

119TH CONGRESS
1ST SESSION

S. _____

To establish requirements for quality and discard date phrases that are voluntarily declared on the food label to display calendar dates.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish requirements for quality and discard date phrases that are voluntarily declared on the food label to display calendar dates.

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 “Food Date Labeling
5 Act of 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTERING SECRETARIES.—The term
9 “administering Secretaries” means—

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

3 (i) under the jurisdiction of the Sec-
4 retary of Agriculture; and

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

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

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

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

16 (i) under the jurisdiction of the Sec-
17 retary of Health and Human Services; and

18 (ii) a food (as defined in section 201
19 of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 321)).

21 (2) DISCARD DATE PHRASE.—The term “dis-
22 card date phrase” means a phrase voluntarily print-
23 ed on a food packaging that signifies the end of the
24 estimated period of shelf life under any stated stor-

1 age conditions, after which the entity responsible for
2 the food label advises the product not be consumed.

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

7 (A) the quality of the product may begin
8 to deteriorate; but

9 (B) the product remains apparently whole-
10 some food (as defined in subsection (b) of the
11 Bill Emerson Good Samaritan Food Donation
12 Act (42 U.S.C. 1791(b))).

13 **SEC. 3. QUALITY DATE PHRASES AND DISCARD DATE**
14 **PHRASES.**

15 (a) QUALITY DATE PHRASES.—

16 (1) IN GENERAL.—If a quality date is used on
17 a food package, such quality date shall be proceeded
18 by the uniform quality date label phrase under para-
19 graph (2).

20 (2) UNIFORM PHRASE.—The uniform quality
21 date label phrase under this paragraph shall be
22 “BEST If Used By” or, if permissible under sub-
23 section (c)(3), the standard abbreviation of “BB”,
24 unless and until the administering Secretaries, act-
25 ing in coordination, specify through rulemaking an-

1 other uniform phrase to be used for purposes of
2 complying with paragraph (1).

3 (3) OPTION OF THE ENTITY RESPONSIBLE FOR
4 THE FOOD LABEL.—The decisions of whether to in-
5 clude a quality date or quality date phrase on food
6 packaging and which foods should be so labeled shall
7 be at the discretion of the entity responsible for the
8 food label.

9 (b) DISCARD DATE PHRASES.—

10 (1) IN GENERAL.—If a discard date is used on
11 food packaging, such discard date shall be proceeded
12 by the uniform discard date label phrase under para-
13 graph (2).

14 (2) UNIFORM PHRASE.—The uniform discard
15 date label phrase under this paragraph shall be
16 “USE By” or, if permissible under subsection
17 (c)(3), the standard abbreviation of “UB”, unless
18 and until the administering Secretaries, acting in co-
19 ordination, specify through rulemaking another uni-
20 form phrase to be used for purposes of complying
21 with paragraph (1).

22 (3) OPTION OF THE ENTITY RESPONSIBLE FOR
23 THE FOOD LABEL.—The decisions of whether to in-
24 clude a discard date or discard date phrase on food
25 packaging and which foods should be so labeled shall

1 be at the discretion of the entity responsible for the
2 food label.

3 (c) QUALITY DATE PHRASE AND DISCARD DATE
4 PHRASE LABELING.—

5 (1) IN GENERAL.—The quality date or discard
6 date, as applicable, shall be—

7 (A) in single easy-to-read type style; and

8 (B) located in a conspicuous and promi-
9 nent place on the food label or elsewhere on the
10 package.

11 (2) DATE FORMAT.—The format of each quality
12 date and discard date that follows the quality date
13 phrase and discard date phrase, as applicable, shall
14 be stated in terms of month and year or, as appro-
15 priate, month, day, and year.

16 (3) ABBREVIATIONS.—A standard abbreviation
17 of “BB” and “UB” for the quality date phrase and
18 discard date phrase, respectively, may be used only
19 if the food packaging is too small to include the uni-
20 form phrase described in subsection (a)(2) or (b)(2),
21 as applicable.

22 (4) USE OF TECHNOLOGIES AND ADDITIONAL
23 LABELS.—The labeling required under this sub-
24 section may utilize time-temperature indicator labels,
25 QR codes, smart labels, or similar technology, in ad-

1 dition to any uniform quality date label phrase
2 under subsection (a)(2) or uniform discard label
3 phrase under subsection (b)(2). Nothing in this Act
4 or an amendment made by this Act prohibits or re-
5 stricts the use of such technology or labeling in lieu
6 of any uniform quality date label phrase under sub-
7 section (a)(2) or uniform discard date label phrase
8 under subsection (b)(2).

9 (5) FREEZE BY.—The entity responsible for the
10 food label may add “or freeze by” following a uni-
11 form quality date label phrase or discard date label
12 phrase.

13 (d) EDUCATION.—Not later than 2 years after the
14 date of enactment of this Act, the administering Secre-
15 taries, acting in coordination, shall provide consumer edu-
16 cation and outreach on the meaning of quality date
17 phrases and discard date phrases on food packaging.

18 (e) EFFECT; PREEMPTION.—

19 (1) EFFECT ON SALE OR DONATION OF
20 FOODS.—Nothing in this Act or an amendment
21 made by this Act prohibits any State or political
22 subdivision of a State from establishing or con-
23 tinuing in effect any requirement that prohibits the
24 sale or donation of foods based on passage of the
25 discard date.

1 (2) EFFECT ON INFANT FORMULA.—Nothing in
2 this Act or an amendment made by this Act—

3 (A) applies with respect to infant formula
4 (as defined in section 201(z) of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C.
6 321(z))); or

7 (B) affects the requirements relating to in-
8 fant formula under section 412 of the Federal
9 Food, Drug, and Cosmetic Act (21 U.S.C.
10 350a) or any other applicable provision of law.

11 (3) PREEMPTION.—No State or political sub-
12 division of a State may establish or continue in ef-
13 fect any requirement that—

14 (A) relates to the inclusion in food labeling
15 of a quality date phrase or a discard date
16 phrase that is different from, in addition to, or
17 otherwise not identical with, the requirements
18 of this Act and the amendments made by this
19 Act; or

20 (B) prohibits the sale or donation of foods
21 based on passage of the quality date.

22 (4) ENFORCEMENT.—The administering Secre-
23 taries, in consultation with the Federal Trade Com-
24 mission, shall ensure that the uniform quality date

1 label phrase and uniform discard date label phrase
2 are standardized across all food products.

3 (5) SAVINGS PROVISION.—Notwithstanding
4 paragraph (3), nothing in this Act, any amendment
5 made by this Act, or any standard or requirement
6 imposed pursuant to this Act preempts, displaces, or
7 supplants any State or Federal common law rights
8 or any State or Federal statute creating a remedy
9 for civil relief, including under the Federal Trade
10 Commission Act (15 U.S.C. 41 et seq.).

11 (6) RULE OF CONSTRUCTION.—Nothing in this
12 subsection shall be construed to—

13 (A) authorize the Secretary of Health and
14 Human Services to require that a food be la-
15 beled for quality standards or for a discard date
16 as described in subsections (a) and (b); or

17 (B) preempt a State from setting require-
18 ments for a quality date or discard date or a
19 timeline of quality, listed on a food label, pro-
20 vided that the requirement complies with the
21 uniform quality data phrase or discard date
22 phrase specified in subsection (a)(2) or (b)(2).

1 **SEC. 4. MISBRANDING.**

2 (a) FDA VIOLATIONS.—Section 403 of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
4 ed by adding at the end the following:

5 “(z) If the label bears a quality date phrase or dis-
6 card date phrase that fails to comply with the require-
7 ments as specified in sections 3(a) and 3(b) of the Food
8 Date Labeling Act of 2025, or that fails to meet the re-
9 quirements as specified in section 3(c) of such Act.”.

10 (b) POULTRY PRODUCTS.—Section 4(h) of the Poul-
11 try Products Inspection Act (21 U.S.C. 453(h)) is amend-
12 ed—

13 (1) in paragraph (11), by striking “or” at the
14 end;

15 (2) in paragraph (12), by striking the period at
16 the end and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(13) if its labeling is in violation of section 3
19 of the Food Date Labeling Act of 2025.”.

20 (c) MEAT PRODUCTS.—Section 1(n) of the Federal
21 Meat Inspection Act (21 U.S.C. 601(n)) is amended—

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

24 (2) in paragraph (12), by striking the period at
25 the end and inserting “; or”; and

26 (3) by adding at the end the following:

1 “(13) if its labeling is in violation of section 3
2 of the Food Date Labeling Act of 2025.”.

3 (d) EGG PRODUCTS.—Section 7(b) of the Egg Prod-
4 ucts Inspection Act (21 U.S.C. 1036(b)) is amended in
5 the first sentence by inserting “or if its labeling is in viola-
6 tion of section 3 of the Food Date Labeling Act of 2025”
7 before the period at the end.

8 **SEC. 5. REGULATIONS.**

9 Not later than 2 years after the date of enactment
10 of this Act, the administering Secretaries, in coordination
11 with each other, shall promulgate final regulations for car-
12 rying out this Act.

13 **SEC. 6. DELAYED APPLICABILITY.**

14 This Act and the amendments made by this Act shall
15 apply only with respect to food products that are labeled
16 on or after the date that is 2 years after the date of enact-
17 ment of this Act.