

**CITY OF BALTIMORE
COUNCIL BILL 08-0119
(First Reader)**

Introduced by: Councilmembers Kraft, D’Adamo, Conaway

Introduced and read first time: May 5, 2008

Assigned to: Public Safety and Health Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Trans Fats – Exemption for Retail Bakeries**

3 FOR the purpose of exempting certain bakeries from the provisions governing food containing
4 trans fat; conforming certain language; providing for a special effective date; and generally
5 relating to the regulation of food containing trans fat.

6 BY repealing and reordaining, with amendments

7 Article - Health

8 Section(s) 6-507

9 Baltimore City Revised Code

10 (Edition 2000)

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

13 **Baltimore City Revised Code**

14 **Article – Health**

15 **§ 6-507. Trans fats prohibited.**

16 (a) *“Food containing trans fat” defined.*

17 (1) “Food containing trans fat” means, except as provided in paragraph (2) of this
18 subsection, any food that:

19 (i) is labeled as containing vegetable shortening, margarine, or any kind of
20 partially hydrogenated vegetable oil;

21 (ii) lists vegetable shortening, margarine, or any kind of partially hydrogenated
22 vegetable oil as an ingredient; or

23 (iii) contains vegetable shortening, margarine, or any kind of partially
24 hydrogenated vegetable oil.
25

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

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1 (2) "Food containing trans fat" does not include food with a nutrition facts label or other
2 documentation from the manufacturer that lists the food's trans fat content as less
3 than 0.5 grams per serving.

4 (B) *EXCEPTIONS.*

5 THIS SECTION DOES NOT APPLY TO:

6 (1) FOOD THAT IS SERVED DIRECTLY TO PATRONS IN THE ORIGINAL SEALED PACKAGE
7 OF THE MANUFACTURER; OR

8 (2) BAKERY PRODUCTS OF AN ESTABLISHMENT THAT:

9 (I) PREPARES THE PRODUCTS AND SELLS THEM EXCLUSIVELY AT RETAIL ON
10 THE SAME PREMISES; OR

11 (II) PREPARES THE PRODUCTS AND SELLS THEM AT NO MORE THAN 3 RETAIL
12 LOCATIONS OPERATED BY THE ESTABLISHMENT WITHIN THE CITY.

13 (C) [(b)] *Prohibited use, etc.*

14 [(1)] Except as provided in [paragraph (2) of this subsection] SUBSECTION (B) OF THIS
15 SECTION, food containing trans fat may not be stored, distributed, held for service, used in
16 preparation of any menu item, or served in any food service facility.

17 [(2)] This subsection does not apply to food that is served directly to patrons in the
18 original sealed package of the manufacturer.]

19 (D) [(c)] *Labels; documentation.*

20 (1) (i) Except as provided in SUBSECTION (B) OF THIS SECTION OR IN subparagraph (ii) of
21 this paragraph, a food service facility must maintain on site the original label for
22 any food:

23 (A) that contains fats, oils, or shortenings;

24 (B) that is required by federal or state law to have a label when purchased by a
25 food service facility; and

26 (C) that is stored, distributed, held for service, used in preparation of any
27 menu items, or served by the food service facility.

28 (ii) The Health Commissioner may permit a food service facility to submit acceptable
29 documentation from the manufacturer that indicates whether a food contains
30 vegetable shortening, margarine, or any kind of partially hydrogenated vegetable
31 oil, or that indicates a food's trans fat content.

32 (3) If a food contains fats, oils, or shortenings and is not required to be labeled when
33 purchased, the food service facility must obtain and maintain documentation from the
34 manufacturer that indicate whether the food contains vegetable shortening,

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1 margarine, or any kind of partially hydrogenated vegetable oil, or that indicates the
2 food’s trans fat content.

3 (4) The Commissioner may adopt rules or regulations that govern the documentation
4 acceptable or required under paragraphs (i)(ii) and (2) of this subsection.

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

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect
9 simultaneously with the taking effect of Ordinance 08-001 {“Food Service Facilities – Trans
10 Fats”}, which enacted City Code Health Article § 6-507 {“Trans fats prohibited”}.