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February 25, 2026

The Honorable Senator Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 546 – Food and Milk Product Date Labeling Requirements. (Oppose)

Dear Chair Beidle:

On behalf of the Consumer Healthcare Products Association (CHPA)[1], thank you for the opportunity to comment on SB 546. While CHPA shares the goal of minimizing consumer confusion regarding food labeling and reducing food waste, we must oppose SB 546 in its current form. The bill incorrectly extends standardized food date-labeling requirements to dietary supplements—a category that falls under existing comprehensive federal regulation and already maintains robust date labeling standards.

SB 546 Impacts FDA Regulated Dietary Supplements, Not Just Conventional Food

SB 546 establishes standardized quality and safety date labeling requirements for food products, including "Best if Used By" and "Use By" dates. While these concepts may be appropriate for conventional foods, they are fundamentally incompatible with the federal regulatory framework governing dietary supplements.

Dietary supplements are regulated by the U.S. Food and Drug Administration (FDA) under the Dietary Supplement Health and Education Act of 1994 (DSHEA) and are subject to strict federal requirements regarding product quality, labeling, and expiration dating. Unlike conventional foods, dietary supplements must meet 100 percent of labeled ingredient specifications through the end of their declared shelf life. Once a supplement no longer meets labeled potency—even if still safe—it is no longer legally compliant and must be removed from the market.

For this reason, dietary supplement manufacturers rely on expiration dating established through FDA-regulated stability testing. Without a clearly defined expiration date, a supplement would be implicitly required to meet label claims indefinitely—an impossible standard given the natural degradation of nutrients over time. Expiration date labeling serves the same essential function as "best if used by" dating: manufacturers, under FDA oversight, guarantee the product's quality and effectiveness through that date.

Federal Regulatory Framework for Dietary Supplements

Under DSHEA and FDA regulations, dietary supplements are subject to comprehensive and distinct labeling requirements, including:

[1] Consumer Healthcare Products Association is the national trade organization representing the makers of nonprescription drugs, dietary supplements, and over-the-counter medical devices.

- Identity and content labeling under 21 CFR § 101.3, including the requirement to display "Supplement Facts" panels rather than "Nutrition Facts" panels used for conventional foods;
- Date labeling requirements under 21 CFR § 101.17 and FDA guidance documents;
- Good Manufacturing Practice (GMP) requirements under 21 CFR Part 111, which address product quality, purity, strength, and composition; and
- Comprehensive labeling requirements that already address product expiration dating and prohibit “Sell By” dates.

This federal framework is separate from state food safety regulations that apply to conventional foods and already ensures consumer safety and transparency for dietary supplements.

Why SB 546 Date Labeling Approach Is Inappropriate for Dietary Supplements

Dietary supplements already employ comprehensive date labeling practices that meet consumer needs:

Existing Industry Standards: The dietary supplement industry has long utilized expiration dating, best-by dating, and manufacturing date coding systems that provide clear information to consumers about product quality and safety. These systems have been developed in consultation with FDA guidance and industry best practices, and are well-understood by consumers who purchase dietary supplements.

Different Product Characteristics: Unlike many conventional foods, dietary supplements typically have longer shelf lives and different stability profiles. The quality indicators for dietary supplements relate to strength and active ingredient stability rather than spoilage or food safety concerns. Current dating practices in the supplement industry appropriately reflect these unique product characteristics.

Consumer Understanding: Consumers purchasing dietary supplements generally understand that these products are regulated differently from conventional foods and expect different labeling conventions. The current expiration dating systems on dietary supplements do not contribute to the consumer confusion that SB 546 designed to address for conventional food products.

Federal Preemption Concerns: Because dietary supplements are comprehensively regulated at the federal level under DSHEA and FDA regulations, state-level date labeling requirements may raise federal preemption issues. The FDA's existing framework already addresses the concerns that SB 546 seeks to remedy for conventional foods.

Burdens on Interstate Commerce and Consumer Access

SB 546 would also impose significant operational and economic burdens on dietary supplement manufacturers, many of whom distribute products nationally. State-specific labeling requirements would necessitate Maryland-specific packaging, separate production runs, inventory segregation, and distribution controls. These requirements would increase

costs, heighten the risk of distribution errors, and strain supply chains—particularly for small and medium-sized businesses.

Ultimately, these burdens could reduce product availability for Maryland consumers or increase prices, all while providing little to no additional consumer benefit. Dietary supplement consumers already understand expiration dating conventions for these products, and current labeling practices do not contribute to the food waste concerns SB 546 seeks to address.

Request for Clarification

For these reasons, we respectfully request SB 546 be amended on page 3, beginning on line 11 as part (3) to exempt dietary supplement labeling as follows:

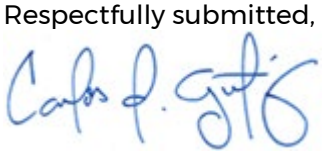
"(3) Dietary supplements as defined under federal law (21 U.S.C. § 321(ff))."

Conclusion

CHPA and its members are committed to consumer safety, product quality, and clear labeling. However, SB 546, as drafted, would inappropriately extend food-specific date labeling requirements to FDA-regulated dietary supplements, creating regulatory conflict, consumer confusion, and unnecessary burdens on manufacturers. For these reasons, we respectfully oppose SB 546 in its current form.

Thank you for your consideration, and we look forward to continued engagement to ensure consumer protection efforts are aligned with existing federal law.

Respectfully submitted,



Carlos I. Gutiérrez
Vice President, State & Local Government Affairs
Consumer Healthcare Products Association
Washington, D.C. | 202.429.3521 | cgutierrez@chpa.org