



March 25, 2024

Delegate Joseline A. Pena-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241 House Office Building  
Annapolis, MD 21401

**RE: HB97/SB723 - Favorable**

Dear Chair Pena-Melnyk:

The Infant Nutrition Council of America (INCA) is an association of U.S. manufacturers of infant formulas and toddler milks. For more than 100 years, our industry has supported optimal infant health by providing safe, high-quality infant nutrition, supporting families in their feeding decisions, and educating stakeholders on appropriate infant feeding options. For infants not receiving breast milk, infant formula is the only safe and recommended nourishment that promotes healthy growth and development based on current and robust nutrition science. INCA members recognize their special obligation to provide products that are both safe and nutritious, and which can be used with utmost confidence.

We're writing today regarding your committee's consideration of HB 97/SB 723. We recognize and appreciate that this legislation, as drafted, does not cover infant formula, consistent with other new laws in states like California. As you know, infant formula is uniquely the most highly regulated food in the U.S. food supply. INCA members take their commitment to delivering safe infant formulas to the most vulnerable population very seriously.

Given your goal of harmonizing your legislation with other states like California, I wanted to share with you the language included in California's new law signed by Governor Newsom in October 2023, that provides for specific clarity regarding infant formula.

**CA AB899 Language:**

**(1) "Baby food" means food packaged in jars, pouches, tubs, and boxes represented or purported to be specifically for babies and young children less than two years of age. "Baby food" does not include infant formula, as defined in Section 321(z) of Title 21 of the United States Code.**

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "C. Felner", is written in a cursive style.

Craig Felner  
Government Affairs Director  
Infant Nutrition Council of America