

SB0723/253825/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 1, in line 20, after “(2)” insert “(I)”; after line 21, insert:

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

after line 23, 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.”.

On page 2, in lines 1 and 4, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively; after line 6, insert:

“(7) “REPRESENTATIVE SAMPLE” MEANS A SAMPLE THAT CONSISTS OF A NUMBER OF UNITS THAT ARE DRAWN BASED ON RATIONAL CRITERIA, SUCH AS RANDOM SAMPLING, AND INTENDED TO ENSURE THAT THE SAMPLE ACCURATELY PORTRAYS THE MATERIAL BEING SAMPLED.”;

in line 7, strike “(6)” and substitute “(8)”; after line 8, 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 9, 16, and 20, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in line 10, after “A” insert “REPRESENTATIVE”; in the same line, after “OF” insert “EACH PRODUCTION AGGREGATE OF”; strike beginning with “BEFORE” in line 11 down through “STATE” in line 12; after line 15, 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 18 and 25, in each instance, strike “(B)” and substitute “(C)”; in line 22, after “WEBSITE” insert “FOR EACH BABY FOOD PRODUCT SOLD, MANUFACTURED, DELIVERED, HELD, OR OFFERED FOR SALE IN THE STATE”; in line 25, strike “AND”; after line 25, 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”;

in line 26, strike “(II)” and substitute “(III)”; in line 30, 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”;

in line 31, strike “(I)” and substitute “1.”; and in the same line, strike “OR” and substitute “AND”.

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

SB0723/253825/01 **Finance Committee**
Amendments to SB 723
Page 4 of 4

**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.”.**