

HB0196/273825/1

BY: Health Committee

AMENDMENTS TO HOUSE BILL 196

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Taveras**” and substitute “**Delegates Taveras, Alston, Bagnall, Cullison, Guzzone, Hill, Hutchinson, Kaufman, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Ross, Szeliga, White Holland, and Woorman**”; and in line 2, strike “– **Definition of Baby Food**” and substitute “**and Labeling – Requirements**”.

AMENDMENT NO. 2

On page 1, strike beginning with “include,” in line 4 down through “to” in line 5; in line 5, after “cereal,” insert “altering the defined term “toxic heavy metal” to be “toxic element” for purposes of certain provisions of law governing baby food testing; authorizing a person to sell, distribute, or offer for sale infant cereal manufactured before a certain date; requiring a manufacturer of baby food to make certain information about baby food publicly available without requiring that certain information be provided; requiring certain information to be included on certain baby food product labels on or before certain dates; requiring manufacturers of baby food to include a certain statement on a certain page of an Internet website where baby food is sold; requiring manufacturers of baby food to retain certificates of analysis for at least a certain period of time;”; and in line 5, after “testing” insert “and labeling”.

AMENDMENT NO. 3

On page 1, in line 18, strike the colon; strike in their entirety lines 19 and 20 and substitute “INFANT CEREAL.”

(III) “BABY FOOD” DOES NOT INCLUDE INFANT FORMULA, AS DEFINED IN 21 U.S.C. § 321(Z).

(3) “CERTIFICATE OF ANALYSIS” MEANS A WRITTEN REPORT, WHICH MAY BE IN ELECTRONIC FORM, ISSUED BY A LABORATORY ACCREDITED UNDER THE STANDARDS OF THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION THAT IDENTIFIES:

(I) THE PRODUCTION LOT TESTED;

(II) THE ANALYTICAL METHODS USED; AND

(III) THE MEASURED CONCENTRATION OF EACH REGULATED ELEMENT IN PARTS PER BILLION.

(4) (I) “INFANT CEREAL” MEANS A CEREAL-BASED FOOD PRODUCT THAT IS:

1. SPECIFICALLY MANUFACTURED FOR CONSUMPTION BY CHILDREN UNDER THE AGE OF 12 MONTHS;

2. LABELED, MARKETED, OR OTHERWISE REPRESENTED AS SUITABLE FOR INFANT FEEDING, INCLUDING THROUGH PACKAGING, ADVERTISING, OR INSTRUCTIONS INDICATING USE FOR INFANTS; AND

3. TYPICALLY PREPARED BY MIXING WITH BREAST MILK, INFANT FORMULA, OR WATER TO FORM A SOFT OR SEMI-LIQUID CONSISTENCY APPROPRIATE FOR INFANTS.

(II) “INFANT CEREAL” INCLUDES RICE CEREAL, OAT CEREAL, MULTIGRAIN CEREAL, OR OTHER GRAIN-BASED CEREALS MARKETED FOR INFANTS UNDER THE AGE OF 12 MONTHS.

(III) “INFANT CEREAL” DOES NOT INCLUDE GRAIN-BASED BREAKFAST CEREALS INTENDED FOR CONSUMPTION BY CHILDREN AT LEAST 12 MONTHS OLD OR BY ADULTS.”.

On page 2, in lines 1, 3, 6, 15, 17, and 20, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, and “**(10)**”, respectively; in line 11, strike the second “and”; in line 14, after “two” insert “**; AND**”

(IV) IS CAPABLE OF PERFORMING VALIDATED TRACE-ELEMENT ANALYTICAL TESTING”;

in line 20, strike “heavy metal” and substitute “**ELEMENT**”; in line 23, strike “heavy metals” and substitute “**ELEMENTS**”; in line 25, strike “baby food” and substitute “**INFANT CEREAL**”; in line 26, strike “January 1, 2026” and substitute “**APRIL 1, 2028**”; and in line 29, strike “heavy metal” and substitute “**ELEMENT**”.

On page 3, in line 7, strike “Beginning January 1, 2026, each” and substitute “**EACH**”; in line 8, strike “Make” and substitute “**BEGINNING JANUARY 1, 2026, MAKE THE FOLLOWING INFORMATION**”; in line 9, after “State” insert “**WITHOUT REQUIRING THE PROVISION OF A UPC NUMBER, A LOT NUMBER, OR A PROOF OF PURCHASE**”; in lines 10, 19, and 30, in each instance, strike “heavy metal” and substitute “**ELEMENT**”; in lines 18 and 33, in each instance, strike “heavy metals” and substitute “**ELEMENTS**”; in line 18, strike “and”; in line 30, after “children” insert “**;**”

(3) INCLUDE THE INFORMATION REQUIRED UNDER ITEM (2) OF THIS SUBSECTION:

(I) FOR BABY FOOD THAT IS NOT INFANT CEREAL, BEGINNING JANUARY 1, 2026; AND

(II) FOR INFANT CEREAL, BEGINNING JANUARY 1, 2028;

(4) IF THE BABY FOOD IS SOLD ONLINE OR DIRECTLY TO CONSUMERS IN THE STATE AND SHIPPED TO CONSUMERS IN THE STATE ON OR AFTER JANUARY 1, 2027, INCLUDE ON THE PRODUCT DETAILS PAGE OF EACH INTERNET WEBSITE WHERE THE BABY FOOD IS SOLD THE FOLLOWING STATEMENT: “FOR INFORMATION ABOUT TOXIC ELEMENT TESTING ON THIS PRODUCT, VISIT (INSERT THE LINK TO THE PAGE ON WHICH THE INFORMATION REQUIRED UNDER ITEM (1) OF THIS SUBSECTION IS POSTED)”; AND

(5) BEGINNING APRIL 1, 2028, RETAIN EACH CERTIFICATE OF ANALYSIS FOR BABY FOOD TESTED UNDER THIS SECTION FOR AT LEAST 5 YEARS”;

and in line 32, strike “(e)(2)” and substitute “(E)(2)(II)”.