

**Department of Legislative Services**  
 Maryland General Assembly  
 2025 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 8 (Delegate Harrison)  
 Health and Government Operations

**Public Health - Food and Milk Product Labeling - Requirements**

This bill establishes new requirements regarding labeling of food items for human consumption and prohibits the sale of food items labeled with a “Sell by” date that do not meet such requirements. Beginning July 1, 2026, a food manufacturer, processor, or retailer must use specified phrasing to indicate a “quality date” or “safety date” on any food item offered for sale. The bill’s food labeling provisions do not apply to (1) infant formula; (2) eggs or pasteurized in-shell eggs; or (3) beer and other malt beverages. The Maryland Department of Health (MDH) must create and post on the department’s website educational materials to inform consumers about the meaning of specified dates and adopt regulations to carry out the bill. The bill also requires a Grade A milk product to be labeled with a certain quality assurance date.

**Fiscal Summary**

**State Effect:** MDH general fund expenditures increase by \$200,000 in FY 2026, and by \$50,000 in FY 2027 for contractual services to implement the bill, as discussed below. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	200,000	50,000	0	0	0
Net Effect	(\$200,000)	(\$50,000)	\$0	\$0	\$0

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Potential increase in local health department (LHD) expenditures to enforce retailer compliance. Revenues are not affected.

**Small Business Effect:** Potential meaningful.

## Analysis

**Bill Summary:** “Quality date” means the date on a label affixed to the packaging or container of food after which food quality may begin to deteriorate but the food may still be acceptable for human consumption. “Safety date” means a date on a label affixed to the packaging or container of perishable food that communicates that the food should be consumed or frozen by the date listed. “Sell by date” means a date on a label affixed to the packaging or container of food that is not a quality date or a safety date and indicates stock rotation primarily to a distributor or retailer.

### *Food Labels*

Beginning July 1, 2026, a food manufacturer, processor, or retailer that opts or is required by law to include a date label to communicate a quality or safety date on a food item manufactured on or after July 1, 2026, must use one of the following terms:

- “Best if used by” or “Best if frozen by” to indicate the quality date of a food item (which can be abbreviated “BB” if the item is too small); or
- “Use by” or “Use or freeze by” to indicate the safety date of the food item (which can be abbreviated “UB” if the item is too small).

Beginning July 1, 2026, a person may not sell or offer for sale a food item manufactured for human consumption on or after July 1, 2026, that is (1) not labeled as specified above, or (2) labeled with the phrase “Sell by.” A food retailer may donate a food item that is not labeled as required or sell a food item labeled with the phrase “Packed on” if the food item also displays a quality date or safety date as specified.

The bill does not prohibit:

- the sale, donation, or use of a food item after the quality date;
- the use of a label that communicates the date a wine or distilled spirit-based product was produced, manufactured, bottled, or packaged;
- the use of sell by dates that are presented in a coded format not easily readable by consumers and do not use the phrase “Sell by”; or
- the use or display of a label that allows a consumer to view online information about a food item.

The bill does not require the use or display of a date label on a food item unless the prepared food item displays a date label.

## *Milk Labels*

Before a Grade A milk product is sold at retail, it must be labeled with the date established by the milk processor as the date by which the product should normally be used to ensure consumer quality. This requirement does not apply to a milk product processed, packaged, and sold by distributors directly to consumers or a bulk shipment of milk product between distributors.

The Secretary of Health must adopt regulations to carry out these milk labeling requirements, including regulations related to (1) the responsibility for affixing the quality assurance date to packages or other containers; (2) the manner, style, form, and place of affixation of the quality assurance date in a place that can be readily seen and easily understood by consumers; and (3) the administration and enforcement of these requirements.

**Current Law:** Although there is no uniform national system for food date labeling, the U.S. Department of Agriculture and the U.S. Food and Drug Administration encourage retailers and food manufacturers to use a “Best if used by” date on food products. Several states, including Maryland, have their own regulations to guide food labeling.

Under Maryland regulations (COMAR 10.15.04.13), the labels of packaged food must include information about ingredients, processing and manufacturing locations, refrigeration, major food allergens, and pasteurization, as well as a “Use by” date if the package contains a food whose safety is assured only until a given date specified on the label. A food label must be durable, conspicuous, legible, and remain on a container for the food’s shelf life. Section 21-212 of the Health-General Article specifies that a federal rule exempting a food from label requirements is automatically effective in the State.

Section 21-424 of the Health-General Article requires that after a milk product has been processed, each milk product must be labeled with the description of the milk product and any other information the Secretary requires by rule or regulation.

**State Fiscal Effect:** MDH advises that the bill would require them to create an educational program to inform consumers about quality and safety dates and adopt and implement regulations related to labeling that differ from national expectations. To execute these requirements, MDH advises that it would need to contract with two vendors. One vendor would be a contractor with expertise in food science and labeling, responsible for conducting research, validating the proposed definitions, and updating regulations accordingly. The second vendor would be a marketing and advertising company that would develop the educational program. Combined, these contractual services cost an estimated \$200,000 in fiscal 2026 and \$50,000 in fiscal 2027.

**Local Fiscal Effect:** The Maryland Association of County Health Officers (MACHO) advises that LHDs would be responsible for retail enforcement of the bill. In the past, the work of checking retailers has been done through a complaint-based system rather than proactively checking each facility or retailer for compliance due to the staffing limitations of each LHD. MACHO advises that food programs are categorized under environmental health programs, which have a staffing vacancy rate of over 40% among LHDs. MACHO advises that, though limited, existing staff and resources would need to be used to enforce compliance with the bill.

**Small Business Effect:** Small businesses that manufacture, process, or sell food items must comply with the bill's labeling requirements. Food manufactured on or after July 1, 2026, that does not comply with bill cannot be sold.

**Additional Information:** California was the first (and to date, only) state to enact a date label law similar to the bill. The legislation, Chapter 911 of 2024 (AB-660), takes effect July 1, 2026.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Maryland Department of Agriculture; Maryland Department of Health; U.S. Department of Agriculture, U.S. Food and Drug Administration, Department of Legislative Services

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