

Amendment offered by Chellie Pingree

Amendment description

The amendment would insert H.R. 4987, the Food Date Labeling Act.

AMENDMENT

OFFERED BY M S. Pingree

At the end of title XII, add the following (and make such conforming changes as may be necessary):

1 **SEC. 12412. FOOD DATE LABELING.**

2 (a) DEFINITIONS.—In this section:

3 (1) ADMINISTERING SECRETARIES.—The term
4 “administering Secretaries” means—

5 (A) the Secretary of Agriculture, with re-
6 spect to any product that is—

7 (i) under the jurisdiction of the Sec-
8 retary of Agriculture; and

9 (ii)(I) a poultry product (as defined in
10 section 4 of the Poultry Products Inspec-
11 tion Act (21 U.S.C. 453));

12 (II) a meat food product (as defined
13 in section 1 of the Federal Meat Inspection
14 Act (21 U.S.C. 601)); or

15 (III) an egg product (as defined in
16 section 4 of the Egg Products Inspection
17 Act (21 U.S.C. 1033)); and

18 (B) the Secretary of Health and Human
19 Services, with respect to any product that is—

1 (i) under the jurisdiction of the Sec-
2 retary of Health and Human Services; and
3 (ii) a food (as defined in section 201
4 of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 321)).

6 (2) DISCARD DATE PHRASE.—The term “dis-
7 card date phrase” means a phrase voluntarily print-
8 ed on a food packaging that signifies the end of the
9 estimated period of shelf life under any stated stor-
10 age conditions, after which the entity responsible for
11 the food label advises the product not be consumed.

12 (3) QUALITY DATE PHRASE.—The term “qual-
13 ity date phrase” means a phrase voluntarily printed
14 on a food packaging that is intended to commu-
15 nicate to consumers when—

16 (A) the quality of the product may begin
17 to deteriorate; but

18 (B) the product remains apparently whole-
19 some food (as defined in subsection (b) of the
20 Bill Emerson Good Samaritan Food Donation
21 Act (42 U.S.C. 1791(b))).

22 (b) QUALITY DATE PHRASES AND DISCARD DATE
23 PHRASES.—

24 (1) QUALITY DATE PHRASES.—

1 (A) IN GENERAL.—If a quality date is
2 used on a food package, such quality date shall
3 be preceded by the uniform quality date label
4 phrase under subparagraph (B).

5 (B) UNIFORM PHRASE.—The uniform
6 quality date label phrase under this paragraph
7 shall be “BEST If Used By” or, if permissible
8 under paragraph (3)(C), the standard abbrevia-
9 tion of “BB”, unless and until the admin-
10 istering Secretaries, acting in coordination,
11 specify through rulemaking another uniform
12 phrase to be used for purposes of complying
13 with subparagraph (A).

14 (C) OPTION OF THE ENTITY RESPONSIBLE
15 FOR THE FOOD LABEL.—The decisions of
16 whether to include a quality date or quality
17 date phrase on food packaging and which foods
18 should be so labeled shall be at the discretion
19 of the entity responsible for the food label.

20 (2) DISCARD DATE PHRASES.—

21 (A) IN GENERAL.—If a discard date is
22 used on food packaging, such discard date shall
23 be preceded by the uniform discard date label
24 phrase under subparagraph (B).

1 (B) UNIFORM PHRASE.—The uniform dis-
2 card date label phrase under this paragraph
3 shall be “USE By” or, if permissible under
4 paragraph (3)(C), the standard abbreviation of
5 “UB”, unless and until the administering Sec-
6 retaries, acting in coordination, specify through
7 rulemaking another uniform phrase to be used
8 for purposes of complying with subparagraph
9 (A).

10 (C) OPTION OF THE ENTITY RESPONSIBLE
11 FOR THE FOOD LABEL.—The decisions of
12 whether to include a discard date or discard
13 date phrase on food packaging and which foods
14 should be so labeled shall be at the discretion
15 of the entity responsible for the food label.

16 (3) QUALITY DATE PHRASE AND DISCARD DATE
17 PHRASE LABELING.—

18 (A) IN GENERAL.—The quality date or dis-
19 card date, as applicable, shall be—

20 (i) in single easy-to-read type style;

21 and

22 (ii) located in a conspicuous and
23 prominent place on the food label or else-
24 where on the package.

1 (B) DATE FORMAT.—The format of each
2 quality date and discard date that follows the
3 quality date phrase and discard date phrase, as
4 applicable, shall be stated in terms of month
5 and year or, as appropriate, month, day, and
6 year.

7 (C) ABBREVIATIONS.—A standard abbrevi-
8 ation of “BB” and “UB” for the quality date
9 phrase and discard date phrase, respectively,
10 may be used only if the food packaging is too
11 small to include the uniform phrase described in
12 paragraph (1)(B) or (2)(B), as applicable.

13 (D) USE OF TECHNOLOGIES AND ADDI-
14 TIONAL LABELS.—The labeling required under
15 this paragraph may utilize time-temperature in-
16 dicator labels, QR codes, smart labels, or simi-
17 lar technology, in addition to any uniform qual-
18 ity date label phrase under paragraph (1)(B) or
19 uniform discard label phrase under paragraph
20 (2)(B). Nothing in this section or an amend-
21 ment made by this section prohibits or restricts
22 the use of such technology or labeling in lieu of
23 any uniform quality date label phrase under
24 paragraph (1)(B) or uniform discard date label
25 phrase under paragraph (2)(B).

1 (E) FREEZE BY.—The entity responsible
2 for the food label may add “or freeze by” fol-
3 lowing a uniform quality date label phrase or
4 discard date label phrase.

5 (4) EDUCATION.—Not later than 2 years after
6 the date of enactment of this Act, the administering
7 Secretaries, acting in coordination, shall provide con-
8 sumer education and outreach on the meaning of
9 quality date phrases and discard date phrases on
10 food packaging.

11 (5) EFFECT; PREEMPTION.—

12 (A) EFFECT ON SALE OR DONATION OF
13 FOODS.—Nothing in this section or an amend-
14 ment made by this section prohibits any State
15 or political subdivision of a State from estab-
16 lishing or continuing in effect any requirement
17 that prohibits the sale or donation of foods
18 based on passage of the discard date.

19 (B) EFFECT ON INFANT FORMULA.—Noth-
20 ing in this section or an amendment made by
21 this section—

22 (i) applies with respect to infant for-
23 mula (as defined in section 201(z) of the
24 Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 321(z))); or

1 (ii) affects the requirements relating
2 to infant formula under section 412 of the
3 Federal Food, Drug, and Cosmetic Act (21
4 U.S.C. 350a) or any other applicable provi-
5 sion of law.

6 (C) PREEMPTION.—No State or political
7 subdivision of a State may establish or continue
8 in effect any requirement that—

9 (i) relates to the inclusion in food la-
10 beling of a quality date phrase or a discard
11 date phrase that is different from, in addi-
12 tion to, or otherwise not identical with, the
13 requirements of this section and the
14 amendments made by this section; or

15 (ii) prohibits the sale or donation of
16 foods based on passage of the quality date.

17 (D) ENFORCEMENT.—The administering
18 Secretaries, in consultation with the Federal
19 Trade Commission, shall ensure that the uni-
20 form quality date label phrase and uniform dis-
21 card date label phrase are standardized across
22 all food products.

23 (E) SAVINGS PROVISION.—Notwith-
24 standing subparagraph (C), nothing in this sec-
25 tion, any amendment made by this section, or

1 any standard or requirement imposed pursuant
2 to this section preempts, displaces, or supplants
3 any State or Federal common law rights or any
4 State or Federal statute creating a remedy for
5 civil relief, including under the Federal Trade
6 Commission Act (15 U.S.C. 41 et seq.).

7 (F) RULE OF CONSTRUCTION.—Nothing in
8 this paragraph shall be construed to—

9 (i) authorize the Secretary of Health
10 and Human Services to require that a food
11 be labeled for quality standards or for a
12 discard date as described in paragraphs
13 (1) and (2); or

14 (ii) preempt a State from setting re-
15 quirements for a quality date or discard
16 date or a timeline of quality, listed on a
17 food label, provided that the requirement
18 complies with the uniform quality data
19 phrase or discard date phrase specified in
20 paragraph (1)(B) or (2)(B).

21 (c) MISBRANDING.—

22 (1) FDA VIOLATIONS.—Section 403 of the Fed-
23 eral Food, Drug, and Cosmetic Act (21 U.S.C. 343)
24 is amended by adding at the end the following:

1 “(z) If the label bears a quality date phrase or dis-
2 card date phrase that fails to comply with the require-
3 ments as specified in subsections (c)(1) and (c)(2) of sec-
4 tion 12412 of the Farm, Food, and National Security Act
5 of 2026, or that fails to meet the requirements as specified
6 in subsection (c)(3) of such Act.”.

7 (2) POULTRY PRODUCTS.—Section 4(h) of the
8 Poultry Products Inspection Act (21 U.S.C. 453(h))
9 is amended—

10 (A) in paragraph (11), by striking “or” at
11 the end;

12 (B) in paragraph (12), by striking the pe-
13 riod at the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(13) if its labeling is in violation of subsection
16 (c) of section 12412 of the Farm, Food, and Na-
17 tional Security Act of 2026.”.

18 (3) MEAT PRODUCTS.—Section 1(n) of the Fed-
19 eral Meat Inspection Act (21 U.S.C. 601(n)) is
20 amended—

21 (A) in paragraph (11), by striking “or” at
22 the end;

23 (B) in paragraph (12), by striking the pe-
24 riod at the end and inserting “; or”; and

25 (C) by adding at the end the following:

1 “(13) if its labeling is in violation of subsection
2 (e) of section 12412 of the Farm, Food, and Na-
3 tional Security Act of 2026.”.

4 (4) EGG PRODUCTS.—Section 7(b) of the Egg
5 Products Inspection Act (21 U.S.C. 1036(b)) is
6 amended in the first sentence by inserting “or if its
7 labeling is in violation of subsection (c) of section
8 12412 of the Farm, Food, and National Security
9 Act of 2026” before the period at the end.

10 (d) REGULATIONS.—Not later than 2 years after the
11 date of enactment of this Act, the administering Secre-
12 taries, in coordination with each other, shall promulgate
13 final regulations for carrying out this section.

14 (e) DELAYED APPLICABILITY.—This section and the
15 amendments made by this section shall apply only with
16 respect to food products that are labeled on or after the
17 date that is 2 years after the date of enactment of this
18 Act.

