

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****SB0073**

Introduced 1/13/2025, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

410 ILCS 620/11.7 new

Amends the Illinois Food, Drug and Cosmetic Act. Provides that on and after January 1, 2026, 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. Defines "toxic heavy metal" as arsenic, cadmium, lead, or mercury and defines other terms. Provides that beginning January 1, 2026, each manufacturer of baby food shall test a representative sample of each production aggregate of the manufacturer's final baby food product for each toxic heavy metal. Requires monthly testing. Beginning January 1, 2027, requires each manufacturer of baby food to make certain information publicly available. Provides that if a consumer believes, based on information gathered through the use of the code included on the baby food product label, that baby food is being sold in the State with toxic heavy metals that exceed limits established by the U.S. Food and Drug Administration, the consumer may report that baby food to the Department of Public Health.

LRB104 02950 RPS 12966 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Food, Drug and Cosmetic Act is
5 amended by adding Section 11.7 as follows:

6 (410 ILCS 620/11.7 new)

7 Sec. 11.7. Baby foods; toxic heavy metals.

8 (a) In this Section:

9 "Baby food" means food packaged in a jar, pouch, tub, or
10 box sold specifically for babies and children under the age of
11 2 years old.

12 "Baby food" does not include infant formula as defined in
13 Section 2.28.

14 "Manufacturer" includes a food manufacturer, food
15 processor, and food packer.

16 "Production aggregate" means a quantity of product that is
17 intended to have uniform composition, character, and quality
18 and is produced according to a master manufacturing order.

19 "Proficient laboratory" means a laboratory that:

20 (1) is accredited under the standards of the
21 International Organization for
22 Standardization/International Electrotechnical Commission
23 17025:2017;

1 (2) uses an analytical method at least as sensitive as
2 the analytical method described in Section 4.7 of the U.S.
3 Food and Drug Administration Elemental Analysis Manual for
4 Food and Related Products; and

5 (3) demonstrates proficiency in quantifying each toxic
6 heavy metal to at least 6 micrograms of the toxic heavy
7 metal to kilogram of food through an independent
8 proficiency test by achieving a Z-Score that is less than
9 or equal to plus or minus 2.

10 "QR code" means a machine-readable code, consisting of an
11 array of squares, used for storing data that allows a user to
12 access a webpage.

13 "Representative sample" means a sample that consists of a
14 number of units that are drawn based on rational criteria,
15 such as random sampling, and intended to ensure that the
16 sample accurately portrays the material being sampled.

17 "Toxic heavy metal" means arsenic, cadmium, lead, or
18 mercury.

19 (b) On and after January 1, 2026, a person may not sell,
20 distribute, or offer for sale baby food in the State that
21 contains toxic heavy metals that exceed the limits established
22 by the U.S. Food and Drug Administration.

23 (c) Beginning January 1, 2026, each manufacturer of baby
24 food shall test a representative sample of each production
25 aggregate of the manufacturer's final baby food product for
26 each toxic heavy metal.

1 The testing required under this subsection shall be
2 conducted by a proficient laboratory at least once per month.

3 A manufacturer may test the final baby food product in
4 accordance with this subsection before packaging individual
5 units of baby food for sale or distribution.

6 (d) On the request of the Department of Public Health, a
7 manufacturer of baby food shall provide the results of the
8 testing conducted under subsection (c) to an authorized agent
9 of the Department of Public Health.

10 (e) Beginning January 1, 2027, each manufacturer of baby
11 food shall:

12 (1) make the following information publicly available
13 on the manufacturer's website for each baby food product
14 sold, manufactured, delivered, held, or offered for sale
15 in the State:

16 (A) the name and level of each toxic heavy metal
17 present in the final baby food product as determined
18 by the testing conducted under subsection (c);

19 (B) sufficient information, such as the product
20 name, universal product code, or lot or batch number,
21 to enable the consumer to identify the final baby food
22 products; and

23 (C) a link to the U.S. Food and Drug
24 Administration's website that includes the most recent
25 U.S. Food and Drug Administration guidance and
26 information about the health effects of the toxic

1 heavy metals on children; and

2 (2) if the baby food is tested for a toxic heavy metal
3 subject to an action level, regulatory limit, or tolerance
4 established by the U.S. Food and Drug Administration under
5 21 CFR 109, include on the baby food product label:

6 (A) the following statement, "For information
7 about the toxic heavy metal testing on this product,
8 scan the Quick Response (QR) Code"; and

9 (B) a QR code or other machine-readable code that
10 allows consumers to access the following information
11 on the manufacturer's website on the baby food
12 product's information page:

13 (i) the test results for the toxic heavy
14 metals; and

15 (ii) a link to the webpage on the U.S. Food and
16 Drug Administration website that includes the most
17 recent guidance and information about the health
18 effects of the toxic heavy metal on children.

19 (f) If a consumer believes, based on information gathered
20 through the use of the QR code or other machine-readable code
21 included on the baby food product label, that baby food is
22 being sold in the State with toxic heavy metals that exceed
23 limits established by the U.S. Food and Drug Administration,
24 the consumer may report that baby food to the Department of
25 Public Health. The Department of Public Health shall adopt
26 rules to implement a system for consumer reporting of baby

1 foods under this subsection.