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HOUSE BILL NO. 2710
Offered January 16, 2025

A *BILL* to amend the Code of Virginia by adding a section numbered 3.2-5124.1, relating to uniform labeling requirements for certain food packaging.

Patron—Lopez

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-5124.1 as follows:

§ 3.2-5124.1. Uniform labeling requirements for certain food products.

A. As used in this section:

"Quality date" means a date on a label affixed to the packaging or container of food that communicates to consumers the date after which the food quality may begin to deteriorate but the food may still be acceptable for consumption.

"Safety date" means a date on a label affixed to the packaging or container of food that communicates to consumers that the food should be consumed or frozen, if appropriate, by the date listed on the packaging or container that applies to perishable products with potential safety implications over time.

"Sell-by date" means a date on a label affixed to the packaging or container of the food product that is intended to communicate primarily to a distributor or retail establishment when to rotate the stock of such food product. "Sell-by date" does not include a code that consists of a series of letters or numbers applied by the manufacturers to identify the date and time of production of the food.

B. No person shall sell or offer for sale a food product, manufactured on or after July 1, 2026, with a sell-by date label affixed to the packaging of such food product. Any person that sells or offers for sale a food product that is manufactured on or after July 1, 2026, shall affix a label to communicate a quality date or safety date on the outside packaging of such food product that states in clear, legible, and conspicuous form the following uniform terms:

1. "Best if Used by" or "Best if Used or Frozen by" to indicate the quality date of such food product, or the abbreviated term "BB" if the packaging of the food product is too small to include the phrase; or

2. "Use by" or "Use by or Freeze by" to indicate the safety date of such food item, or the abbreviated term "UB" if the packaging of the food product is too small to include the phrase.

C. Notwithstanding the provisions of subsection B, (i) a retail establishment may display a label with the phrase "Packed on" on a prepared food product and may sell or offer for sale such food product with that label if such prepared food product also displays a quality date or safety date consistent with this section and (ii) a person may display wine or spirits, as those terms are defined in § 4.1-100, bottled or packaged on or after July 1, 2026, with a label that has a statement that communicates the date on which the wine or spirit was produced, manufactured, bottled, or packaged. For purposes of this subsection, "prepared food product" means a food item for human consumption prepared or repackaged on a retail establishment's premises using any cooking or food preparation technique.

D. The provisions of this section shall not apply to (i) infant formula, as defined in § 54.1-4300; (ii) eggs or pasteurized in-shell eggs; (iii) beer, as defined in § 4.1-100, or other malt beverages; (iv) shellfish that is governed under the labeling requirements of the U.S. Food and Drug Administration's National Shellfish Sanitation Program that are in conflict with this section; and (v) any food that is required by law or regulation to bear a label indicating a date or time period by which such food product must be consumed, sold, or discarded.

E. Nothing in this section shall be construed to require the use or display of a quality date or safety date on a food product that is not otherwise required to have a quality date or safety date or discourage the sale, donation, or use of a food product after the expiration of such food product's quality date. However, if a person voluntarily displays a quality date or safety date on a food product, such person shall comply with the requirements of this section.

2. That the provisions of this act shall become effective on July 1, 2026.

INTRODUCED

HB2710