

SENATE BILL 723

J1

4lr2840
CF HB 97

By: **Senator Benson**

Introduced and read first time: January 31, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baby Food – Toxic Heavy Metals – Testing and Labeling**

3 FOR the purpose of requiring, beginning on a certain date, manufacturers of baby food to
4 conduct certain testing on baby food for toxic heavy metals before packaging
5 individual units of baby food for sale or distribution in the State; requiring, beginning
6 on a certain date, manufacturers of baby food to include certain information related
7 to toxic heavy metals on the manufacturer’s website and on the baby food product
8 label; and generally relating to baby food and toxic heavy metals.

9 BY adding to

10 Article – Health – General
11 Section 21–330.4
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

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

16 **Article – Health – General**

17 **21–330.4.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “BABY FOOD” MEANS FOOD PACKAGED IN A JAR, POUCH, TUB, OR
21 BOX SOLD SPECIFICALLY FOR BABIES AND CHILDREN UNDER THE AGE OF 2 YEARS.

22 (3) “MANUFACTURER” INCLUDES A FOOD MANUFACTURER, FOOD
23 PROCESSOR, AND FOOD PACKER.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) “PROFICIENT LABORATORY” MEANS A LABORATORY ACCREDITED
2 UNDER THE STANDARDS OF THE INTERNATIONAL ORGANIZATION FOR
3 STANDARDIZATION.

4 (5) “QR CODE” MEANS A MACHINE-READABLE CODE, CONSISTING OF
5 AN ARRAY OF SQUARES, USED FOR STORING AN INTERNET WEBSITE IN ORDER TO
6 ACCESS A WEBPAGE.

7 (6) “TOXIC HEAVY METAL” MEANS ARSENIC, CADMIUM, LEAD, OR
8 MERCURY.

9 (B) (1) BEGINNING JANUARY 1, 2025, EACH MANUFACTURER OF BABY
10 FOOD SHALL TEST A SAMPLE OF THE MANUFACTURER’S FINAL BABY FOOD PRODUCT
11 FOR EACH TOXIC HEAVY METAL BEFORE PACKAGING INDIVIDUAL UNITS OF BABY
12 FOOD FOR SALE OR DISTRIBUTION IN THE STATE.

13 (2) THE TESTING REQUIRED UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL BE CONDUCTED BY A PROFICIENT LABORATORY AT LEAST ONCE
15 PER MONTH.

16 (C) ON THE REQUEST OF THE DEPARTMENT, A MANUFACTURER OF BABY
17 FOOD SHALL PROVIDE THE RESULTS OF THE TESTING CONDUCTED UNDER
18 SUBSECTION (B) OF THIS SECTION TO AN AUTHORIZED AGENT OF THE
19 DEPARTMENT.

20 (D) BEGINNING JANUARY 1, 2026, EACH MANUFACTURER OF BABY FOOD
21 SHALL:

22 (1) MAKE PUBLICLY AVAILABLE ON THE MANUFACTURER’S WEBSITE:

23 (I) THE NAME AND LEVEL OF EACH TOXIC HEAVY METAL
24 PRESENT IN THE FINAL BABY FOOD PRODUCT AS DETERMINED BY THE TESTING
25 CONDUCTED UNDER SUBSECTION (B) OF THIS SECTION; AND

26 (II) A LINK TO THE U.S. FOOD AND DRUG ADMINISTRATION’S
27 WEBSITE THAT INCLUDES THE MOST RECENT U.S. FOOD AND DRUG
28 ADMINISTRATION GUIDANCE AND INFORMATION ABOUT THE HEALTH EFFECTS OF
29 THE TOXIC HEAVY METALS ON CHILDREN; AND

30 (2) INCLUDE ON THE BABY FOOD PRODUCT LABEL:

31 (I) THE TEST RESULTS FOR THE TOXIC HEAVY METALS; OR

1 **(II) A QR CODE OR OTHER MACHINE-READABLE CODE THAT**
2 **LINKS TO A PAGE ON THE MANUFACTURER'S WEBSITE CONTAINING THE TEST**
3 **RESULTS FOR THE TOXIC HEAVY METALS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.