

# 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~~ Woorman, Pena-Melnyk, Cullison, Bhandari, Chisholm, Hutchinson, S. Johnson, Kerr, Kipke, M. Morgan, Reilly, Rosenberg, Szeliga, and Ross

Introduced and read first time: February 6, 2025

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

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## CHAPTER \_\_\_\_\_

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~~

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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.



~~Section 21-259.4~~  
~~Annotated Code of Maryland~~  
~~(2023 Replacement Volume and 2024 Supplement)~~  
~~(As enacted by Section 1 of this Act)~~

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

**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 (BVO) (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).~~

~~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.~~

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

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

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

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

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

11 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section~~  
12 ~~3 of this Act, this Act shall take effect October 1, 2025.~~

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.