



SB0723/253328/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

26 FEB 24
20:17:47

BY: Senator Benson
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

“(Rudy’s Law)”;

and in line 8, after “label;” insert “requiring a consumer to report baby food to the Maryland Department of Health if the consumer believes, based on certain information, that the baby food is being sold in the State with toxic heavy metals that exceed limits established by the U.S. Food and Drug Administration;”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR AFTER JANUARY 1, 2025, A PERSON MAY NOT SELL, DISTRIBUTE, OR OFFER FOR SALE BABY FOOD IN THE STATE THAT CONTAINS TOXIC HEAVY METALS THAT EXCEED THE LIMITS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION.

(2) A PERSON MAY SELL, DISTRIBUTE, OR OFFER FOR SALE BABY FOOD MANUFACTURED BEFORE JANUARY 1, 2024, IF THE BABY FOOD PRODUCT IS WAREHOUSED AND UNSOLD AS OF JANUARY 1, 2025.”;

in lines 9, 16, and 20, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 10, strike “A SAMPLE OF”; in lines 18 and 25, in

each instance, strike “(B)” and substitute “(C)”; in line 22, after “WEBSITE” insert “FOR EACH BABY FOOD PRODUCT SOLD, MANUFACTURED, DELIVERED, HELD, OR OFFERED FOR SALE IN THE STATE”; in line 25, strike “AND”; after line 25, insert:

“(II) SUFFICIENT INFORMATION, SUCH AS THE PRODUCT NAME, UNIVERSAL PRODUCT CODE, OR LOT OR BATCH NUMBER, TO ENABLE CONSUMERS TO IDENTIFY THE FINAL BABY FOOD PRODUCT; AND”;

in line 26, strike “(II)” and substitute “(III)”; in line 30, strike “INCLUDE” and substitute “IF THE BABY FOOD IS TESTED FOR A TOXIC HEAVY METAL SUBJECT TO AN ACTION LEVEL, REGULATORY LIMIT, OR TOLERANCE ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION UNDER 21 C.F.R. § 109, INCLUDE”; and in the same line, after “LABEL” insert “:

(I) THE FOLLOWING STATEMENT: “FOR INFORMATION ABOUT TOXIC HEAVY METAL TESTING ON THIS PRODUCT, SCAN THE QUICK RESPONSE (QR) CODE.”; AND

(II) A QR CODE OR OTHER MACHINE-READABLE CODE THAT ALLOWS CONSUMERS TO ACCESS ON THE MANUFACTURER’S WEBSITE”;

in line 31, strike “(I)” and substitute “1.”; and in the same line, strike “OR” and substitute “AND”.

On page 3, in line 1, strike “(II)” and substitute “2.”; strike beginning with “QR” in line 1 down through “METALS” in line 3 and substitute “LINK TO THE WEBPAGE ON THE U.S. FOOD AND DRUG ADMINISTRATION WEBSITE THAT INCLUDES THE MOST RECENT GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF THE TOXIC HEAVY METAL ON CHILDREN”;

and after line 3, insert:

“(F) (1) IF A CONSUMER BELIEVES, BASED ON INFORMATION GATHERED THROUGH THE USE OF THE CODE INCLUDED ON THE BABY FOOD PRODUCT LABEL UNDER SUBSECTION (E)(2) OF THIS SECTION, THAT BABY FOOD IS BEING SOLD IN THE STATE WITH TOXIC HEAVY METALS THAT EXCEED LIMITS ESTABLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION, THE CONSUMER SHALL REPORT THE BABY FOOD TO THE DEPARTMENT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE DEPARTMENT DETERMINES THAT A MANUFACTURER HAS VIOLATED SUBSECTION (B) OF THIS SECTION BASED ON A REPORT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 PER VIOLATION.

(II) IF A MANUFACTURER HAS KNOWINGLY AND WILLFULLY VIOLATED SUBSECTION (B) OF THIS SECTION, THE MANUFACTURER IS SUBJECT TO A FINE NOT EXCEEDING \$50,000 PER VIOLATION.”.