

# HOUSE BILL 196

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(PRE-FILED)

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By: **Delegate Taveras**

Requested: October 15, 2025

Introduced and read first time: January 14, 2026

Assigned to: Health

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Baby Food Testing – Definition of Baby Food**

3 FOR the purpose of altering the definition of “baby food” for purposes of certain provisions  
4 of law governing baby food testing to include, rather than exclude, infant formula  
5 and to include infant cereal; and generally relating to baby food testing.

6 BY repealing and reenacting, with amendments,

7 Article – Health – General

8 Section 21–330.4

9 Annotated Code of Maryland

10 (2023 Replacement Volume and 2025 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

13 **Article – Health – General**

14 21–330.4.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) (i) “Baby food” means food packaged in a jar, pouch, tub, or box sold  
17 specifically for babies and children under the age of 2 years.

18 (ii) “Baby food” [does not include infant] **INCLUDES:**

19 **1. INFANT formula, as defined in 21 U.S.C. § 321(z); AND**

20 **2. INFANT CEREAL, AS DEFINED IN 7 C.F.R. § 220.2.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) “Manufacturer” includes a food manufacturer, food processor, and food  
2 packer.

3 (4) “Production aggregate” means a quantity of product that is intended to  
4 have uniform composition, character, and quality and is produced according to a master  
5 manufacturing order.

6 (5) “Proficient laboratory” means a laboratory that:

7 (i) Is accredited under the standards of the International  
8 Organization for Standardization/International Electrotechnical Commission 17025:2017;

9 (ii) Uses an analytical method at least as sensitive as the analytical  
10 method described in Section 4.7 of the U.S. Food and Drug Administration Elemental  
11 Analysis Manual for Food and Related Products; and

12 (iii) Demonstrates proficiency in quantifying each toxic element to at  
13 least 6 micrograms of the toxic element to kilogram of food through an independent  
14 proficiency test by achieving a z-score that is less than or equal to plus or minus two.

15 (6) “QR code” means a machine-readable code, consisting of an array of  
16 squares, used for storing an Internet website in order to access a webpage.

17 (7) “Representative sample” means a sample that consists of a number of  
18 units that are drawn based on rational criteria, such as random sampling, and intended to  
19 ensure that the sample accurately portrays the material being sampled.

20 (8) “Toxic heavy metal” means arsenic, cadmium, lead, or mercury.

21 (b) (1) Except as provided in paragraph (2) of this subsection, on or after  
22 January 1, 2025, a person may not sell, distribute, or offer for sale baby food in the State  
23 that contains toxic heavy metals that exceed the limits established by the U.S. Food and  
24 Drug Administration.

25 (2) A person may sell, distribute, or offer for sale baby food manufactured  
26 before January 1, 2026.

27 (c) (1) Beginning January 1, 2025, each manufacturer of baby food shall test  
28 a representative sample of each production aggregate of the manufacturer’s final baby food  
29 product for each toxic heavy metal.

30 (2) The testing required under paragraph (1) of this subsection shall be  
31 conducted by a proficient laboratory at least once per month.

1 (3) A manufacturer may test the final baby food product in accordance with  
2 paragraph (1) of this subsection before packaging individual units of baby food for sale or  
3 distribution.

4 (d) On the request of the Department, a manufacturer of baby food shall provide  
5 the results of the testing conducted under subsection (c) of this section to an authorized  
6 agent of the Department.

7 (e) Beginning January 1, 2026, each manufacturer of baby food shall:

8 (1) Make publicly available on the manufacturer's website for each baby  
9 food product sold, manufactured, delivered, held, or offered for sale in the State:

10 (i) The name and level of each toxic heavy metal present in the final  
11 baby food product as determined by the testing conducted under subsection (c) of this  
12 section;

13 (ii) Sufficient information, such as the product name, universal  
14 product code, or lot or batch number, to enable consumers to identify the final baby food  
15 product; and

16 (iii) A link to the U.S. Food and Drug Administration's website that  
17 includes the most recent U.S. Food and Drug Administration guidance and information  
18 about the health effects of the toxic heavy metals on children; and

19 (2) If the baby food is tested for a toxic heavy metal subject to an action  
20 level, regulatory limit, or tolerance established by the U.S. Food and Drug Administration  
21 under 21 C.F.R. § 109, include on the baby food product label:

22 (i) The following statement: "For information about toxic element  
23 testing on this product, scan the QR code."; and

24 (ii) A QR code or other machine-readable code that allows  
25 consumers to access on the manufacturer's website or the baby food product information  
26 page:

27 1. The test results for the toxic heavy metals; and

28 2. A link to the webpage on the U.S. Food and Drug  
29 Administration website that includes the most recent guidance and information about the  
30 health effects of the toxic heavy metal on children.

31 (f) If a consumer believes, based on information gathered through the use of the  
32 code included on the baby food product label under subsection (e)(2) of this section, that  
33 baby food is being sold in the State with toxic heavy metals that exceed limits established  
34 by the U.S. Food and Drug Administration, the consumer shall report the baby food to the  
35 Department.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2026.