

**House Health Reported Substitute for HB139**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to food enrichment; to amend Section 20-1-71,  
10 as amended by Act 2025-387, 2025 Regular Session, and Section  
11 20-1-79, as added by Act 2025-387, 2025 Regular Session, Code  
12 of Alabama 1975, to add corn masa flour to the corn masa  
13 products that must be enriched with folic acid; to further  
14 provide for the corn masa products exempt from this  
15 requirement; and to make nonsubstantive, technical revisions  
16 to update the existing code language to current style.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 20-1-71, as amended by Act 2025-387,  
19 2025 Regular Session, and Section 20-1-79, as added by Act  
20 2025-387, 2025 Regular Session, Code of Alabama 1975, are  
21 amended to read as follows:

22 "§20-1-71

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

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

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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

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57 enriched to conform to the requirements of this article.

58 ~~(8)~~<sup>(9)</sup> FLOUR.

59 a. ~~Flour, white~~ white flour, wheat flour, and plain  
60 flour.

61 b. Bromated flour.

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

64 d. Phosphated flour, phosphated white flour, and  
65 phosphated wheat flour in the definitions and standards of  
66 identity set out in 21 C.F.R. Part 137. The term includes all  
67 mixtures of flours with whole wheat or high-extraction flours.

68 The term does not include 100 percent whole wheat flour and  
69 specially packaged cake and pancake flour.

70 ~~(9)~~<sup>(10)</sup> GRITS. Grits, pearl grits, and degeminated  
71 grits made from corn by grinding or cracking as defined in the  
72 standards of identity set out in 21 C.F.R. Part 137.

73 ~~(10)~~<sup>(11)</sup> PERSON. An individual, corporation,  
74 partnership, association, joint stock company, trust, or any  
75 unincorporated organization."

76 "§20-1-79

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

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

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

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

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

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

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

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

104 Section 2. This act shall become effective on October  
105 1, 2026.