

HOUSE BILL 1208

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By: **Delegates Alston, Acevero, Bagnall, Guzzone, Hill, Kaiser, Kaufman, Lopez, Martinez, Miller, Taveras, Taylor, Tomlinson, White Holland, Woods, and Woorman**

Introduced and read first time: February 6, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Prohibited Ingredients in Food**

3 FOR the purpose of prohibiting a person from selling food that contains a certain dye in the
4 State unless the food packaging includes a certain warning; prohibiting a person
5 from manufacturing, selling, delivering, holding, or offering for sale in the State food
6 that contains certain ingredients; and generally relating to ingredients in food.

7 BY repealing and reenacting, without amendments,
8 Article – Health – General
9 Section 21–101(a) and (i) and 21–1215
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2024 Supplement)

12 BY adding to
13 Article – Health – General
14 Section 21–259.4
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

17 BY repealing
18 Article – Health – General
19 Section 21–259.4
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2024 Supplement)
22 (As enacted by Section 1 of this Act)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

21–101.

(a) In this title the following words have the meanings indicated.

(i) “Food” means:

(1) Any substance that is used as food or drink for human beings or as a component of food or drink for human beings; or

(2) Chewing gum or any substance that is used as a component of chewing gum.

21–259.4.

A PERSON MAY NOT SELL FOOD THAT CONTAINS RED DYE NO. 3 (CAS NO. 16423–68–0) IN THE STATE UNLESS THE FOOD PACKAGING INCLUDES A CONSPICUOUS WARNING LABEL THAT STATES THE FOOD CONTAINS RED DYE NO. 3.

21–1215.

(a) This section does not apply to a violation of § 21–220(b)(4), § 21–228, or § 21–259.3 of this title.

(b) A person who violates any provision of Subtitle 2 of this title or any regulation adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject to:

(1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or both; or

(2) If the person has been convicted once of violating Subtitle 2 of this title, a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.

(c) In addition to any criminal penalties imposed under this section, a person who violates any provision of Subtitle 2 of this title, any rule or regulation adopted under Subtitle 2 of this title, or any term, condition, or limitation of any license or registration issued under Subtitle 2 of this title:

(1) Is subject to a civil penalty not exceeding \$5,000, in an action in any District Court; and

(2) May be enjoined from continuing the violation.

(d) Each day on which a violation occurs is a separate violation under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health – General

[21–259.4.

A person may not sell food that contains Red Dye No. 3 (CAS No. 16423–68–0) in the State unless the food packaging includes a conspicuous warning label that states the food contains Red Dye No. 3.]

21–259.4.

A PERSON MAY NOT MANUFACTURE, SELL, DELIVER, HOLD, OR OFFER FOR SALE FOOD IN THE STATE THAT CONTAINS:

(1) BROMINATED VEGETABLE OIL (CAS No. 8016–94–2);

(2) POTASSIUM BROMATE (CAS No. 7758–01–2);

(3) PROPYLPARABEN (CAS No. 94–13–3); OR

(4) RED DYE NO. 3 (CAS No. 16423–68–0).

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2028.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2025.