
OLR Bill Analysis

sSB 118

AN ACT CONCERNING BABY FOOD PRODUCTS AND TOXIC HEAVY METALS.

SUMMARY

This bill, beginning January 1, 2027:

1. prohibits making, selling, or distributing a baby food product containing a toxic heavy metal (such as arsenic, cadmium, lead, and mercury) in an amount exceeding a limit set by the federal Food and Drug Administration (FDA);
2. requires manufacturers to (a) have laboratories test baby food product samples monthly for toxic heavy metals and (b) publish on their website information about the amount of each toxic heavy metal found in a baby food product and a link to FDA information on these metals;
3. requires manufacturers of baby food products tested for a toxic heavy metal that has an FDA action level, regulatory limit, or tolerance to display on the product container (see BACKGROUND) a way to access a webpage with test results and a link to FDA information on these metals; and
4. allows consumers to report violations to the Department of Consumer Protection (DCP).

Under the bill, a “baby food product” is a food, other than infant formula, made, packaged, labeled, and sold in a container for children under age two.

EFFECTIVE DATE: October 1, 2026

TESTING

The bill requires baby food product manufacturers that make or

intend to sell or distribute the products in the state to have a laboratory test the products for toxic heavy metals at least monthly. The lab must (1) be accredited under certain standards of the International Organization for Standardization or International Electrotechnical Commission, (2) use analytical methods that satisfy the FDA's "Elemental Analysis Manual for Food and Related Products," and (3) be able to quantify each toxic heavy metal concentration to at least six micrograms out of a kilogram of food using certain scientific and statistical methods.

The lab must test a representative sample of each final product's production aggregate, which is an amount of the product made under a master manufacturing order and intended to be uniform in composition, character, and quality. The test can be performed before packaging the product for distribution or sale.

The bill requires manufacturers to keep test results for at least 36 months.

MANUFACTURER'S REQUIRED WEBSITE POSTING

The bill requires baby food product manufacturers to post on their website until 30 days after a product's shelf life expires:

1. the name and amount of any toxic heavy metal in the product found through testing;
2. information that allows a reasonable customer to identify the product, such as its name, universal product code, or lot or batch number; and
3. a link to the FDA's webpage with information and guidance on how toxic heavy metals affect children's health.

PRODUCT CONTAINERS

The bill requires the manufacturer of a baby food product tested for a toxic heavy metal subject to an FDA action level, regulatory limit, or tolerance to include on the product container:

1. in a clear, legible, and conspicuous way: “For Information About Toxic Element Testing On This Product, Scan the QR Code” and
2. a quick response (QR) or other machine-readable code directing consumers to a page on the manufacturer’s website or the product information page with the testing results and a link to the FDA’s webpage for information and guidance on how toxic heavy metals affect children’s health.

CONSUMER REPORTS TO DCP

The bill allows a consumer to report to DCP, in a way set by DCP, when the consumer believes that a product violates the bill’s provisions. In response, the bill allows DCP to require the manufacturer to produce, within 60 days of receiving a notice from DCP, the products’ most recent testing results. The manufacturer must give DCP the report in a way set by DCP.

BACKGROUND

FDA Closer to Zero

The FDA’s Closer to Zero program is examining exposure to contaminants in food eaten by babies and young children. FDA research, evaluation, and regulatory processes on lead, arsenic, cadmium, and mercury in these foods are ongoing.

In January 2025, the FDA issued industry guidance and the following action levels for lead in processed food for babies and young children:

1. 10 parts per billion (ppb) for fruits, vegetables (excluding single-ingredient root vegetables), mixtures (including grain- and meat-based mixtures), yogurts, custards, puddings, and single-ingredient meats and
2. 20 ppb for single-ingredient root vegetables and dry infant cereals.

The FDA states that action levels are a level of contamination where food may be considered adulterated and that it considers these levels along with other factors when deciding whether to bring an

enforcement action.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/11/2026)