

**House Health Reported Substitute for HB139**

A BILL

TO BE ENTITLED

AN ACT

Relating to food enrichment; to amend Section 20-1-71, as amended by Act 2025-387, 2025 Regular Session, and Section 20-1-79, as added by Act 2025-387, 2025 Regular Session, Code of Alabama 1975, to add corn masa flour to the corn masa products that must be enriched with folic acid; to further provide for the corn masa products exempt from this requirement; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 20-1-71, as amended by Act 2025-387, 2025 Regular Session, and Section 20-1-79, as added by Act 2025-387, 2025 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§20-1-71

When used in this article, the following terms have the following meanings, unless the context clearly indicates otherwise:

(1) APPROPRIATE FEDERAL AGENCY. The federal agency or department or administrative federal officer charged with the enforcement and administration of the federal Food, Drug and

**House Health Reported Substitute for HB139**

29 Cosmetic Act.

30 (2) BOARD. The Alabama State Board of Agriculture and
31 Industries.

32 (3) BREAD. Bread, rolls, or buns of every kind and
33 description made wholly or partly from wheat flour which
34 conforms to the definition and standard of identity of bread
35 set out in 21 C.F.R. Part 136. The term does not include bread
36 containing no wheat flour or breads made from 100 percent
37 whole wheat flour. The term includes breads made from mixtures
38 of white flour and whole wheat flour, known as brown breads.

39 (4) CORN MASA. A ~~dry flour-type~~ product made from corn
40 that has been treated with slaked lime or otherwise undergoes
41 a process known as nixtamalization.

42 (5) CORN MASA FLOUR. A dry flour-type product made from
43 drying corn masa.

44 ~~(5)~~ (6) CORN MASA PRODUCT. Any food product ~~containing~~
45 made primarily from corn masa or corn masa flour.

46 ~~(6)~~ (7) CORNMEAL. All meal for human consumption made
47 from corn, either white or yellow, whole cornmeal, bolted
48 cornmeal, and degerminated cornmeal as defined in definitions
49 and standards of identity set out in 21 C.F.R. Part 137.

50 ~~(7)~~ (8) ENRICHMENT. As applied to bread, flour, meal, or
51 grits, the addition ~~thereto~~ of vitamins and other ingredients
52 of the nature required by this article. ~~and~~ The terms
53 "enriched bread," "enriched flour," "enriched whole cornmeal,"
54 "enriched bolted meal," "enriched degerminated meal," ~~or~~ and
55 "enriched grits" ~~means~~ mean the appropriate food product,
56 according to the federal standards of identity, which has been



House Health Reported Substitute for HB139

enriched to conform to the requirements of this article.

~~(8)~~ (9) FLOUR.

a. ~~Flour, white~~ White flour, wheat flour, and plain flour.

b. Bromated flour.

c. Self-rising flour, self-rising white flour, and self-rising wheat flour.

d. Phosphated flour, phosphated white flour, and phosphated wheat flour in the definitions and standards of identity set out in 21 C.F.R. Part 137. The term includes all mixtures of flours with whole wheat or high-extraction flours. The term does not include 100 percent whole wheat flour and specially packaged cake and pancake flour.

~~(9)~~ (10) GRITS. Grits, pearl grits, and degerminated grits made from corn by grinding or cracking as defined in the standards of identity set out in 21 C.F.R. Part 137.

~~(10)~~ (11) PERSON. An individual, corporation, partnership, association, joint stock company, trust, or any unincorporated organization."

"§20-1-79

(a) No person shall manufacture, mix, compound, sell, trade, or offer for sale or trade for human consumption any corn masa flour or corn masa product in this state unless the following ingredients are contained in each pound thereof:

(1) For corn masa flour, not less than 0.7 milligrams of folic acid, within an acceptable industry standard deviation of error.

(2) For corn masa products, not less than 0.4

**House Health Reported Substitute for HB139**

milligrams of folic acid, within an acceptable industry standard deviation of error.

(b) This section shall not apply to either of the following:

(1) Corn masa flour or corn masa products made by or supplied to a cottage food production operation.

(2) ~~Corn~~ Certified organic corn masa flour or corn masa products ~~offered for sale by a grocery store offering conforming products.~~

(c) This section shall not apply to snack foods. For the purposes of this section, "snack food" means a food product that is intended for immediate consumption, is typically prepackaged in small or single-serving portions, and is primarily consumed between meals, including, but not limited to, chips, crisps, or extruded food products. The term does not include a food product primarily made from corn masa flour or wet corn masa products that is bulk packaged or is commonly used as a primary ingredient in meal preparation, including, but not limited to, tortillas.

Section 2. This act shall become effective on October 1, 2026.