

HB 1208 / FAVORABLE with AMENDMENT

Chair Pena-Melnyk, Vice Chair Cullison, and Members of the HGO Committee-

Thank you very much for your time. I'm sending in testimony today in strong support of HB 1208 and with three amendment suggestions that I think would make this bill even more beneficial to Maryland consumers and families. I'm thankful that Delegate Alston identified the importance of this issue and the need for action with this bill.

As a family that avoids artificial food dyes, we've learned to read ingredients list closely and prioritize where we can. It really is astonishing how many products these dyes are in, often completely unexpectedly. As an example, many commonly available brands of marshmallows- that you would think wouldn't have any color in them?!- actually contain Blue 1 artificial dye. (If you're not interested in a side of synthetic color linked to developmental delays, behavioral difficulties, and inhibited nerve cell development in animals*, you can pay \$1.50 more for the dye-free marshmallows). Same with pickles- many brands add Yellow 5. A warning label would not only be a huge help to dye-free families, but it would also bring awareness to how ubiquitous (and sometimes completely unnecessary) these additives can be.

My suggested amendments for discussion would be:

- 1) And most critically! Expand the bill language to include all synthetic food dyes (currently in the US, the approved list would include: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, and Yellow 6). 90% of all food dye usage in the U.S is from three dyes that aren't in HB 1208 as written: Red 40, Yellow 5 and Yellow 6**. Expanding HB 1208 to cover all synthetic food dyes would ensure that the legislation makes its intended impact.
- 2) Expand the warning label language to something like what the EU uses- "*may have an adverse effect on activity and attention in children*"- to reflect the potential health risks of these artificial dyes. Certain numbered dyes have also been linked to developmental delays, tumor growth in animal studies, and possible toxicity to human cells.* I believe that using the warning label to bring awareness to potential adverse effects would encourage consumers to choose dye-free products- which would in turn, motivate companies to prioritize using safer colorants in readily available and affordable products.

3) If a statewide ban on these dyes and ingredients is unfeasible, I **strongly** urge a school system ban. As evidenced right here in Montgomery County***, banning these additives and dyes in our public school food would benefit a large majority of Maryland's children. Choosing dye-free products for all MPS food service contracts would not only provide children with healthier choices, it would also send a strong statement to the food companies that state governments are ready to align their dollars with their health priorities. With this amendment, the entire state of Maryland would have an opportunity to join Montgomery County in leading the nation in action on food dyes and additives.

Thank you again for your time, and I urge the committee to move HB 1208 forward with amendments.

- Jenna DeCesaris Butler
Anne Arundel County, Maryland

* [cnn.com/2025/01/17/health/red-40-food-dyes-wellness/index.html](https://www.cnn.com/2025/01/17/health/red-40-food-dyes-wellness/index.html)

** uab.edu/news/health-medicine/a-closer-look-at-food-dyes

*** realfoodforkidsmontgomery.org/chemicals.php