



Legislation Text

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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 Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Trans Fats - Exemption for Retail Bakeries

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

BY repealing and reordaining, with amendments

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

§ 6-507. Trans fats prohibited.

- (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) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO:

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

(2) BAKERY PRODUCTS OF AN ESTABLISHMENT THAT:

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

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

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

[(1)] Except as provided in [paragraph (2) of this subsection] SUBSECTION (B) OF THIS SECTION, 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.]

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

(1) (i) Except as provided in SUBSECTION (B) OF THIS SECTION OR 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 simultaneously with the taking effect of Ordinance 08-001 {"Food Service Facilities - Trans Fats"}, which enacted City Code Health Article § 6-507 {"Trans fats prohibited"}.

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