

118TH CONGRESS  
2D SESSION

# H. R. 8687

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2024

Mrs. LUNA (for herself and Mr. MOYLAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 covered color additive pursuant to sec-  
10 tion 721 of the Federal Food, Drug, and Cosmetic Act

1 (21 U.S.C. 379e), effective beginning on the date of this  
2 Act—

3 (1) a covered color additive is deemed unsafe  
4 for use in or on food within the meaning of sub-  
5 section (a) of such section; and

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

9 (b) COVERED COLOR ADDITIVE.—In this Act, the  
10 term “covered color additive” means the following color  
11 additives (as such term is defined in section 201 of the  
12 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)):

13 (1) Red No. 40.

14 (2) Yellow No. 5.

15 (3) Yellow No. 6.

16 (4) Any additive that is substantially similar to  
17 the additives specified in paragraphs (1) through  
18 (4).

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