

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

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

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## 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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