

ASSEMBLY THIRD READING
AB 2302 (Celeste Rodriguez)
As Amended May 18, 2026
Majority vote

SUMMARY

Requires, under the state's Sherman Food, Drug, and Cosmetic Law, manufacturers to test infant formula products for heavy metals (arsenic, cadmium, lead, and mercury). Requires brand owners of infant formula products sold, manufactured, delivered, held and offered for sale in this state to disclose information to the public on their websites, including the levels of heavy metals in their infant formula products, as specified. Requires, if a product is tested for a heavy metal subject to a standard established by the federal Food and Drug Administration (FDA), brand owners to include a quick-response (QR) code on the product label that links to the brand owner's webpage containing toxic element test results and a link to an FDA website where consumers can find information about the health effects of heavy metals on children.

COMMENTS

Infant formula is an important source of nutrition for many babies in the U.S., whether used exclusively or in combination with breastfeeding.

How does the FDA regulate infant formula? According to the FDA's website, the FDA does not approve infant formulas. However, infant formula manufacturers must notify FDA before marketing a new formula in the United States by providing the FDA with a new infant formula submission. The notification review process ensures that all products meet required nutritional and safety requirements. If an infant formula product is sold in the U.S. and does not meet all applicable requirements, the FDA has the authority to take steps to remove it from the market to protect the health of infant consumers. Federal regulations specify 30 nutrients that must be included in any infant formula. The FDA also requires that all ingredients used in infant formula be approved food additives or generally recognized as safe. Infant formula manufacturers must follow sanitary controls that are required by federal law to prevent contamination of infant formula during manufacturing. The FDA has specific requirements for infant formula labels, including directions for preparation and use, a pictogram showing the major steps for preparing infant formula, and a "use by" date. Labels are also required to provide information that is truthful and not misleading.

Impacts of Heavy Metals.

- 1) *Arsenic.* According to the American Academy of Pediatrics' (AAP) website, chronic exposure to arsenic can increase risk of bladder, lung, and skin cancers. Early childhood exposure is linked to increased risk of infection, bronchiectasis, altered hepatic function, neurodevelopment and cognitive effects, skin changes (eczematoid eruptions, hyperkeratosis and hyperpigmentation) and increased risk of skin cancer. Public health policies include standards that focus primarily on exposure through drinking water.
- 2) *Cadmium.* According to the Agency for Toxic Substances and Disease Registry (ATSDR) within the U.S. Health and Human Services Agency, eating food or drinking water with very high levels of cadmium severely irritates the stomach, leading to vomiting and diarrhea. Long-term exposure to lower levels of cadmium in air, food, or water leads to a buildup of

cadmium in the kidneys and possible kidney disease. Other long-term effects are lung damage and fragile bones. The health effects in children are expected to be similar to the effects seen in adults (kidney, lung, and bone damage depending on the route of exposure).

- 3) *Lead*. According to the AAP's website, there is no safe level of lead exposure in children, with lasting decreases in cognition documented in children with blood levels as low as 3.5 micrograms per deciliter of lead in blood. At that level, the Centers for Disease Control and Prevention (CDC) recommends evaluation and intervention. However, all elevated lead levels are a concern.
- 4) *Mercury*. According to the ATSDR, all forms of mercury can affect the nervous system and the kidneys. Workers exposed to elemental mercury vapor and people who eat foods with high levels of methylmercury experienced tremors, incoordination, impaired vision, impaired learning and memory, and mood changes. Some children born in communities that ate food with high levels of organic mercury had learning, sensory, and movement problems. In people exposed to high levels of methylmercury in their diets, birth defects have occurred.

Consumers' Reports (CR) Test of Toxic Elements in Infant Formula. CR tested 41 types of powdered formula for a number of toxic chemicals, including arsenic, lead, bisphenol A (BPA), acrylamide, and polyfluoroalkyl substances (PFAS). CR reviewed well-known brands, newer startups, popular store brands, and imported brands. About half of the samples tested contained potentially harmful levels of at least one contaminant. The other half of the samples showed low or no levels of concerning chemicals.

FDA efforts. In April 2021, the FDA announced its Closer to Zero Initiative, related to reducing dietary exposure to contaminants such as arsenic, lead, cadmium and mercury prioritizing foods commonly eaten by babies and young children because their smaller body sizes and metabolism make them more vulnerable to the harmful effects of these contaminants. The Closer to Zero initiative involves the following: 1) research and analysis regarding contaminants; 2) regulation establishing action levels, increasing targeted compliance and enforcement activities, monitoring levels over time to determine potential adjustments to proposed action levels; and 3) encouraging adoption of agricultural and processing best practices by industry to lower levels of environment contaminants in agricultural commodities and products. The FDA's action items for this initiative are focused on baby foods, rather than infant formula.

In March 2025, the FDA announced a new initiative called Operation Stork Speed to strengthen its oversight of the formula industry, which includes, among other things, increased testing for heavy metals and other contaminants in infant formula. In April 2026, the FDA announced results from its review of infant formula products available across the U.S. market. The FDA stated that while overall levels of chemical contaminants (including arsenic, cadmium, lead and mercury) in the infant formula samples tested were low, the agency is following up with additional testing as part of its ongoing robust monitoring and oversight efforts and will take additional action where appropriate.

Please see the Assembly Committee on Health analysis for additional background.

According to the Author

California has a responsibility to prioritize our babies' health and protect them from harm. During the first few months of life, many 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. The author continues that 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. The author states that this bill builds on that important work to ensure that parents and caregivers can make safe and informed choices about the formula they feed their babies. The author notes that this bill focuses on safety, transparency, and accountability. The author concludes that California parents deserve confidence in the formula they purchase for their babies.

Arguments in Support

This bill is sponsored by Children Now (CN), who urges support to protect California babies from the heavy metals in infant formula. Existing federal regulations and requirements for manufacturing practice, quality control procedures, and quality factors for infant formula are more focused on the prevention of contaminants such as microbes, glass, and sanitizing agents, rather than on the presence of heavy metals. CN notes that the FDA has not set safety levels for heavy metals in infant formula, which is particularly concerning given that AAP states that there is no safe level of lead exposure in children, and that even low levels of exposure have been shown to impair cognition and neurodevelopment. CN continues that arsenic exposure is also linked to harmful effects on neurodevelopment and increased risk of cancer, and early life exposures are especially dangerous for children. CN states that the findings from CR article regarding heavy metals in infant formula are very concerning; however, they also show that many formula manufacturers are successfully producing safer alternatives with no or low levels of the identified contaminants. The largest manufacturers—constituting nearly 80% of the national market—all had formula products in both the "best choices" (no or low levels of contaminants) and "worst choices" (levels of contaminants over daily limits) categories, demonstrating that they are currently capable of producing formulas without concerning levels of harmful contaminants. CN concludes that this bill empowers parents and caregivers to make informed choices about the formula that they feed to their babies.

Arguments in Opposition

The Infant Nutrition Council of America (INCA) opposes the bill unless amended, stating concerns that this bill overlooks important differences between infant formula and the baby foods currently covered in heavy metals legislation in several other states. INCA states that infant formula is already highly regulated under federal law in a way other baby foods are not, and there have been no congressional reports asserting elevated levels of heavy metals in infant formulas, as there have been for certain baby foods. INCA continues that the FDA is still in the process of determining action levels in infant formulas, unlikely non-formula baby foods, for which certain action levels have already been established. INCA is concerned about products under this bill having to bear a statement about "toxic element testing." INCA notes that the FDA has stated that heavy metals in infant formula do not indicate a public health concern, and the word "toxic" might mislead parents and caregivers into thinking that these products are unsafe and/or jeopardizing infant health with alternatives that are truly unsafe, such as alternative feeding options (e.g. homemade formulas) that do not meet FDA safety and quality standards for complete nutrition and lack the nutrients necessary for infant growth and development, which can be dangerous to infants' health and wellbeing.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, costs of unknown but likely absorbable amount to the Department of Public Health (DPH). 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). 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.

VOTES**ASM HEALTH: 13-0-3**

YES: Bonta, Addis, Aguiar-Curry, Pacheco, Caloza, Carrillo, Mark González, Patel, Rogers, Sanchez, Schiavo, Sharp-Collins, Stefani

ABS, ABST OR NV: Chen, Johnson, Patterson

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 4-1-2

YES: Connolly, Bauer-Kahan, Lee, Papan

NO: Ellis

ABS, ABST OR NV: Castillo, McKinnor

ASM APPROPRIATIONS: 12-0-3

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Ta, Tangipa

UPDATED

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