

HB0097/843826/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 97
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pasteur” and substitute “, Pasteur, Pena–Melnyk, Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Szeliga, White Holland, and Woods”; 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 2, insert:

“(4) “PRODUCTION AGGREGATE” MEANS A QUANTITY OF PRODUCT THAT IS INTENDED TO HAVE UNIFORM COMPOSITION, CHARACTER, AND QUALITY AND IS PRODUCED ACCORDING TO A MASTER MANUFACTURING ORDER.”;

in line 3 and 6, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively; after line 8, insert:

“(7) “REPRESENTATIVE SAMPLE” MEANS A SAMPLE THAT CONSISTS OF A NUMBER OF UNITS THAT ARE DRAWN BASED ON RATIONAL

HB0097/843826/01 Health and Government Operations Committee
Amendments to HB 97
Page 2 of 3

CRITERIA, SUCH AS RANDOM SAMPLING, AND INTENDED TO ENSURE THAT THE SAMPLE ACCURATELY PORTRAYS THE MATERIAL BEING SAMPLED.”;

in line 9, strike “(6)” and substitute “(8)”; after line 10, 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, 2026.”;

in lines 11, 18, and 22, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 12, after “A” insert “REPRESENTATIVE”; in the same line, after “OF” insert “EACH PRODUCTION AGGREGATE OF”; strike beginning with “BEFORE” in line 13 down through “STATE” in line 14; after line 17, insert:

“(3) A MANUFACTURER MAY TEST THE FINAL BABY FOOD PRODUCT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION BEFORE PACKAGING INDIVIDUAL UNITS OF BABY FOOD FOR SALE OR DISTRIBUTION.”;

in lines 20 and 27, in each instance, strike “(B)” and substitute “(C)”; in line 24, after “WEBSITE” insert “FOR EACH BABY FOOD PRODUCT SOLD, MANUFACTURED, DELIVERED, HELD, OR OFFERED FOR SALE IN THE STATE”; in line 27, strike “AND”; after line 27, 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”;

HB0097/843826/01 Health and Government Operations Committee
Amendments to HB 97
Page 3 of 3

in line 28, strike “(II)” and substitute “(III)”; in line 32, 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 OR THE BABY FOOD PRODUCT INFORMATION PAGE”.

On page 3, in lines 1 and 2, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 1, strike “OR” and substitute “AND”; strike beginning with “QR” in line 2 down through “METALS” in line 4 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 4, 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.”.