

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 410
 Health

(Delegate Boyce, *et al.*)

Finance

Public Health - Food Labeling - Requirements

This bill establishes new requirements regarding labeling of food items for human consumption and prohibits the sale of items labeled with a “sell by” date that do not meet such requirements. Beginning July 1, 2028, 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 infant formula, beer and other malt beverages, or a dietary supplement. By July 1, 2028, the Maryland Department of Health (MDH), in conjunction with the University of Maryland Extension and food donation organizations, must create and post on MDH’s website educational materials to inform consumers about the meaning of quality and safety dates. MDH must adopt regulations to carry out the bill.

Fiscal Summary

State Effect: MDH general fund expenditures increase by \$125,000 in FY 2027 and FY 2028 for contractual services, as discussed below. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	125,000	125,000	0	0	0
Net Effect	(\$125,000)	(\$125,000)	\$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.

Beginning July 1, 2028, 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, 2028, 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, 2028, a person may not sell or offer for sale a food item manufactured for human consumption on or after July 1, 2028, that is (1) not labeled as specified above, or (2) labeled with the phrase “sell by.” A food retailer may (1) donate a food item that is not labeled as required; (2) sell a food item labeled with the phrase “packed on” if the food item also displays a quality date or safety date, as specified; and (3) sell or offer for sale a food item manufactured for human consumption that is not labeled in accordance with the bill if the retailer purchased the food item on or before June 30, 2028.

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, distilled spirit, or wine-based 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 food item displays a date label.

Current Law: “Dietary supplement,” as defined by 21 U.S.C. § 321, generally means a product (other than tobacco) intended to supplement the diet that bears or contains one or more of the following ingredients: (1) a vitamin; (2) a mineral; (3) an herb or other botanical; (4) an amino acid; (5) a dietary substance for use by man to supplement the diet by increasing the total dietary intake; or (6) or a concentrate, metabolite, constituent, extract, or combination of any of the above ingredients.

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.

State Fiscal Effect: The bill requires MDH, in conjunction with the University of Maryland Extension and food donation organizations, to create educational materials to inform consumers about quality and safety dates. MDH must also 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 materials. Combined, these contractual services cost an estimated \$125,000 in each of fiscal 2027 and 2028.

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. Should that continue to be the case, MACHO advises that existing resources and staff at LHDs would likely be sufficient to handle enforcement.

However, food programs are categorized under environmental health programs, which struggle with staff recruitment, retention, and shortages. Therefore, there may be a minimal increase in LHD expenditures to enforce compliance if the bill requires proactively checking retailer compliance.

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, 2028, that does not comply with bill cannot be sold.

Additional Comments: 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.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 8 of 2025.

Designated Cross File: SB 546 (Senator Attar) - Finance.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Department of Legislative Services

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