financial and staff resources. Overall, the Department estimates that this bill would cost \$250,000 to implement over FY 2026 and FY 2027.

The time period allotted for the Department to craft regulations and create an educational campaign is insufficient. The effective date of the legislation (October 1, 2025) and the implementation date (July 1, 2026) would require the Department to adopt regulations (including

incorporation of what would likely be extensive stakeholder input), contract with an expert in food science and labeling to work with the Department on an educational campaign and materials, develop the materials, and post them to the Department's website in less than a year. The Department is aware of one state (California) that has adopted similar legislation in 2024, but is unaware of any other jurisdiction that has already adopted and fully implemented this framework.<sup>1</sup> The California legislation does not go into effect until July 1, 2026, so the proposed bill provides even less time for Maryland businesses to come into compliance.

The Department is also concerned that there are important industry segments with pre-existing food data requirements that are not specifically exempted from the bill's provisions. While the bill does appropriately exempt infant formula, eggs, beer and other malt beverages, it does not mention or recognize that both shellfish and Grade A milk in Maryland are strictly regulated with respect to the dates on the label, and the bill as written would conflict with these existing requirements.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Herrera Scott', is positioned above the typed name.

Laura Herrera Scott, M.D., M.P.H.  
Secretary

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB660](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB660)