

**SENATE, No. 3277**

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**STATE OF NEW JERSEY**

**222nd LEGISLATURE**

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INTRODUCED FEBRUARY 2, 2026

**Sponsored by:**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**Co-Sponsored by:**

**Senator Henry**

**SYNOPSIS**

Requires food manufacturers to disclose new food additives not reported to FDA

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/9/2026)**

1 AN ACT requiring the disclosure of certain information regarding  
2 food additives and supplementing Title 24 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. a. As used in this act:

9 "Food" means the same as that term is defined in the "Food,  
10 Drug, and Cosmetic Act," 21 U.S.C. s.301 et seq., with the  
11 exception of alcohol.

12 "Food additive" means the same as that term is defined in the  
13 "Food, Drug, and Cosmetic Act," 21 U.S.C. s.301 et seq.

14 "Generally recognized as safe" or "GRAS" means any substance  
15 added to food because it is recognized, among experts qualified by  
16 scientific training and experience to evaluate its safety, as having  
17 been adequately shown to be safe under the conditions of its  
18 intended use through scientific procedure or, in the case of a  
19 substance used in food prior to January 1, 1958, through either  
20 scientific procedure or experience based on prolonged use in food.

21 b. For each new use of a food additive, a manufacturer of food  
22 to be sold in this State shall provide notice to the Department of  
23 Health in an annual report, in a form and manner specified by the  
24 Commissioner of Health that includes the following information:

25 (1) a signed statement certifying the claim that a particular use  
26 of a substance is exempt from premarket approval requirements of  
27 the "Food, Drug, and Cosmetic Act," 21 U.S.C. s.301 et seq.,  
28 because the notifier has determined that such use is GRAS. This  
29 exemption claim would include:

30 (a) the name and address of the reporter or reporting  
31 organization;

32 (b) the date and signature of a responsible official of the reporter  
33 or reporting organization;

34 (c) the common or usual name of any GRAS substances  
35 reviewed in the report, using an appropriately descriptive term;

36 (d) the intended conditions for the use of any GRAS substance  
37 reviewed in the report, including the foods in which the substance  
38 will be used, the amounts or levels of such use in foods, and the  
39 purposes of which the substance will be used, including, when  
40 appropriate, a description of any subpopulation expected to  
41 consume such GRAS substances;

42 (e) the basis for the conclusion of the GRAS status, whether by  
43 scientific procedure or experience based on common use in food;

44 (f) a statement of assurance that if requested to procure the data  
45 that forms the basis of the GRAS conclusion, the reporter will agree  
46 to make the data available to the commissioner for review and  
47 replication electronically or otherwise; and

- 1 (g) an opinion as to whether any of the data in the GRAS report  
2 is exempt from disclosure under the federal “Freedom of  
3 Information Act” pursuant to 5 U.S.C. s.552 et seq.
- 4 (2) the identity, method of manufacture, specifications, and  
5 physical or technical effect of the notified substance including:
- 6 (a) scientific data about the identity of the notified substance  
7 such as its chemical name, its Chemical Abstracts Service (CAS)  
8 Registry Number, Enzyme Commission number, empirical formula,  
9 structural formula, and quantitative composition;
- 10 (b) a description of the method of manufacture of the GRAS  
11 substance in sufficient detail to evaluate the safety of the notified  
12 substance as manufactured;
- 13 (c) for a substance of natural biological origin, the source  
14 information such as genus and species, and any applicable sub-  
15 species level information, such as variety, strain;
- 16 (i) the part of any plant or animal used as the source of the  
17 GRAS substance; and
- 18 (ii) any content of potential human toxicants.
- 19 (d) specifications for food-grade material; and
- 20 (e) when necessary to demonstrate safety, shall include relevant  
21 data and information bearing on the physical or other technical  
22 effect the notified substance is intended to produce, including the  
23 quantity of the notified substance required to produce such effect.
- 24 (3) Dietary exposure to the notified substance (such as the  
25 amount of relevant substances a consumer is likely to eat or drink as  
26 part of a total diet), including:
- 27 (a) an estimate of the dietary exposure to the notified substance  
28 that includes exposure from its intended use and all sources in the  
29 diet;
- 30 (b) when applicable, an estimate of dietary exposure to any  
31 other substance that is expected to be formed in or on food because  
32 of the use of the notified substance (such as hydrolytic products or  
33 reaction products);
- 34 (c) when applicable, an estimate of the dietary exposure to any  
35 other substance that is present with the notified substance either  
36 naturally or due to its manufacture (such as contaminants or  
37 byproducts);
- 38 (d) source of any food consumption data used to estimate dietary  
39 exposure, in accordance with subparagraphs (a) through (c) of this  
40 paragraph; and
- 41 (e) any assumptions made to estimate dietary exposure, in  
42 accordance with clauses (a) through (c) of this paragraph.
- 43 (4) self-limiting levels of use in circumstances where the amount  
44 of the notified substance that can be added to human food or animal  
45 food is limited because the food containing levels of the notified  
46 substance above a particular level would become unpalatable or  
47 technologically impractical;

1 (5) for a substance with a statutory conclusion of GRAS status  
2 based on common use in food, evidence of a substantial history of  
3 consumption of the notified substance for food use by a significant  
4 number of consumers prior to January 1, 1958;

5 (6) a narrative that provides the basis for the conclusion of  
6 GRAS status that includes:

7 (a) an explanation as to the reason the data and information in  
8 the report provide a basis for the conclusion that the notified  
9 substance is safe under the conditions of its intended use. The  
10 explanation shall address the safety of the notified substance, a  
11 consideration of all dietary sources and take into account any  
12 chemically or pharmacologically related substances in the diet and  
13 identify what specific data and information reviewed in accordance  
14 with this subparagraph are generally available and not generally  
15 available by providing citations to the list of data and information  
16 required of this paragraph;

17 (b) an explanation of how the generally available data and  
18 information relied on to establish safety in accordance with  
19 subparagraph (a) of paragraph (6) of this subsection provides a  
20 basis for the conclusion that the reported substance is generally  
21 recognized, among qualified experts, to be safe under the conditions  
22 of its intended use;

23 (c) either data and information that are, or may appear to be,  
24 inconsistent with the conclusion of the GRAS status, or a statement  
25 that the available data and information was reviewed and the  
26 reporter is not aware of any data and information that are or may  
27 appear to be, inconsistent with the conclusion of GRAS status;

28 (d) whether the data and information in the report is exempt  
29 from disclosure under the "Freedom of Information Act," a  
30 statement that identifies such data and information; and

31 (e) how there could be a determination of GRAS status if  
32 qualified experts generally do not have access to non-public, safety-  
33 related information.

34 (7) a list of supporting data and information in the GRAS notice,  
35 including:

36 (a) a list of all data and information required by paragraph (6) of  
37 this subsection to provide a basis for the conclusion that the notified  
38 substance is safe under the conditions of its intended use; and

39 (b) a specification of the items listed in subparagraph (a) of this  
40 paragraph as generally available or not generally available.

41 (8) any previous GRAS substance notices submitted to the Food  
42 and Drug Administration on the reported substance and any  
43 response from the agency; and

44 (9) all relevant, currently available safety information on the  
45 GRAS substance.

46 c. The following substances are exempt from the reporting  
47 requirements of subsection a. of this section:

- 1 (1) any GRAS substance for which the Food and Drug  
2 Administration has received a GRAS notice and issued a letter  
3 stating that the federal Food and Drug Administration has no  
4 questions regarding the conclusion that the substance is generally  
5 recognized as safe under its intended conditions of use;
  - 6 (2) any substances recognized in federal regulations as prior  
7 sanctioned or GRAS substances for use in food or food packaging;
  - 8 (3) any food contact substance for which there is an effective  
9 premarket notification demonstrating safety for its intended use;
  - 10 (4) any substances subject to regulation approving its intended  
11 use for food;
  - 12 (5) a food ingredient of natural biological origin that has been  
13 widely consumed for its nutrient properties in the United States  
14 prior to January 1, 1958 without known detrimental effects, which  
15 is subject only to conventional processing as practiced prior to  
16 January 1, 1958, and for which no known safety hazard exists; and
  - 17 (6) any substance determined safe to be added to foods by the  
18 commissioner.
- 19 d. The provisions of this section shall not apply to any cottage  
20 food operator, as defined by N.J.A.C.8:24-1.5.
  - 21 e. Any person may file a report to the commissioner under this  
22 section.
  - 23 f. Data establishing the general recognition of safety shall be  
24 based on publicly available information and shall not be based on  
25 trade secrets.  
26
- 27 2. a. The Commissioner of Health shall adopt rules and  
28 regulations, pursuant to the provisions of the "Administrative  
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate  
30 the purposes of this act.
  - 31 b. The department shall publish on its Internet website, and  
32 update as appropriate, a searchable database of the reports  
33 submitted pursuant to section 1 of P.L. ,c. (C. ) (pending  
34 before the Legislature as this bill). The commissioner shall omit or  
35 redact any portion of the report that has been designated by the  
36 submitter as a trade secret, provided, however, that the data  
37 establishing the general recognition of safety shall not be omitted or  
38 redacted.
  - 39 The commissioner may refuse to publish an incomplete report if  
40 the notifier has not corrected any insufficiency within a time frame  
41 to be determined by the commissioner.
  - 42 c. The commissioner shall inform the notifier of when the  
43 report submitted pursuant to section 1 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill) will be posted on the  
45 department's Internet website. The commissioner shall, within six  
46 months from the date of receipt, publish the report's information on  
47 the department's website.



1 This bill requires industry to provide the Commissioner of  
2 Health with the premarket review rendering an additive GRAS, in  
3 the form of an annual report with certain requirements, for  
4 publication on the Department of Health Internet website. The  
5 department is to review and publish the report within six months of  
6 receipt. The commissioner may refuse to publish an incomplete  
7 report, after the submitting entity has been given an opportunity to  
8 correct any insufficiency within a reasonable time, to be determined  
9 by the commissioner. The bill requires the commissioner to  
10 promulgate rules and regulations for the collection of these reports  
11 and the publication of the data on the department's Internet website.  
12 It is the sponsor's view that the publication of a manufacturer's  
13 food additive assessment will enable the public to make an  
14 informed decision regarding their consumption choices.

15 Finally, the bill provides for the use of the "Penalty Enforcement  
16 Law of 1999", P.L.1999 ,c.274 (C.2A:58-10 et seq.), in carrying out  
17 the bill's provisions and makes available to the Commissioner of  
18 Health the assistance of the Attorney General in recovering  
19 penalties, including enforcing an injunction to protect the public  
20 interest. The penalties are up to \$1,000 for a first offense and up to  
21 \$5,000 for each subsequent offense. For a violation of a continuing  
22 nature, each day constitutes an additional, separate and distinct  
23 offense.

24 The bill becomes effective one year after enactment, but permits  
25 the Commissioner of Health to take anticipatory action.