

## **Heavy Metals Testing and Disclosure Requirements for Baby Food: Virginia and Illinois Laws Now in Effect<sup>1</sup>**

Virginia and Illinois have become the third and fourth states to enact laws requiring manufacturers of baby food to test products for heavy metals (lead, cadmium, arsenic, and mercury) and make the results publicly available.<sup>2</sup> These laws, which took effect at the start of 2026, are like requirements already in place in California and Maryland.<sup>3</sup> Manufacturers and brand owners selling baby food in any of these four states should carefully review their testing, labeling, and disclosure practices to ensure compliance with applicable state law.

### **Key Compliance Dates**

<b>State</b>	<b>Testing Requirement Effective</b>	<b>Disclosure Requirement Effective</b>	<b>Law</b>
<b>California</b>	January 1, 2024	January 1, 2025	<a href="#">CAL. HEALTH &amp; SAFETY CODE §§ 110962–110963</a>
<b>Maryland</b>	January 1, 2025	January 1, 2026	<a href="#">MD. CODE ANN., HEALTH-GEN. § 21-330.4</a>
<b>Virginia</b>	January 1, 2026	January 1, 2026	<a href="#">VA. CODE ANN. § 3.2-5125.1</a>
<b>Illinois</b>	January 1, 2026	January 1, 2027	<a href="#">410 ILL. COMP. STAT. 620/11.7</a>

As to existing inventory, Maryland's law expressly allows retailers to sell through products manufactured before January 1, 2026.<sup>4</sup> Virginia's law expressly allows retailers to sell through inventory in stock before January 1, 2026.<sup>5</sup>

### **Products Covered**

Each state requires heavy metals testing of baby food, but not infant formula.<sup>6</sup> The definitions used in the states' laws are similar. If a manufacturer complies with California's or Maryland's baby food testing and disclosure law, and also makes or sells baby Virginia or Illinois, compliance with the laws of such states may also now be required.

<b>State</b>	<b>Products Covered</b>
<b>California</b>	Food packaged in jars, pouches, tubs, and boxes represented or purported to be specifically for babies and young children less than two years of age <sup>7</sup>
<b>Maryland</b>	Food packaged in a jar, pouch, tub, or box sold specifically for babies and children under the age of 2 years <sup>8</sup>
<b>Virginia</b>	Food manufactured, packaged, and labeled in a jar, pouch, tub, or box sold specifically for babies and children younger than two years of age <sup>9</sup>
<b>Illinois</b>	Food packaged in a jar, pouch, tub, or box sold specifically for babies and children under the age of 2 years old <sup>10</sup>

### **Prohibitions**

The California, Maryland, Virginia, and Illinois laws vary slightly in their statutory language describing what is prohibited:

<b>California</b>	Prohibit the selling, manufacturing, delivering, holding, or offering for sale in the state any
<b>Illinois</b>	baby food that does not comply with the requirements <sup>11</sup>

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<b>Maryland</b>	Prohibit the selling, distribution, or offering for sale in the state any baby food containing a toxic heavy metal at a level that exceeds limits established by the U.S. Food and Drug Administration (FDA) <sup>12</sup>
<b>Virginia</b>	

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## Testing Frequency

State	Testing Frequency
<b>California</b>	Each Production Aggregate Monthly <sup>13</sup>
<b>Maryland</b>	Each Production Aggregate Monthly <sup>14</sup>
<b>Virginia</b>	Each Production Aggregate Monthly <sup>15</sup>
<b>Illinois</b>	Each Production Aggregate Monthly <sup>16</sup>

All four states require testing by a proficient laboratory and that the samples to be taken from the manufacturer's final baby food product or the finished product of baby food with a unique universal product code (UPC), not from the individual ingredients in the baby food.<sup>17</sup> All four states allow testing of the final baby food product before it is packaged into individual baby food units for sale or distribution.<sup>18</sup>

Manufacturers must also provide product test results to the applicable governmental department in each state upon request.<sup>19</sup>

## Disclosures

All four states require manufacturers to make testing information publicly available on the manufacturer's website for each baby food product manufactured, sold, delivered, held or offered for sale in each state, including:<sup>20</sup>

- The name and level of each heavy metal present in the final baby food product; and
- Sufficient descriptive information, including, but not limited to, the product name, universal product code, size and lot or batch number, so that consumers are able to identify the final baby food product tested.

In all four states, the labels of baby food products tested for toxic elements subject to FDA-established thresholds must also include, "For information about toxic heavy metal testing on this product, scan the quick-response (QR) code" or similar statement and provide a QR or other machine-readable code directing consumers to the manufacturer's website or the baby food product information page containing the heavy metals test results and a link to the FDA's website for the most recent guidance and information on how toxic heavy metals can impact children's health.<sup>21</sup>

All four states allow for consumer reporting if noncompliance is suspected.<sup>22</sup>

## Practical Considerations

Facilities manufacturing baby food in California or Illinois (regardless of the state in which the food will ultimately be sold) are required to test for heavy metals and publicly disclose results.<sup>23</sup> Additionally, brands selling baby food in California, Illinois, Virginia, or Maryland are now required to test for heavy metals and by 2027, will be required to publicly disclose results in all four states. Therefore, if a heavy metals testing program, label QR code, or website for disclosure are not yet in place, industry stakeholders should move quickly to understand the laws and implement testing and disclosure as and where required. Those with existing testing programs and disclosures should review the newly enacted laws and determine whether any changes are necessary.

<sup>1</sup> Prepared by Suzie Trigg and Kristi Weisner as of January 22, 2026, for informational purposes only. Consult with counsel and refer to the statutes prior to implementation to ensure compliance.

<sup>2</sup> See [H.B. 1844](#), Reg. Sess. (Va. 2025) (codified at Va. CODE ANN. § 3.2-5125.1); [SB 73, Pub. Act No. 104-0345](#), 104th Gen. Assemb. (Ill. 2025) (codified at 410 ILL. COMP. STAT. 620/11.7).

<sup>3</sup> CAL. HEALTH & SAFETY CODE §§ 110962–110963; MD. CODE ANN. HEALTH-GEN. § 21-330.4.

<sup>4</sup> MD. CODE ANN., HEALTH-GEN. § 21-330.4(b)(2).

<sup>5</sup> VA. CODE ANN. § 3.2-5125.1(B).

<sup>6</sup> CAL. HEALTH & SAFETY CODE § 110962(a)(1); MD. CODE ANN., HEALTH-GEN. § 21-330.4(a)(2)(ii); VA. CODE ANN. § 3.2-5125.1(A); 410 ILL. COMP. STAT. 620/11.7(a).

<sup>7</sup> CAL. HEALTH & SAFETY CODE § 110962(a)(1).

<sup>8</sup> MD. CODE ANN., HEALTH-GEN. § 21-330.4(a)(2).

<sup>9</sup> VA. CODE ANN. § 3.2-5125.1(A).

<sup>10</sup> 410 ILL. COMP. STAT. 620/11.7(a).

<sup>11</sup> CAL. HEALTH & SAFETY CODE § 110963; 410 ILL. COMP. STAT. 620/11.7(b).

<sup>12</sup> MD. CODE ANN., HEALTH-GEN. § 21-330.4(b)(1); VA. CODE ANN. § 3.2-5125.1(B).

<sup>13</sup> CAL. HEALTH & SAFETY CODE § 110962(b)(1)(A, C).

<sup>14</sup> MD. CODE ANN., HEALTH-GEN. § 21-330.4(c)(1–2).

<sup>15</sup> VA. CODE ANN. § 3.2-5125.1(C).

<sup>16</sup> 410 ILL. COMP. STAT. 620/11.7(c).

<sup>17</sup> CAL. HEALTH & SAFETY CODE 110962(b)(1)(A); 410 ILL. COMP. STAT. 620/11.7(a, c); MD. CODE ANN. HEALTH-GEN. § 21-330.4(c)(1–2); VA. CODE ANN. § 3.2-2125.1(C).

<sup>18</sup> CAL. HEALTH & SAFETY CODE 110962(a)(2), (b)(1)(B); 410 ILL. COMP. STAT. 620/11.7(c); MD. CODE ANN. HEALTH-GEN. § 21-330.4(c)(3); VA. CODE ANN. § 3.2-2125.1(C).

<sup>19</sup> CAL. HEALTH & SAFETY CODE 110962(b)(1)(D); 410 ILL. COMP. STAT. 620/11.7(d); MD. CODE ANN. HEALTH-GEN. § 21-330.4(d); VA. CODE ANN. § 3.2-2125.1(C).

<sup>20</sup> CAL. HEALTH & SAFETY CODE 110962(b)(2)(A); 410 ILL. COMP. STAT. 620/11.7(e); MD. CODE ANN. HEALTH-GEN. § 21-330.4(e); VA. CODE ANN. § 3.2-2125.1(D).

<sup>21</sup> CAL. HEALTH & SAFETY CODE 110962(b)(2)(B); 410 ILL. COMP. STAT. 620/11.7(e)(2)(A–B); MD. CODE ANN. HEALTH-GEN. § 21-330.4(e)(2); VA. CODE ANN. § 3.2-2125.1(E).

<sup>22</sup> 410 ILL. COMP. STAT. 620/11.7(f); MD. CODE ANN. HEALTH-GEN. § 21-330.4(f); VA. CODE ANN. § 3.2-5125.1(F); see also CAL. DEP'T PUB. HEALTH, [Food, Drug, Medical Device, or Cosmetics Complaint Contact Us](#).

<sup>23</sup> CAL. DEP'T OF PUBLIC HEALTH, [Assembly Bill \(AB\) 899: Food Safety – Baby Food Frequently Asked Questions](#); 410 ILL. COMP. STAT. 620/11.7(e).