



*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary*

February 6, 2020

The Honorable Delores G. Kelley  
Chair, Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401-1991

**RE: SB 188 – “Public Health - Misbranded Food - Meat Products” – Letter of Information**

Dear Chair Kelley:

The Maryland Department of Health (the “Department”) is submitting this letter of information for Senate Bill 188 - Public Health - Misbranded Food - Meat Products. This bill would define a food as misbranded if it is offered for sale in the State and labeled as a meat or meat product and the product: (I) contains animal tissue grown from a culture or (II) is made from plants or insects.

The U.S. Food and Drug Administration (FDA) regulates the interstate sale of foods, including the establishment of food labeling and branding requirements. SB 188 may lead to regulatory confusion for manufacturers, distributors, and retailers of plant-based products in Maryland who would be subject to two different standards set by the FDA and SB 188. This could significantly disadvantage Maryland businesses and producers compared to firms in other states that are not subject to such restrictions.

The Department also notes that the FDA held a public meeting in September 2019 to discuss the FDA’s efforts to modernize food standards of identity, including the application of terms such as “jerky,” “burger,” “sausage,” and other words to describe plant-based products.<sup>1</sup> The Department recommends waiting for FDA guidance. Absent a clear change in federal law or policy, SB 188 would be difficult to enforce for products coming into the State and could potentially disrupt interstate commerce.

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<sup>1</sup> U.S. Food and Drug Administration (2019). Public Meeting on Horizontal Approaches to Food Standards of Identity Modernization. Accessed 31 January 31, 2020 at <<https://www.fda.gov/food/workshops-meetings-webinars-food-and-dietary-supplements/public-meeting-horizontal-approaches-food-standards-identity-modernization-09272019-09272019>>.

Finally, the Department notes that many of the products that would be affected by this bill already have prominent descriptions on the label that advertise the product as “vegetarian,” “vegan,” “plant-based,” or “meat free.” These identifiers are in addition to the required list of ingredients.

This bill has a fiscal impact on the Department. Additional full-time staff would be required to develop an enforcement plan, perform inspections, and investigate complaints related to the enforcement of the labeling requirements in this bill. In addition, the Department would need to conduct an outreach campaign to notify manufacturers and distributors in Maryland regarding the new labeling requirements. I hope this information is useful. If you would like to discuss this further, please contact Director of Governmental Affairs Webster Ye at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert R. Neall", with a long horizontal flourish extending to the right.

Robert R. Neall  
Secretary