

# HOUSE BILL 1208

J1

5lr2493

---

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.



1 **Article – Health – General**

2 21–101.

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

4 (i) “Food” means:

5 (1) Any substance that is used as food or drink for human beings or as a  
6 component of food or drink for human beings; or7 (2) Chewing gum or any substance that is used as a component of chewing  
8 gum.9 **21–259.4.**10 **A PERSON MAY NOT SELL FOOD THAT CONTAINS RED DYE NO. 3 (CAS NO.**  
11 **16423–68–0) IN THE STATE UNLESS THE FOOD PACKAGING INCLUDES A**  
12 **CONSPICUOUS WARNING LABEL THAT STATES THE FOOD CONTAINS RED DYE NO. 3.**

13 21–1215.

14 (a) This section does not apply to a violation of § 21–220(b)(4), § 21–228, or §  
15 21–259.3 of this title.16 (b) A person who violates any provision of Subtitle 2 of this title or any regulation  
17 adopted under Subtitle 2 of this title is guilty of a misdemeanor and on conviction is subject  
18 to:19 (1) A fine not exceeding \$10,000 or imprisonment not exceeding 1 year or  
20 both; or21 (2) If the person has been convicted once of violating Subtitle 2 of this title,  
22 a fine not exceeding \$25,000 or imprisonment not exceeding 3 years or both.23 (c) In addition to any criminal penalties imposed under this section, a person who  
24 violates any provision of Subtitle 2 of this title, any rule or regulation adopted under  
25 Subtitle 2 of this title, or any term, condition, or limitation of any license or registration  
26 issued under Subtitle 2 of this title:27 (1) Is subject to a civil penalty not exceeding \$5,000, in an action in any  
28 District Court; and

29 (2) May be enjoined from continuing the violation.

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

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

3 **Article – Health – General**

4 **[21–259.4.**

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

8 **21–259.4.**

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

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

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

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

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

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

17 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
18 3 of this Act, this Act shall take effect October 1, 2025.