

HOUSE BILL 815

M4

9lr2847  
CF SB 922

By: **Delegates Jacobs, Beitzel, Buckel, Ciliberti, Corderman, Cox, Grammer, Hornberger, Kerr, Pippy, and Wivell**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2019

Returned to second reading: March 30, 2019

House action: Adopted with floor amendments

Read second time: March 30, 2019

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Agriculture – Milk and Milk-Based Products~~ Public Health – Milk – Labeling

3 FOR the purpose of ~~prohibiting a person from selling, offering for sale, or advertising a~~  
4 ~~product labeled as milk or a milk-based product if the product is not derived from a~~  
5 ~~cow or another animal; defining a certain term~~ prohibiting a person from stating on  
6 a label of a food product that a the product is milk unless it the product meets a  
7 certain definition; requiring the Maryland Department of Health to establish and  
8 implement a certain plan to enforce a certain prohibition; altering a certain  
9 definition; making this Act subject to a certain contingency; requiring the Maryland  
10 Department of Health to track certain legislation and notify the Department of  
11 Legislative Services of a certain occurrence within a certain period of time; providing  
12 for the application of certain provisions of this Act; providing for the effective date of  
13 certain provisions of this Act; and generally relating to labeling for milk ~~and~~  
14 milk-based products.

15 BY ~~adding to~~ repealing and reenacting, without amendments,

16 Article – ~~Agriculture~~ Health – General

17 Section ~~10-401~~ to be under the new subtitle “Subtitle 4. Milk and Milk-Based  
18 Products” 21-401(a)

19 Annotated Code of Maryland

20 ~~(2016~~ (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
 2 Article – Health – General  
 3 Section 21–401(l) and 21–424  
 4 Annotated Code of Maryland  
 5 (2015 Replacement Volume and 2018 Supplement)

6 Preamble

7 WHEREAS, It is necessary to take steps to ensure the continued viability of dairy  
 8 farming and to assure consumers of an adequate, local supply of pure and wholesome milk;  
 9 and

10 WHEREAS, The dairy industry is an essential agricultural activity and dairy farms,  
 11 and associated suppliers, marketers, and processors, and retailers, are an integral  
 12 component of the region’s economy; and

13 WHEREAS, The U.S. Food and Drug Administration has not provided consistent  
 14 guidance to the State Department of Agriculture, dairy farms, associated suppliers,  
 15 marketers, processors, retailers, and consumers on the application of the established  
 16 standard of identity of milk as defined in 21 C.F.R. § 131.110; and

17 WHEREAS, The State of Maryland seeks to be a national leader in the preservation  
 18 of the dairy industry while balancing the need to maintain commerce; now, therefore,

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

21 ~~Article – Agriculture~~

22 ~~SUBTITLE 4. MILK AND MILK-BASED PRODUCTS.~~

23 ~~10-401.~~

24 ~~(A) (1) IN THIS SUBTITLE, “MILK” MEANS THE LACTEAL SECRETION OF~~  
 25 ~~COWS OR OTHER ANIMALS.~~

26 ~~(2) “MILK” INCLUDES ALL SKIM, BUTTERFAT, OR OTHER~~  
 27 ~~CONSTITUENTS OBTAINED FROM SEPARATION OR OTHER PROCESSES.~~

28 ~~(B) A PERSON MAY NOT SELL, OFFER FOR SALE, OR ADVERTISE A PRODUCT~~  
 29 ~~LABELED AS MILK OR A MILK-BASED PRODUCT IF THE PRODUCT IS NOT DERIVED~~  
 30 ~~FROM A COW OR ANOTHER ANIMAL.~~

31 Article – Health – General

1 21-401.

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

3 (l) (1) “Milk” means the [milk of a cow, goat, or other hooved mammal]  
4 LACTEAL SECRETION, PRACTICALLY FREE OF COLOSTRUM, OBTAINED BY THE  
5 COMPLETE MILKING OF ONE OR MORE HEALTHY HOOVED MAMMALS, INCLUDING  
6 MEMBERS OF THE ORDER CETARTIODACTYLA, INCLUDING:

7 (I) FAMILY BOVIDAE, INCLUDING CATTLE, WATER BUFFALO,  
8 SHEEP, GOATS, AND YAKS;

9 (II) FAMILY CERVIDAE, INCLUDING DEER, REINDEER, AND  
10 MOOSE; AND

11 (III) FAMILY EQUIDAE, INCLUDING HORSES AND DONKEYS.

12 (2) “Grade A milk” means the milk of a cow, goat, or other hooved mammal  
13 produced, processed, pasteurized, bottled, packaged, or prepared in accordance with the  
14 Grade A Pasteurized Milk Ordinance.

15 (3) “Manufactured milk” means the milk of a cow, goat, or other hooved  
16 mammal which is not Grade A milk and which is produced, processed, pasteurized, bottled,  
17 packaged, or prepared in accordance with “Milk for Manufacturing Purposes and Its  
18 Production and Processing: Recommended Requirements”.

19 21-424.

20 (A) After the milk product has been processed, each milk product shall be labeled  
21 with:

22 (1) The description of that milk product under this subtitle or the rules and  
23 regulations adopted under this subtitle; and

24 (2) Any other information that the Secretary requires by rule or regulation.

25 (B) (1) THIS SUBSECTION DOES NOT APPLY TO HUMAN BREAST MILK.

26 (2) A PERSON MAY NOT STATE ON A LABEL OF A FOOD PRODUCT THAT  
27 THE PRODUCT IS MILK UNLESS ~~IF~~ THE PRODUCT MEETS THE DEFINITION OF “MILK”  
28 ESTABLISHED IN § 21-401 OF THIS SUBTITLE.

29 (C) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT A PLAN TO  
30 ENFORCE THE PROHIBITION IN SUBSECTION (B) OF THIS SECTION, INCLUDING  
31 NOTICE OF THE DEPARTMENT’S INTENT TO IMPLEMENT A BAN ON ALL PRODUCTS

1 THAT DO NOT MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION,  
 2 INCLUDING PLANT-BASED PRODUCTS MISLABELED AS MILK.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the  
 4 enacting of a similar act in any 11 states of the group of states composed of Alabama,  
 5 Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma,  
 6 South Carolina, Tennessee, Texas, Virginia, and West Virginia. The Maryland Department  
 7 of Health shall notify the Department of Legislative Services within 10 days after 11 of  
 8 these 14 states have enacted an act that is similar to this Act. If notice of enactment is not  
 9 received by the Department of Legislative Services on or before October 1, 2029, this Act,  
 10 with no further action required by the General Assembly, shall be null and void.

11 SECTION 3. AND BE IT FURTHER ENACTED, That:

12 (a) Section 21-424(b) of the Health – General Article, as enacted by Section 1 of  
 13 this Act, shall go into effect 6 months after the date on which this Act becomes effective  
 14 under Section 2 of this Act.

15 (b) The Maryland Department of Health shall meet the requirements of §  
 16 21-424(c) of the Health – General Article, as enacted by Section 1 of this Act, on or before  
 17 6 months after the date on which this Act becomes effective under Section 2 of this Act.

18 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Sections 2 and  
 19 3 of this Act, this Act shall take effect October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.