SPONSOR: Rep. Ortega & Sen. Pinkney
Reps. Berry, Bolden, Burns, Chukwuocha, Gorman, Griffith, Heffernan, K. Johnson, Lambert, Morrison, Neal, Romer, Kamela Smith, Hilovsky, Ross Levin, Snyder-Hall, Harris; Sens. Cruce, Hansen, Poore, Sturgeon

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

# HOUSE BILL NO. 337
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FOLIC ACID FORTIFICATION.

WHEREAS, the United States Food and Drug Administration mandated folic acid fortification of wheat flour and other grain products in 1996, leading to a significant reduction in rates of neural tube defects nationally; and

WHEREAS, minority populations in this state disproportionately consume corn masa, as opposed to wheat products, which is not consistently fortified with folic acid, contributing to higher rates of neural tube defects among these populations; and

WHEREAS, in Delaware, spina bifida affects 6.8% of Hispanic, 4.1% of Black, and 1.4% of White infants per 10,000 live births; and

WHEREAS, each case of spina bifida carries an estimated lifetime medical and social cost of $800,000 to $1.4 million, much of which is borne by Delaware Medicaid and other public programs; and

WHEREAS, fortifying grain products with folic acid is a proven cost-effective preventative measure that can avert cases of neural tube defects, reduce long-term public expenditures related to such defects, and promote health across communities in this state; and

WHEREAS, early folic acid intake has been associated with reduced risk for certain neurodevelopmental conditions, adding further potential public health benefits; and

WHEREAS, it is the intent of the 153rd General Assembly to reduce the incidence of neural tube defects and increase vitamin intake across the State in order to decrease the public health and fiscal burden associated with preventable birth defects and other associated negative health outcomes.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 37, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:


HD : CD : DS : 1041530010
DLS : HVW : CBM : 5081530238
Released: 06/16/2026 07:15 PM

CHAPTER 37. ~~Poultry Processing [Repealed].~~ Folic Acid Fortification of Corn Masa Flour

~~§§ 3701-3711. Definitions; license for operating poultry viscerating or dressing establishment; applications for license; license fee; issuance and term of license; form and display of license; denial or revocation of license; grounds; revocation of licenses; duration and effect; notice and hearing; licensee's right of appeal; penalty; injunction against continuing violations [Repealed].~~

§ 3701. Definitions.

For the purposes of this section:

(1) "Corn masa" means a dough-like food product made from corn that has been soaked in water and lime or otherwise undergoes a process known as nixtamalization.

(2) "Corn masa flour" also commonly known as masa harina, means a dry flour-type product made from corn that has been treated with slaked lime or otherwise undergoes a process known as nixtamalization.

(3) "Cottage food establishment" or "CFE" refers to facilities or locations where food items are made in a home-style kitchen for sale to and consumption by consumers.

(4) "Department" means the Department of Health and Human Services.

(5) "Folic acid" means a B complex vitamin.

(6) "Wet corn masa product" means a food product made primarily from corn masa manufactured through a vertically integrated or wet masa manufacturing process, excluding products made with corn masa flour.

§ 3702. Folic acid fortification requirement for corn masa flour.

(a) Beginning January 1, 2027, corn masa flour manufactured, sold, offered for sale, or used as an ingredient in the manufacture of a food product must contain folic acid at a level of 0.7 milligrams of folic acid per pound of corn masa flour within an acceptable industry standard deviation of error.

(b) Beginning January 1, 2027, wet corn masa product manufactured, sold, offered for sale, or used as an ingredient in the manufacture of a food product may contain folic acid at a level of 0.4 milligrams of folic acid per pound of end product within an acceptable industry standard of deviation of error.

(c) Beginning January 1, 2027, corn masa flour or a wet corn masa product must include all of the following:

(1) A declaration of folic acid on the nutrition label in accordance with applicable federal law, including Section 101.9 of Title 21 of the Code of Federal Regulations.

(2) A declaration that the product contains corn masa flour or was manufactured through a wet corn masa manufacturing process.

(d) The provisions of subsections (a), (b), and (c) of this section do not apply to a cottage food establishment that manufactures, sells, offers for sale, or uses corn masa as an ingredient in the manufacture of cottage food products.

§ 3703. Enforcement.

(a) The Department must investigate and adjudicate violations of this chapter upon the filing of a complaint. An establishment subject to reinspection due to violations of this chapter is subject to fees under § 134(c) of Title 16.

(b) The Department may promulgate rules and regulations to carry out the provisions of this chapter.

§ 3704. Exemptions.

(a) A grocery store, as defined in § 2908 of Title 30, that offers for retail sale corn masa flour that does not contain folic acid is not in violation of this chapter so long as the grocery store also offers for retail sale corn masa flour that meets the requirements of § 3702 of this title.

(b) The sale of pre-packaged snack food that contains corn masa flour without folic acid is not a violation of this section.

Section 2. This Act takes effect on January 1, 2027.