



SB0723/903621/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

26 FEB 24
16:57:22

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 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 “A QR CODE OR OTHER MACHINE-READABLE CODE THAT LINKS TO A PAGE ON THE MANUFACTURER’S WEBSITE THAT CONTAINS”; and in line 31, strike “OR” and substitute “AND”.

On page 3, strike beginning with “QR” in line 1 down through “METALS” in line 3 and substitute “LINK TO THE WEBPAGE ON THE DEPARTMENT’S WEBSITE THAT INCLUDES A FACT SHEET REGARDING TOXIC HEAVY METALS IN BABY FOOD WITH 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) (1) 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.”.