



Assemblymember Lori D Wilson, 11th Assembly District

AB 228 – Strategic Stockpile of Baby Formula

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Joint Author: Assemblymember Dr. Akilah Weber

Coauthors: Assemblymember Tasha Boerner Horvath, Assemblymember Megan Dahle, Assemblymember Laurie Davies, Assemblymember Stephanie Nguyen, Assemblymember Luz Rivas, Assemblymember Blanca Rubio, Assemblymember Marie Waldron, and Senator Janet Nguyen

Background

In 2022, the United States experienced a severe shortage of infant formula as a result of the 2021-2022 global supply chain crisis compounded by a large scale product recall. The import restrictions and market concentration also exasperated this issue.

As a result many California parents were met with the unimaginable plight of not having enough food for their babies. Unlike other food products, infant formula often does not have an available and acceptable substitute as a source of nutrition for those who rely on it.

The FDA has specific requirements for nutrient compounds in infant formula vital to children’s early developmentⁱ. At-home fixes, such as watering down baby formula to stretch it longer, homemade alternatives, and the use of other milk types for infants less than one year old, such as cow’s milk or plant-based milk, do not contain the nutritional composition that babies needⁱⁱ. Additionally, if prepared in unsanitary conditions, these homemade alternatives can also contain foodborne illnesses, which can be fatal for young children.ⁱⁱⁱ

For these reasons in 2022 the Food and Drug Administration (FDA) Commissioner Robert Califf recommended that lawmakers consider an initiative to have a stockpile of infant formula that could be tapped to ease future shortages that might arise.

Because of this it is imperative for California to implement this strategic stockpile of infant formula so we always have a safe, reliable source of formula on hand for California parents to serve their children, particularly for those on low-income programs.

ⁱU.S. Food and Drug Administration, “FDA Advises Parents and Caregivers to Not Make or Feed Homemade Infant Formula to Infants,” February 24, 2021.

Bill Summary

AB 228 would require that the California Department of Public Health to create a program that creates a strategic stockpile of baby formula that could be tapped to ease future shortages. This bill is modeled after Health and Safety Code 131021 which required the department to stockpile personal protective equipment and will operate in a similar manner.

The department will also establish guidelines for procurement, management, and distribution of infant formula from the department under advisement from the Infant Formula Advisory Committee.

They will take into account:

- Various types of infant formula, including specialty formula that may be required during a shortage.
- The shelf life of each type of infant formula and how to restock and distribute to ensure they are compliant with expiration dates.
- The funding that would be required for the state to establish and maintain a stockpile of infant formula
- The amount and type of formula that would be required to meet shortages, particularly for families that enrolled in California programs, including, but not limited to, the California Special Supplemental Food Programs for Women, Infant, and Children (WIC).

For more information contact: Nichole Sidney, Legislative Assistant, Nichole.Sidney@asm.ca.gov or (916) 319-2011

ⁱⁱSteven A. Abrams, “Is Homemade Baby Formula Safe?”, HealthyChildren.org

ⁱⁱⁱArohi Pathok et al “The National Baby Formula Shortage and the Inequitable U.S. Food System”