Maryland Joins California with a Baby Food Testing and Disclosure Law

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Maryland House Bill 97, "Rudy's Law," will require testing and disclosure of the levels of lead, cadmium, arsenic, and mercury in baby and toddler foods after January 1, 2025. Maryland has become the second state in the nation, after California, to implement Congressional recommendations that manufacturers test for toxic heavy metals in commercial baby and toddler foods and make the results publicly available. While low levels of heavy metals in baby food are often inevitable due to soil conditions, "Rudy's Law" was named for a child who suffered lead poisoning after consuming contaminated applesauce and was introduced within weeks after the U.S. Food and Drug Administration (FDA) announced an investigation into elevated lead levels in three apple and cinnamon fruit purees for toddlers.

The law is very similar to California Assembly Bill 899, a summary of which is available here.

What are the requirements of "Rudy's Law"?

Baby Food Testing

Rudy's Law, which is patterned after California Assembly Bill 899, will require manufacturers, processors and packers of "baby food" to test a representative sample of each "production aggregate" of final baby food product for "toxic heavy metals," specifically arsenic, cadmium, lead and mercury.

"Baby food" is defined as "food packaged in a jar, pouch, tub, or box sold specifically for babies and children under the age of [two] years." Infant formula, as defined in the Federal Food, Drug and Cosmetic Act (FD&C Act), is not included in the law's definition of "baby food."

"Production aggregate" is defined in the same way California defined the term as "a quantity of product that is intended to have uniform composition, character, and quality and is produced according to a master manufacturing order." Testing must be done at least once a month by a "proficient laboratory," a definition that again echoes AB 899, as a laboratory that is internationally accredited and employs adequately sensitive analytical and quantification methods.

Read the full article here.