

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB1844E **Patron:** Maldonado
Bill Title: Baby Food Protection Act; testing and labeling requirements for toxic heavy metals.

Bill Summary: Prohibits a person from selling, distributing, or offering for sale a baby food product that contains certain toxic heavy metals that exceed the limits established by the U.S. Food and Drug Administration (FDA). The bill requires a manufacturer of a baby food product to meet certain testing requirements and include certain information related to toxic elements on the manufacturer's website and on the baby food product for the duration of its shelf life plus one month. The bill requires a consumer to report a baby food product to the Commissioner of Agriculture and Consumer Services if the consumer reasonably believes that the baby food is being sold in the Commonwealth with toxic heavy metals that exceed the limits established by the FDA. The foregoing provisions of the bill have a delayed effective date of January 1, 2026. The bill also directs the Department of Agriculture and Consumer Services to convene a work group to study and make recommendations on the current enforcement of laws related to the presence of toxic heavy metals in baby food products and any further action needed to address the issue of such toxic heavy metals in baby food products.

Budget Amendment Necessary: Yes. **Item Impacted:** 1

Explanation: It is anticipated that the General Assembly (GA) will require additional funding to implement the provisions of this bill. It is anticipated that the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Health (VDH) can absorb any expenses associated with this legislation.

Fiscal Summary: It is anticipated that this bill will result in a general fund expenditure of \$4,002 in fiscal year 2025 to be reflected in Item 1.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Senate (100)	\$2001	\$0	\$0	\$0	\$0	\$0
House (101)	\$2001	\$0	\$0	\$0	\$0	\$0
TOTAL – Item 1	\$4002	\$0	\$0	\$0	\$0	\$0

Fiscal Analysis: This impact statement is preliminary. Assuming the work group established in this bill would meet three times in 2025, the annual cost is estimated at \$4,002 from the general fund.

This bill requires VDACS to convene a work group to study and provide recommendations on the enforcement of laws related to toxic heavy metals in baby food products. VDACS anticipates hiring an external expert in

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toxic heavy metals to facilitate the group's activities. A similar work group led by VDACS in 2024 conducted three meetings between April and November to produce a report. The cost for hiring the expert and producing the report is estimated at \$25,000, which VDACS can absorb.

Membership in the work group is to include one senator, one delegate, one representative from VDH, and one representative from VDACS, among others. VDACS and VDH anticipate being able to absorb any associated expenditures. Assuming three meetings, estimates for compensation for two members of the GA totals \$1,800, and estimates for associated travel total \$2,202. This is based on each member receiving \$300 per meeting and a travel budget of \$367.

Other: None.