



States Target Food Ingredients

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Common Attributes of State Legislatures

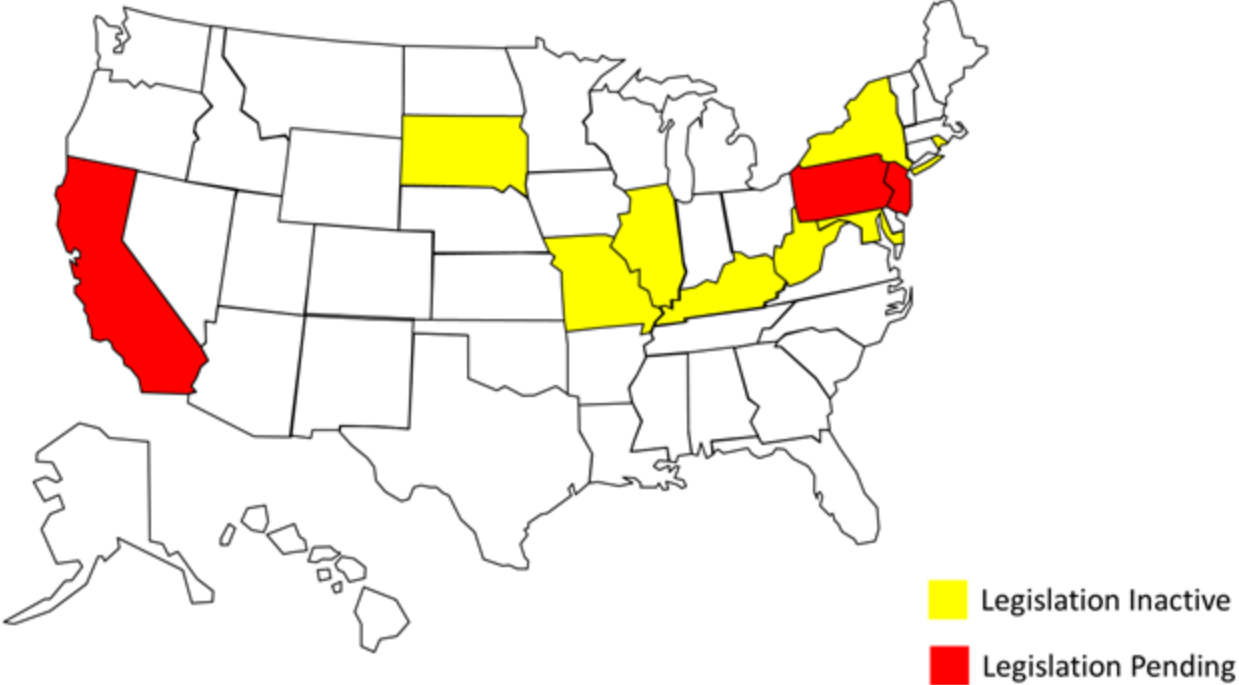
- They often act quickly (unlike Congress)
- Many have short sessions
- Introducing legislation is easy
- Most members are generalists
- Members can be receptive to persuasive outside interests
- Lawmakers emulate what is happening in other states

2023 State Colors Legislation



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2024 State Colors Legislation



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Proposed Legislation

- Bans on food sales containing identified substances
- Labeling of products with certain ingredients
- Creation of state specific GRAS type programs
- More than just food colors are cited
 - Titanium dioxide
 - Methylene chloride
 - High fructose corn syrup
 - Brominated Vegetable Oil

Proponents

- Environmental Working Group
- Consumer Reports
- In-state activists

Arguments in Support

- FDA is broken, under resourced and slow to act
- GRAS is an industry loophole
- These substances have all been linked to health risks
- No items will be removed from US store shelves, companies already sell products in Europe without these chemicals
- Until FDA changes, states are compelled to act to protect the public

Opponents

- Industry & Retail Groups including IACM

Arguments in Opposition

- Food safety is the number one priority for U.S. food and beverage companies, and we do not use any ingredients that do not comply with FDA's strictest safety standards
- In fact, FDA is doing its job & is making significant progress modernizing its review process
- Without a central, science-driven regulatory body, we would be left with a state-by-state patchwork of inconsistent state requirements that increase food costs, create confusion around food safety, and erode consumer confidence and trust in our food supply

California Assembly Bill 2316

- Prohibits schools from offering foods containing any of seven specified substances:
 - Blue 1 (CAS 3844-45-9)
 - Blue 2 (CAS 860-22-0)
 - Green 3 (CAS 2353-45-9)
 - Red 40 (CAS 25956-17-6)
 - Yellow 5 (CAS 1934-21-0)
 - Yellow 6 (CAS 2783-94-0)
- Introduced February 2024
- Passed by large, bi-partisan majorities
- Sent to Governor Newsom August 2024

"California has a responsibility to protect our students from chemicals that harm children and that can interfere with their ability to learn."

- California Assemblymember Jesse Gabriel

(the FDA) "has all but ignored ingredients found in ultraprocessed foods that are created in labs..."

That's why states must act – now."

- Illinois Secretary of State Alexi Giannoulias



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