

**CITY OF BALTIMORE
COUNCIL BILL 08-0034
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – Trans Fats**

3 FOR the purpose of prohibiting food service facilities from serving, using, storing, distributing,
4 or holding food containing trans fat; defining certain terms; providing certain exceptions;
5 requiring the retention of certain labels or documentation; providing for a special effective
6 date; and generally relating to the prohibition of trans fats in or by a food service facility.

7 BY repealing and reordaining, without amendments

8 Article - Health
9 Section(s) 6-101(b) and (c)
10 Baltimore City Revised Code
11 (Edition 2000)

12 BY adding

13 Article - Health
14 Section(s) 6-507
15 Baltimore City Revised Code
16 (Edition 2000)

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

19 **Baltimore City Revised Code**

20 **Article – Health**

21 **Title 6. Food Service Facilities**

22 ***Subtitle 1. Definitions; General Provisions***

23 **§ 6-101. Definitions.**

24 (b) *Food.*

25 (1) *In general.*

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

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

4 (2) *Inclusions.*

5 “Food” includes:

- 6 (i) ice;
- 7 (ii) beverages; and
- 8 (iii) chewing gum or any substance used as a component of chewing gum.

9 (3) *Exclusions.*

10 “Food” does not include any:

- 11 (i) alcoholic beverage, as defined in State Code Article 2B, § 1-102(a)(2); or
- 12 (ii) drug, as defined in § 21-101(g) of the State Health-General Article.

13 (c) *Food service facility.*

14 (1) *In general.*

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

- 16 (i) food is prepared for sale or service on the premises or elsewhere; or
- 17 (ii) food is manufactured, processed, stored, packaged, handled, distributed, or
18 sold.

19 (2) *Exclusions.*

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

22 ***Subtitle 5. Miscellaneous Regulations***

23 **§ 6-507. TRANS FATS.**

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

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

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

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

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

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

8 (B) *PROHIBITED USE, ETC.*

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

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

14 (C) *LABELS; DOCUMENTATION.*

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

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

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

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

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

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

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

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

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