

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Buffy Wicks, Chair  
AB 2302 (Celeste Rodriguez) – As Amended April 16, 2026

Policy Committee:	Health	Vote:	13 - 0
	Environmental Safety and Toxic Materials		4 - 1

Urgency: No                      State Mandated Local Program: Yes                      Reimbursable: No

**SUMMARY:**

This bill requires a manufacturer of infant formula to test its final infant formula product for aluminum, arsenic, cadmium, lead, and mercury (“toxic elements”) at least once per month and requires a brand owner to provide on its website or label information regarding certain test results. The bill prohibits a person from selling in the state or manufacturing, delivering, holding, or offering for sale any infant formula that does not comply with these requirements and requires the manufacturer and brand owner to provide test results to the California Department of Public Health (CDPH) upon request.

Specifically, this bill:

- 1) Establishes, among other definitions, "toxic elements" to mean aluminum, arsenic, cadmium, lead, and mercury.
- 2) Requires a manufacturer of infant formula for sale or distribution in this state to test a representative sample of each production aggregate of the manufacturer’s final infant formula product at a proficient laboratory, as defined, for toxic elements at least once per month.
- 3) Requires, commencing January 1, 2028, a brand owner, for final infant formula products sold, manufactured, delivered, held, or offered for sale in the state, to disclose to consumers product information consistent with both of the following:
  - a) Make publicly and easily available on the brand owner's website, in English and Spanish, for the duration of the product’s shelf life plus one month, the name and level of each toxic element present in each production aggregate of a final infant formula product.
  - b) Enable accurate identification of the final infant formula product by consumers, which may include product name, universal product code (UPC), size, lot numbers, or batch numbers.
- 4) Requires a brand owner, if a product is tested for a toxic element subject to an action level, regulatory limit, or tolerance established by the FDA pursuant to the federal Food, Drug, and Cosmetic Act (FD&C), to include on the product label both of the following:
  - a) A QR code or other machine-readable code that links to a page on the brand owner's internet website containing test results for the toxic element and a link to an FDA website

where consumers can find the most recent FDA guidance and information about the health effects of the toxic element on children.

- b) A statement that reads: "For information about toxic element testing on this product, scan the QR code."
- 5) Requires the laboratory that analyzes the final infant formula product for toxic elements to meet specified criteria.
- 6) Requires manufacturers and brand owners to provide test results to any authorized CDPH agent upon request, as specified. If a brand owner does not manufacture the infant formula or final infant formula product, they may comply with this requirement by providing the manufacturer's test results.
- 7) Prohibits a person or entity from selling, manufacturing, delivering, holding, or offering for sale in this state infant formula that does not comply with requirements of this bill.

#### **FISCAL EFFECT:**

- 1) Costs of an unknown but likely absorbable amount to CDPH.
- 2) Costs of an unknown but potentially significant amount to the Department of Justice (DOJ) to bring enforcement actions for violations of the provisions of this bill. Actual costs will depend on the number of enforcement actions pursued by DOJ and the amount of additional work created by each action, but costs may be in the hundreds of thousands of dollars annually (Unfair Competition Law Fund).
- 3) Cost pressures of an unknown but potentially significant amount to the courts to adjudicate any additional filings (Trial Court Trust Fund, General Fund). Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

#### **COMMENTS:**

- 1) **Purpose.** This bill is sponsored by Children Now. According to the author:

We have a responsibility to prioritize our babies' health and protect them from harm. During the first few months of life, babies rely almost entirely on formula for nutrition. This is also one of the most critical stages of development, where even small exposures to toxic elements, such as heavy metals, can have lasting impacts on brain development or lead to other health effects.

California has already set the bar for protecting babies and pregnant mothers by ensuring that baby food and prenatal vitamins are regularly tested for toxic elements. [This bill] builds on that important work to ensure that parents and caregivers in our districts can make safe and informed choices about the formula they feed their babies. [This bill] focuses on safety, transparency, and accountability. Our parents deserve confidence in the formula they purchase for their babies.

- 2) **Background.** This bill is modeled after AB 899 (Muratsuchi), Chapter 668, Statutes of 2023, which requires manufacturers of baby food to test a representative sample of the final product and to disclose specified information to consumers about the levels of arsenic, cadmium, lead, and mercury present in each final product. AB 899 also prohibits the sale, manufacture, or distribution of products that do not comply with these requirements.

Unleaded Kids and Consumer Reports (CR), which have been tracking implementation of AB 899, state the following:

The testing and disclosure approach in AB 899 has been incredibly successful at providing a market incentive for baby food brands to reduce toxic elements in products by giving parents the opportunity to choose items with the lowest levels that still meet their child's nutritional needs. We have seen contaminant levels in a company's portfolio of products steadily go down as they found ways to improve their ingredient sourcing and processing. In addition, some companies have aggressively marketed their low levels and their transparency.

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