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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

# H. R. \_\_\_\_\_

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to revise certain regulations related to infant and toddler beverages, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Ms. JACOBS introduced the following bill; which was referred to the Committee on

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# A BILL

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to revise certain regulations related to infant and toddler beverages, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. INFANT AND TODDLER BEVERAGES.**

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs (in this section referred to as the “Secretary”) shall revise—

(1) section 101.3 of title 21, Code of Federal Regulations, to prohibit any beverage in powder or liquid form, other than infant formula, represented or purported to be for use by children more than 12 months old, from being identified as “infant formula” or use the term “formula” in combination with any other term; and

(2) part 102 of title 21, Code of Federal Regulations, so that—

(A) in the case of any powdered or liquid milk-based beverage that claims to be for consumption by children 12 to 36 months of age, such beverage shall—

(i) use as its common or usual name a descriptive term such as “milk-based drink”; and

(ii) if the beverage contains added sugars, nonnutritive sweeteners, or flavorings, include in such common or usual name a qualifying term such as “sweetened” or “flavored”;

(B) in the case of any powdered or liquid nondairy-milk-based beverage that claims to be for consumption by children 12 to 36 months of age, such beverage shall—

(i) use as its common or usual name an appropriately descriptive term identifying the source of protein, such as “soy-based drink powder for 12–36 month olds”; and

(ii) if the beverage contains added sugars, nonnutritive sweeteners, or flavorings, include in such common or usual name qualifying terms such as “sweetened” and “flavored”; and

(C) the labeling of a beverage described in subparagraph (A) or (B) shall—

(i) contain a disclaimer that—

(I) cautions against consumption of the beverage by infants, such as “DO NOT SERVE TO INFANTS UNDER 12 MONTHS OLD”; and

(II) such beverages are not recommended for children 12 to 24 months of age and such consumption of such beverages is not required for a healthy diet, such as “This product contains added sugars. The Dietary Guidelines for Americans recommend ~~to avoid~~avoiding food and beverages with added sugars for children younger than 24 months of age.”; and

(ii) not contain any statement suggesting a recommended daily intake of such beverages, such as “one cup a day”.

(b) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue proposed regulations to carry out this section.

(2) FINAL REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall finalize the regulations proposed pursuant to paragraph (1).

(3) FAILURE TO ISSUE FINAL REGULATION.—If the Secretary does not issue a final regulation as required by paragraph (2) by the deadline specified in such paragraph, the corresponding proposed regulation shall become final on such deadline.

(c) DELAYED APPLICABILITY.—The revisions to regulations made pursuant to subsection (a) shall apply beginning on the date that is 3 years after the date of enactment of this Act.

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