

119TH CONGRESS
1ST SESSION

H. R. 3722

To amend the Federal Food, Drug, and Cosmetic Act to deem adulterated food containing certain color additives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2025

Mrs. LUNA (for herself and Mr. NEHLS) 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 deem adulterated food containing certain color additives, and for other purposes.

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 “Do or Dye Act”.

5 **SEC. 2. FOOD CONTAINING CERTAIN COLOR ADDITIVES**
6 **DEEMED ADULTERATED.**

7 (a) IN GENERAL.—Notwithstanding the listing and
8 certification (or exemption in effect with respect to such
9 certification) of any qualified color additive or covered

1 color additive pursuant to section 721 of the Federal
2 Food, Drug, and Cosmetic Act (21 U.S.C. 379e)—

3 (1) beginning on December 31, 2025—

4 (A) a qualified color additive shall be
5 deemed unsafe for use in or on food within the
6 meaning of subsection (a) of such section; and

7 (B) a food that is, or it bears or contains,
8 such a color additive is adulterated within the
9 meaning of section 402(c) of such Act (21
10 U.S.C. 342(c)); and

11 (2) beginning on December 31, 2026—

12 (A) a covered color additive shall be
13 deemed unsafe for use in or on food within the
14 meaning of subsection (a) of such section; and

15 (B) a food that is, or it bears or contains,
16 such a color additive is adulterated within the
17 meaning of section 402(c) of such Act (21
18 U.S.C. 342(c)).

19 (b) DEFINITIONS.—In this Act:

20 (1) The term “covered color additive” means
21 the following color additives (as such term is defined
22 in section 201 of the Federal Food, Drug, and Cos-
23 metic Act (21 U.S.C. 321)):

24 (A) Red No. 40.

25 (B) Yellow No. 5.

1 (C) Yellow No. 6.

2 (D) Green No. 3.

3 (E) Blue No. 1.

4 (F) Blue No. 2.

5 (G) Any additive that is substantially simi-
6 lar to the additives specified in subparagraphs
7 (A) through (F).

8 (2) The term “qualified color additive” means
9 the following color additives:

10 (A) Citrus Red No. 2.

11 (B) Orange B.

12 (C) Any additive that is substantially simi-
13 lar to the additives specified in subparagraphs
14 (A) and (B).

○