

117TH CONGRESS
1ST SESSION

H. R. 2333

To amend the Federal Food, Drug, and Cosmetic Act to prohibit the retail sale of infant formula if its use by date has passed.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Ms. MENG introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to prohibit the retail sale of infant formula if its use by date has passed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infant Formula Pro-
5 tection Act of 2021”.

6 **SEC. 2. EXPIRED INFANT FORMULA.**

7 (a) PROHIBITED ACT.—Section 301 of the Federal
8 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
9 ed by adding at the end the following new subsection:

1 “(fff) The retail sale of infant formula if the use by
2 date of such infant formula, as specified in the labeling
3 of such formula in accordance with section 107.20 of title
4 21, Code of Federal Regulations (or any successor regula-
5 tions), has passed.”.

6 (b) APPLICABILITY.—The amendment made by sub-
7 section (a) applies beginning on the date that is 6 months
8 after the date of enactment of this Act.

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