

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 elements.

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

13 "Final baby food product" means the finished product of
14 baby food with a unique universal product code (UPC). "Final
15 baby food product" does not include the individual ingredients
16 that are in baby food.

17 "Manufacturer" includes a food manufacturer, food
18 processor, and food packer.

19 "Product label" means a display of written, printed, or
20 graphic material that is affixed to a product or the product's
21 immediate container.

22 "Product shelf life" means the time, measured in number of
23 months, between the date of manufacture and the date of

1 expiration for a final baby food product.

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

5 "Proficient laboratory" means a laboratory that:

6 (1) is accredited under the standards of the
7 International Organization for
8 Standardization/International Electrotechnical Commission
9 17025:2017 regarding the general requirements for the
10 competence of testing and calibration laboratories;

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

15 (3) demonstrates, when using an independent
16 proficiency test, the achievement of a z-score within the
17 range of plus or minus 2 in quantifying each toxic element
18 to at least 6 micrograms of the toxic element per kilogram
19 of food.

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

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

1 "Toxic element" means arsenic, cadmium, lead, or mercury.

2 (b) No person or entity shall sell or manufacture,
3 deliver, or hold or offer for sale in this State any baby food
4 that does not comply with the requirements of this Section.

5 (c) Each manufacturer of baby food shall test a
6 representative sample of each production aggregate of the
7 manufacturer's final baby food product for toxic elements at a
8 proficient laboratory.

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

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

14 (d) Upon the request of the Department of Public Health, a
15 manufacturer of baby food shall provide the results of the
16 testing conducted under subsection (c) to an authorized agent
17 of the Department of Public Health.

18 (e) Beginning January 1, 2027, for final baby food
19 products sold, manufactured, delivered, or held or offered for
20 sale in this State, each manufacturer of baby food shall
21 disclose product information to consumers consistent with the
22 following:

23 (1) The manufacturer shall make publicly available on
24 the manufacturer's website for each final baby food
25 product that it manufactures and for the duration of the
26 product shelf life for the final baby food product plus

1 one month:

2 (A) the name and level of each toxic element
3 present in each production aggregate of a final baby
4 food product as determined by the testing conducted
5 under subsection (c); and

6 (B) descriptive information, including, but not
7 limited to, the product's name, UPC, size, lot
8 numbers, or batch numbers, to enable accurate
9 identification of the final baby food product by
10 consumers.

11 (2) If a product is tested for a certain toxic element
12 subject to an action level, regulatory limit, or tolerance
13 established by the U.S. Food and Drug Administration under
14 21 CFR 109, the manufacturer shall also include on the
15 baby food product label:

16 (A) a statement that reads: "For information about
17 the toxic element testing on this product, scan the
18 Quick Response (QR) Code."; and

19 (B) a QR code or other machine-readable code that
20 allows consumers to access the following information
21 on the manufacturer's website on the final baby food
22 product's information page:

23 (i) the test results for the toxic elements;

24 and

25 (ii) a link to the webpage on the U.S. Food and
26 Drug Administration website that includes the most

1 recent guidance and information about the health
2 effects of the toxic element on children.

3 (f) The Department of Public Health shall implement a
4 system for consumer reporting of baby foods under this
5 subsection.