City of Baltimore

Legislative File Number 08-0034 (version 0)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Welch

A BILL ENTITLED

AN ORDINANCE concerning
..Title
Food Service Facilities - Trans Fats

FOR the purpose of prohibiting food service facilities from serving, using, storing, distributing, or holding food containing trans fat; defining certain terms; providing certain exceptions; requiring the retention of certain labels or documentation; providing for a special effective date; and generally relating to the prohibition of trans fats in or by a food service facility.
..Body
BY repealing and reordaining, without amendments
Article - Health
Section(s) 6-101(b) and (c)
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Health
Section(s) 6-507
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Health

Title 6. Food Service Facilities

Subtitle 1. Definitions; General Provisions

§ 6-101. Definitions.

(b) Food.

(1) In general.

"Food" means any natural or artificial substance or ingredient, whether raw, cooked, or processed, that is used or sold or intended for use or sale, in whole or in part, for human consumption.

(2) Inclusions.

"Food" includes:

(i) ice;

(ii) beverages; and

(iii) chewing gum or any substance used as a component of chewing gum.

(3) Exclusions.

"Food" does not include any:

(i) alcoholic beverage, as defined in State Code Article 2B, § 1-102(a)(2); or

(ii) drug, as defined in § 21-101(g) of the State Health-General Article.

(c) Food service facility.

(1) In general.

"Food service facility" means any place in which, with or without charge:

(i) food is prepared for sale or service on the premises or elsewhere; or

(ii) food is manufactured, processed, stored, packaged, handled, distributed, or sold.

(2) Exclusions.

"Food service facility" does not include any private residence in which food is prepared for consumption, without charge, by residents and their guests.

Subtitle 5. Miscellaneous Regulations

§ 6-507. TRANS FATS.

(A) "FOOD CONTAINING TRANS FAT" DEFINED.

(1) "FOOD CONTAINING TRANS FAT" MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY FOOD THAT:

(I) IS LABELED AS CONTAINING VEGETABLE SHORTENING, MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL;

(II) LISTS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL AS AN INGREDIENT; OR

(III) CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL.

(2) "FOOD CONTAINING TRANS FAT" DOES NOT INCLUDE FOOD WITH A NUTRITION FACTS LABEL OR OTHER DOCUMENTATION FROM THE MANUFACTURER THAT LISTS THE FOOD'S TRANS FAT CONTENT AS LESS THAN 0.5 GRAMS PER SERVING.

(B) PROHIBITED USE, ETC.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOOD CONTAINING TRANS FAT MAY NOT BE STORED, DISTRIBUTED, HELD FOR SERVICE, USED IN PREPARATION OF ANY MENU ITEM, OR SERVED IN ANY FOOD SERVICE FACILITY.

(2) THIS SUBSECTION DOES NOT APPLY TO FOOD THAT IS SERVED DIRECTLY TO PATRONS IN THE ORIGINAL SEALED PACKAGE OF THE MANUFACTURER.

(C) LABELS; DOCUMENTATION.

(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A FOOD SERVICE FACILITY MUST MAINTAIN ON SITE THE ORIGINAL LABEL FOR ANY FOOD:

(A) THAT CONTAINS FATS, OILS, OR SHORTENINGS;

(B) THAT IS REQUIRED BY FEDERAL OR STATE LAW TO HAVE A LABEL WHEN PURCHASED BY A FOOD SERVICE FACILITY; AND

(C) THAT IS STORED, DISTRIBUTED, HELD FOR SERVICE, USED IN PREPARATION OF ANY MENU ITEMS, OR SERVED BY THE FOOD SERVICE FACILITY.

(II) THE HEALTH COMMISSIONER MAY PERMIT A FOOD SERVICE FACILITY TO

SUBMIT ACCEPTABLE DOCUMENTATION FROM THE MANUFACTURER THAT INDICATES WHETHER A FOOD CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL, OR THAT INDICATES A FOOD'S TRANS FAT CONTENT.

(3) IF A FOOD CONTAINS FATS, OILS, OR SHORTENINGS AND IS NOT REQUIRED TO BE LABELED WHEN PURCHASED, THE FOOD SERVICE FACILITY MUST OBTAIN AND MAINTAIN DOCUMENTATION FROM THE MANUFACTURER THAT INDICATE WHETHER THE FOOD CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND OF PARTIALLY HYDROGENATED VEGETABLE OIL, OR THAT INDICATES THE FOOD'S TRANS FAT CONTENT.

(4) THE COMMISSIONER MAY ADOPT RULES OR REGULATIONS THAT GOVERN THE DOCUMENTATION ACCEPTABLE OR REQUIRED UNDER PARAGRAPHS (I)(II) AND (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 1 year after the date it is enacted.

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He/TransFats/aa:me