

HOUSE BILL 196

J1

(PRE-FILED)

6lr1210
CF SB 570

By: ~~Delegate Taveras~~ Delegates Taveras, Alston, Bagnall, Cullison, Guzzone, Hill, Hutchinson, Kaufman, Kipke, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, Ross, Szeliga, White Holland, and Woorman

Requested: October 15, 2025

Introduced and read first time: January 14, 2026

Assigned to: Health

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2026

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Baby Food Testing – ~~Definition of Baby Food~~ and Labeling –**
3 **Requirements**

4 FOR the purpose of altering the definition of “baby food” for purposes of certain provisions
5 of law governing baby food testing to ~~include, rather than exclude, infant formula~~
6 ~~and to include infant cereal; altering the defined term “toxic heavy metal” to be “toxic~~
7 ~~element” for purposes of certain provisions of law governing baby food testing;~~
8 ~~authorizing a person to sell, distribute, or offer for sale infant cereal manufactured~~
9 ~~before a certain date; requiring a manufacturer of baby food to make certain~~
10 ~~information about baby food publicly available without requiring that certain~~
11 ~~information be provided; requiring certain information to be included on certain baby~~
12 ~~food product labels on or before certain dates; requiring manufacturers of baby food~~
13 ~~to include a certain statement on a certain page of an Internet website where baby~~
14 ~~food is sold; requiring manufacturers of baby food to retain certificates of analysis~~
15 ~~for at least a certain period of time; and generally relating to baby food testing and~~
16 ~~labeling.~~

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 21–330.4
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 21–330.4.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) (i) “Baby food” means food packaged in a jar, pouch, tub, or box sold
7 specifically for babies and children under the age of 2 years.

8 (ii) “Baby food” [does not include infant] **INCLUDES:**

9 ~~1. INFANT formula, as defined in 21 U.S.C. § 321(z); AND~~

10 ~~2. INFANT CEREAL, AS DEFINED IN 7 C.F.R. § 220.2.~~
11 INFANT CEREAL.

12 (III) “BABY FOOD” DOES NOT INCLUDE INFANT FORMULA, AS
13 DEFINED IN 21 U.S.C. § 321(Z).

14 (3) “CERTIFICATE OF ANALYSIS” MEANS A WRITTEN REPORT, WHICH
15 MAY BE IN ELECTRONIC FORM, ISSUED BY A LABORATORY ACCREDITED UNDER THE
16 STANDARDS OF THE INTERNATIONAL ORGANIZATION FOR
17 STANDARDIZATION/INTERNATIONAL ELECTROTECHNICAL COMMISSION THAT
18 IDENTIFIES:

19 (I) THE PRODUCTION LOT TESTED;

20 (II) THE ANALYTICAL METHODS USED; AND

21 (III) THE MEASURED CONCENTRATION OF EACH REGULATED
22 ELEMENT IN PARTS PER BILLION.

23 (4) (I) “INFANT CEREAL” MEANS A CEREAL–BASED FOOD
24 PRODUCT THAT IS:

25 1. SPECIFICALLY MANUFACTURED FOR CONSUMPTION
26 BY CHILDREN UNDER THE AGE OF 12 MONTHS;

1 **2. LABELED, MARKETED, OR OTHERWISE REPRESENTED**
2 **AS SUITABLE FOR INFANT FEEDING, INCLUDING THROUGH PACKAGING,**
3 **ADVERTISING, OR INSTRUCTIONS INDICATING USE FOR INFANTS; AND**

4 **3. TYPICALLY PREPARED BY MIXING WITH BREAST**
5 **MILK, INFANT FORMULA, OR WATER TO FORM A SOFT OR SEMI-LIQUID CONSISTENCY**
6 **APPROPRIATE FOR INFANTS.**

7 **(II) “INFANT CEREAL” INCLUDES RICE CEREAL, OAT CEREAL,**
8 **MULTIGRAIN CEREAL, OR OTHER GRAIN-BASED CEREALS MARKETED FOR INFANTS**
9 **UNDER THE AGE OF 12 MONTHS.**

10 **(III) “INFANT CEREAL” DOES NOT INCLUDE GRAIN-BASED**
11 **BREAKFAST CEREALS INTENDED FOR CONSUMPTION BY CHILDREN AT LEAST 12**
12 **MONTHS OLD OR BY ADULTS.**

13 ~~(3)~~ **(5)** “Manufacturer” includes a food manufacturer, food processor,
14 and food packer.

15 ~~(4)~~ **(6)** “Production aggregate” means a quantity of product that is
16 intended to have uniform composition, character, and quality and is produced according to
17 a master manufacturing order.

18 ~~(5)~~ **(7)** “Proficient laboratory” means a laboratory that:

19 (i) Is accredited under the standards of the International
20 Organization for Standardization/International Electrotechnical Commission 17025:2017;

21 (ii) Uses an analytical method at least as sensitive as the analytical
22 method described in Section 4.7 of the U.S. Food and Drug Administration Elemental
23 Analysis Manual for Food and Related Products; ~~and~~

24 (iii) Demonstrates proficiency in quantifying each toxic element to at
25 least 6 micrograms of the toxic element to kilogram of food through an independent
26 proficiency test by achieving a z-score that is less than or equal to plus or minus two; **AND**

27 **(IV) IS CAPABLE OF PERFORMING VALIDATED TRACE-ELEMENT**
28 **ANALYTICAL TESTING.**

29 ~~(6)~~ **(8)** “QR code” means a machine-readable code, consisting of an
30 array of squares, used for storing an Internet website in order to access a webpage.

31 ~~(7)~~ **(9)** “Representative sample” means a sample that consists of a
32 number of units that are drawn based on rational criteria, such as random sampling, and
33 intended to ensure that the sample accurately portrays the material being sampled.

1 ~~(8)~~ **(10)** “~~Toxic heavy metal~~ **ELEMENT**” means arsenic, cadmium, lead, or
2 mercury.

3 (b) (1) Except as provided in paragraph (2) of this subsection, on or after
4 January 1, 2025, a person may not sell, distribute, or offer for sale baby food in the State
5 that contains toxic ~~heavy metals~~ **ELEMENTS** that exceed the limits established by the U.S.
6 Food and Drug Administration.

7 (2) A person may sell, distribute, or offer for sale ~~baby food~~ **INFANT**
8 **CEREAL** manufactured before ~~January 1, 2026~~ **APRIL 1, 2028**.

9 (c) (1) Beginning January 1, 2025, each manufacturer of baby food shall test
10 a representative sample of each production aggregate of the manufacturer’s final baby food
11 product for each toxic ~~heavy metal~~ **ELEMENT**.

12 (2) The testing required under paragraph (1) of this subsection shall be
13 conducted by a proficient laboratory at least once per month.

14 (3) A manufacturer may test the final baby food product in accordance with
15 paragraph (1) of this subsection before packaging individual units of baby food for sale or
16 distribution.

17 (d) On the request of the Department, a manufacturer of baby food shall provide
18 the results of the testing conducted under subsection (c) of this section to an authorized
19 agent of the Department.

20 (e) ~~Beginning January 1, 2026, each~~ **EACH** manufacturer of baby food shall:

21 (1) ~~Make~~ **BEGINNING JANUARY 1, 2026, MAKE THE FOLLOWING**
22 **INFORMATION** publicly available on the manufacturer’s website for each baby food product
23 sold, manufactured, delivered, held, or offered for sale in the State **WITHOUT REQUIRING**
24 **THE PROVISION OF A UPC NUMBER, A LOT NUMBER, OR A PROOF OF PURCHASE:**

25 (i) The name and level of each toxic ~~heavy metal~~ **ELEMENT** present
26 in the final baby food product as determined by the testing conducted under subsection (c)
27 of this section;

28 (ii) Sufficient information, such as the product name, universal
29 product code, or lot or batch number, to enable consumers to identify the final baby food
30 product; and

31 (iii) A link to the U.S. Food and Drug Administration’s website that
32 includes the most recent U.S. Food and Drug Administration guidance and information
33 about the health effects of the toxic ~~heavy metals~~ **ELEMENTS** on children; ~~and~~

1 (2) If the baby food is tested for a toxic ~~heavy-metal~~ **ELEMENT** subject to
 2 an action level, regulatory limit, or tolerance established by the U.S. Food and Drug
 3 Administration under 21 C.F.R. § 109, include on the baby food product label:

4 (i) The following statement: “For information about toxic element
 5 testing on this product, scan the QR code.”; and

6 (ii) A QR code or other machine-readable code that allows
 7 consumers to access on the manufacturer’s website or the baby food product information
 8 page:

9 1. The test results for the toxic heavy metals; and

10 2. A link to the webpage on the U.S. Food and Drug
 11 Administration website that includes the most recent guidance and information about the
 12 health effects of the toxic ~~heavy-metal~~ **ELEMENT** on children;

13 **(3) INCLUDE THE INFORMATION REQUIRED UNDER ITEM (2) OF THIS**
 14 **SUBSECTION:**

15 **(I) FOR BABY FOOD THAT IS NOT INFANT CEREAL, BEGINNING**
 16 **JANUARY 1, 2026; AND**

17 **(II) FOR INFANT CEREAL, BEGINNING JANUARY 1, 2028;**

18 **(4) IF THE BABY FOOD IS SOLD ONLINE OR DIRECTLY TO CONSUMERS**
 19 **IN THE STATE AND SHIPPED TO CONSUMERS IN THE STATE ON OR AFTER JANUARY**
 20 **1, 2027, INCLUDE ON THE PRODUCT DETAILS PAGE OF EACH INTERNET WEBSITE**
 21 **WHERE THE BABY FOOD IS SOLD THE FOLLOWING STATEMENT: “FOR INFORMATION**
 22 **ABOUT TOXIC ELEMENT TESTING ON THIS PRODUCT, VISIT (INSERT THE LINK TO THE**
 23 **PAGE ON WHICH THE INFORMATION REQUIRED UNDER ITEM (1) OF THIS**
 24 **SUBSECTION IS POSTED)”;** AND

25 **(5) BEGINNING APRIL 1, 2028, RETAIN EACH CERTIFICATE OF**
 26 **ANALYSIS FOR BABY FOOD TESTED UNDER THIS SECTION FOR AT LEAST 5 YEARS.**

27 (f) If a consumer believes, based on information gathered through the use of the
 28 code included on the baby food product label under subsection ~~(e)(2)~~ **(E)(2)(II)** of this
 29 section, that baby food is being sold in the State with toxic ~~heavy-metals~~ **ELEMENTS** that
 30 exceed limits established by the U.S. Food and Drug Administration, the consumer shall
 31 report the baby food to the Department.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2026.