

HOUSE BILL NO. 4865

September 11, 2025, Introduced by Reps. Greene, Rogers, Wozniak, Wilson, Neeley, Hope, Martus, MacDonell, Young, McKinney, Koleszar, Myers-Phillips, Andrews, Schmaltz, Roth, Paiz, McFall, Conlin, Longjohn, Steckloff, Dievendorf, Mentzer, Scott, Wooden, Thompson and Rheingans and referred to Committee on Health Policy.

A bill to amend 2000 PA 92, entitled
"Food law,"
(MCL 289.1101 to 289.8111) by adding section 7130.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7130. (1) Baby food that is sold or offered for sale in
2 this state must meet the standards, action levels, regulatory
3 limits, or tolerances for toxic elements.

4 (2) Beginning on January 1, 2026, a food processor that
5 manufactures baby food that will be sold, offered for sale, or
6 distributed in this state shall test a representative sample of
7 each lot of baby food product for toxic elements at a proficient

1 laboratory. When conducting a test under this subsection, the
2 proficient laboratory shall quantify each toxic element to at least
3 6 micrograms of the toxic element per kilogram of food. A
4 proficient laboratory shall provide the food processor that
5 manufactured the baby food with the results of each test performed
6 under this subsection. The food processor that manufactured the
7 baby food shall make the results available to the department on
8 request.

9 (3) If a lot of baby food product tested under subsection (2)
10 includes a baby food product that was manufactured over a period of
11 more than 30 days, the representative sample must include a baby
12 food product that was manufactured in each 30-day period.

13 (4) A food processor that manufactures baby food may test
14 either bulk or packaged baby food products.

15 (5) If a baby food product exceeds the standards, action
16 levels, regulatory limits, or tolerances under subsection (1), the
17 food processor that manufactured the baby food shall either dispose
18 of the baby food product or divert the baby food product for use in
19 animal feed. If the baby food product has already been sold when
20 the test results under subsection (2) are made known to the food
21 processor that manufactured the baby food and the baby food product
22 is found to exceed the standards, action levels, regulatory limits,
23 or tolerances under subsection (1), the food processor that
24 manufactured the baby food shall issue a recall for the baby food
25 product.

26 (6) Beginning on January 1, 2027, a food processor that
27 manufactures baby food shall create a webpage for each baby food
28 product that is sold, offered for sale, and distributed by the food
29 processor and that was subject to testing under subsection (2). The

1 webpage must contain the following information:

2 (a) A link to a webpage that provides the test results under
3 subsection (2).

4 (b) A prominent statement that immediately precedes the link
5 under subdivision (a) that states, "For information about toxic
6 element testing on this product."

7 (7) The linked webpage described under subsection (6) (a) must
8 make the test results under subsection (2) available to users
9 without the need to provide a universal product code, lot number,
10 or proof of purchase and must provide the following information:

11 (a) The name of each baby food product, the universal product
12 code, if any, and the lot or batch number.

13 (b) The name and level of each toxic element present. This
14 information must remain available on the food processor's webpage
15 described under subsection (6) for the entire shelf life of the
16 baby food product plus 1 month.

17 (c) A link to the United States Food and Drug Administration's
18 website that provides the most recent guidance and information
19 regarding the health effects of the toxic elements on fetuses,
20 infants, children, and individuals who are pregnant, planning to
21 become pregnant, or breastfeeding.

22 (8) Beginning January 1, 2027, and in addition to any other
23 labeling requirement, a food processor that manufactures baby food
24 shall include on the label of each baby food product sold, offered
25 for sale, or distributed in this state both of the following:

26 (a) A QR code or other machine-readable code that links to the
27 food processor's webpage described under subsection (6).

28 (b) A statement that reads "For information about toxic
29 element testing on this product, scan the QR code."

1 (9) As used in this section:

2 (a) "Baby food" means food packaged in jars, pouches, tubes,
3 or boxes that is represented or purported to be specifically for
4 babies and young children who are less than 2 years of age. Baby
5 food does not include infant formula as that term is defined in
6 section 201 of the federal act, 21 USC 321.

7 (b) "Proficient laboratory" means a laboratory that meets the
8 following requirements:

9 (i) Is accredited under the standards of the International
10 Organization for Standardization and the International
11 Electrotechnical Commission.

12 (ii) Uses an analytical method that is at least as sensitive as
13 the analytical method described in section 4.7 of the document
14 titled "Elemental Analysis Manual (EAM) for Food and Related
15 Products" published by the United States Food and Drug
16 Administration.

17 (iii) Demonstrates proficiency in quantifying each toxic element
18 to not less than 6 micrograms of the toxic element per kilogram of
19 food through an independent proficiency test by achieving a z-score
20 that is less than or equal to plus or minus 2.

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

25 (d) "Toxic elements" includes, but is not limited to, arsenic,
26 cadmium, lead, and mercury.