

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 440

Short Title: Healthy Food Healthy Bodies. (Public)

Sponsors: Representatives Winslow, Almond, Lambeth, and Loftis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 20, 2025

A BILL TO BE ENTITLED
AN ACT TO LABEL FOODS WITH VACCINES AND PROHIBIT HARMFUL FOOD
ADDITIVES.

The General Assembly of North Carolina enacts:

PART I. CLASSIFYING FOODS CONTAINING VACCINES AS DRUGS

SECTION 1. G.S. 106-121 reads as rewritten:

"§ 106-121. Definitions and general consideration.

For the purpose of this Article:

...

(6) The term "drug" means

- a. Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
- b. Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and
- c. Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and
- d. Articles intended for use as a component of any article specified in paragraphs a, b or c; but does not include devices or their components, parts, or accessories.
- e. Food that contains a vaccine or vaccine material.

...

(14g) The term "vaccine or vaccine material" means a substance intended to stimulate the production of antibodies and provide immunity against disease that is (i) prepared from the causative agent of a disease, its products, or a synthetic substitute to act as an antigen without inducing the disease and (ii) authorized or approved by the United States Food and Drug Administration for use in humans.

...."

PART II. INCREASING REGULATION AGAINST HARMFUL ADDITIVES TO FOOD

SECTION 2.(a) Article 12 of Chapter 106 of the General Statutes is amended by adding a new section to read:

"§ 106-129.1. Prohibited food additives.



1 A person shall not manufacture, sell, distribute, hold, or offer for sale in commerce a food
2 product for human consumption that contains any of the following substances:

3 (1) Brominated vegetable oil (Chemical Abstract Services number 8016-94-2).

4 (2) Potassium bromate (Chemical Abstract Services number 7758-01-2).

5 (3) Propylparaben (Chemical Abstract Services number 94-13-3).

6 (4) Red 40 (Chemical Abstract Services number 25956-17-6).

7 (5) Yellow 5 (Chemical Abstract Services number 1934-21-0).

8 (6) Yellow 6 (Chemical Abstract Services number 2783-94-0).

9 (7) Blue 1 (Chemical Abstract Services number 68921-42-6).

10 (8) Blue 2 (Chemical Abstract Services number 860-22-0).

11 (9) Green 3 (Chemical Abstract Services number 1342-22-9)."

12 **SECTION 2.(b)** G.S. 106-124.1 is amended by adding a new subsection to read:

13 "(a1) A person who violates G.S. 106-129.1 shall be liable for a civil penalty not to exceed
14 five thousand dollars (\$5,000) for a first violation and not to exceed ten thousand dollars
15 (\$10,000) for each subsequent violation. The remedies under this subsection are in addition to,
16 and not in lieu of, any other remedies available under any other provision of law."

17 **SECTION 2.(c)** This section becomes effective January 1, 2027.

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19 **PART III. EFFECTIVE DATE**

20 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
21 law.