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Economic Matters Committee

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Alcoholic Beverages

Banking, Consumer Protection,
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

House Bill 8

Public Health - Food and Milk Product Labeling – Requirements

Testimony to be offered to the Health and Government Operations Committee

January 29, 2025

Good afternoon, Madam Chair, Vice-chair and members of the Health and Government Operations Committee. I am Delegate Andrea Harrison, here to present House Bill 8 Public Health - Food and Milk Product Labeling – Requirements. This bill requires certain food manufacturers, processors, and retailers to use specific terms regarding the quality or safety date of food items manufactured for human consumption. This bill does not include baby formula, eggs, or pasteurized egg products and extends to labeling Grade A milk.

Over 80 percent of Americans in the United States discard delicious, consumable food simply because they misunderstand expiration labels. Labels such as "Sell by," "Best by," and "Enjoy by" are just three different variations of labels put on food packaging that give a false representation of whether food is edible or not. This leads consumers to toss food, and in turn, consumers lose thousands of dollars, and our environment sees irreversible damage. However, a simple solution such as standardizing food packaging label dates could save consumers' wallets and remove some strain from our environment.

In September 2024, California passed a similar bill, creating the first legislation requiring manufacturers to standardize food packaging dates statewide. Currently, there is no protocol for how manufacturers word their date labeling, and the individual manufacturer entirely decides it. There also is no scientific support that the sell-by dates given to stores are accurate for food quality. The USDA Food Safety website states, "A "Sell-By" date tells the store how long to display the product for sale for inventory management." Many dates placed on packaged, frozen, and canned food are only a valuable resource for store productivity and do not apply to consumers. A significant exception is for a baby formula, which uses a "use-by" date, which is different from a sell-by date because the formula loses nutritional value and has a high possibility of growing bacteria once it expires.

One example of food labeling that leads to misleading consumers is peanut butter. Several brands of peanut butter use sell-by dates; however, the dates never match the actual quality of the food product. When peanut butter is unopened, it can last for 6 to 9 months; when opened, it lasts 3 to 6 months refrigerated. Food experts are open about food being good past its sell-by date and recommend consumers test the smell, taste, and look of food if they feel unsure. In the case of peanut butter, its long shelf-life makes it safe for consumption.

As for the environment, the largest category that fills up our landfills is food. When food naturally decomposes, it produces Methane in large quantities, creating a potent greenhouse effect that traps heat in our atmosphere. As many recall, 2024 was reported as Maryland's hottest summer, with BWI recording four consecutive 100-degree days in July. While this isn't entirely a byproduct of food waste, we know that surplus food waste takes up 24 percent of

landfill space, with the most significant portion of that food unopened, unused, and perfectly edible.

To help curb this issue, HB 8 proposes following in California's footsteps and standardizing the language of food packaging for manufacturers, retailers, processors, and retailers responsible for labeling food for human consumption to adopt the following language **by October 1, 2026**. The new language should be changed to the following: "Best if Used by or Best if Used or Frozen by." If the food item is small, the words "BB" should be used to indicate the food item's quality. For the safety of the food, "Use by or freeze by with the shortened version "UB" should be used.