

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0034**

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Introduced by: Councilmember Welch, President Rawlings-Blake, Councilmembers Curran,  
Kraft, Reisinger, Henry, Holton, Cole, Clarke, Conaway, Branch, Middleton, Spector, Young  
Introduced and read first time: January 28, 2008  
Assigned to: Public Safety and Health Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 10, 2008

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**AN ORDINANCE CONCERNING**

**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.

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***

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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1 **§ 6-101. Definitions.**

2 (b) *Food.*

3 (1) *In general.*

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

7 (2) *Inclusions.*

8 “Food” includes:

9 (i) ice;

10 (ii) beverages; and

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

12 (3) *Exclusions.*

13 “Food” does not include any:

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

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

16 (c) *Food service facility.*

17 (1) *In general.*

18 “Food service facility” means any place in which, with or without charge:

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

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

22 (2) *Exclusions.*

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

25 ***Subtitle 5. Miscellaneous Regulations***

26 **§ 6-507. TRANS FATS.**

27 (A) *“FOOD CONTAINING TRANS FAT” DEFINED.*

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

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

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

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

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

12 (B) *PROHIBITED USE, ETC.*

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

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

18 (C) *LABELS; DOCUMENTATION.*

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

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

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

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

26 (II) THE HEALTH COMMISSIONER MAY PERMIT A FOOD SERVICE FACILITY TO SUBMIT  
27 ACCEPTABLE DOCUMENTATION FROM THE MANUFACTURER THAT INDICATES  
28 WHETHER A FOOD CONTAINS VEGETABLE SHORTENING, MARGARINE, OR ANY KIND  
29 OF PARTIALLY HYDROGENATED VEGETABLE OIL, OR THAT INDICATES A FOOD'S  
30 TRANS FAT CONTENT.

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

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1 (4) THE COMMISSIONER MAY ADOPT RULES OR REGULATIONS THAT GOVERN THE  
2 DOCUMENTATION ACCEPTABLE OR REQUIRED UNDER PARAGRAPHS (1)(II) AND (2) OF  
3 THIS SUBSECTION.

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

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect ~~on the 1 year~~  
8 18 months after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Mayor, Baltimore City