

119TH CONGRESS
2D SESSION

H. R. 8412

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to revise certain regulations related to infant and toddler beverages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2026

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

A BILL

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to revise certain regulations related to infant and toddler beverages, 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. INFANT AND TODDLER BEVERAGES.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services, acting through the Commissioner of
6 Food and Drugs (in this section referred to as the “Sec-
7 retary”) shall revise—

1 (1) section 101.3 of title 21, Code of Federal
2 Regulations, to prohibit any beverage in powder or
3 liquid form, other than infant formula, represented
4 or purported to be for use by children more than 12
5 months old, from being identified as “infant for-
6 mula” or use the term “formula” in combination
7 with any other term; and

8 (2) part 102 of title 21, Code of Federal Regu-
9 lations, so that—

10 (A) in the case of any powdered or liquid
11 milk-based beverage that claims to be for con-
12 sumption by children 12 to 36 months of age,
13 such beverage shall—

14 (i) use as its common or usual name
15 a descriptive term such as “milk-based
16 drink”; and

17 (ii) if the beverage contains added
18 sugars, nonnutritive sweeteners, or
19 flavorings, include in such common or
20 usual name a qualifying term such as
21 “sweetened” or “flavored”;

22 (B) in the case of any powdered or liquid
23 nondairy-milk-based beverage that claims to be
24 for consumption by children 12 to 36 months of
25 age, such beverage shall—

1 (i) use as its common or usual name
2 an appropriately descriptive term identi-
3 fying the source of protein, such as “soy-
4 based drink powder for 12–36 month
5 olds”; and

6 (ii) if the beverage contains added
7 sugars, nonnutritive sweeteners, or
8 flavorings, include in such common or
9 usual name qualifying terms such as
10 “sweetened” and “flavored”; and

11 (C) the labeling of a beverage described in
12 subparagraph (A) or (B) shall—

13 (i) contain a disclaimer that—

14 (I) cautions against consumption
15 of the beverage by infants, such as
16 “DO NOT SERVE TO INFANTS
17 UNDER 12 MONTHS OLD”; and

18 (II) such beverages are not rec-
19 ommended for children 12 to 24
20 months of age and such consumption
21 of such beverages is not required for
22 a healthy diet, such as “This product
23 contains added sugars. The Dietary
24 Guidelines for Americans recommend
25 avoiding food and beverages with

1 added sugars for children younger
2 than 24 months of age.”; and
3 (ii) not contain any statement sug-
4 gesting a recommended daily intake of
5 such beverages, such as “one cup a day”.

6 (b) REGULATIONS.—

7 (1) PROPOSED REGULATIONS.—Not later than
8 1 year after the date of enactment of this Act, the
9 Secretary shall issue proposed regulations to carry
10 out this section.

11 (2) FINAL REGULATIONS.—Not later than 2
12 years after the date of enactment of this Act, the
13 Secretary shall finalize the regulations proposed pur-
14 suant to paragraph (1).

15 (3) FAILURE TO ISSUE FINAL REGULATION.—If
16 the Secretary does not issue a final regulation as re-
17 quired by paragraph (2) by the deadline specified in
18 such paragraph, the corresponding proposed regula-
19 tion shall become final on such deadline.

20 (c) DELAYED APPLICABILITY.—The revisions to reg-
21 ulations made pursuant to subsection (a) shall apply be-
22 ginning on the date that is 3 years after the date of enact-
23 ment of this Act.

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