How MAHA Is Taking Shape At The State Level

By **Sonia Nath, Auguste Humphries and Chris Holly** (December 9, 2025)

Sonia Nath

Auguste Humphries

Chris Holly

The Make America Healthy Again movement, which gained visibility during the 2024 presidential campaign, has since evolved into a powerful force within U.S. public health policy.

Championed by U.S. Department of Health and Human Services Secretary Robert F. Kennedy Jr., MAHA has quickly become a central pillar of the current administration's vision for health reform, driving federal initiatives and influencing state regulators, while building on efforts already underway in some state legislatures. For food companies, the risk of enforcement is increasing across both federal and state levels, and deserves close attention.

In February, President Donald Trump established the Make America Healthy Again Commission,[1] chaired by Kennedy and composed of senior administration officials, including the U.S. Food and Drug Administration commissioner and the secretaries of the U.S. Departments of Agriculture, Housing and Urban Development, Education, and Veterans Affairs.

The commission was created to craft a national response to what the White House called "America's childhood chronic disease epidemic." The result: the release of two federal policy documents — the Make Our Children Healthy Again Assessment[2] in May and the Make Our Children Healthy Again Strategy[3] in September, outlining more than 120 initiatives, including reforms to the process for establishing food as generally recognized as safe, or GRAS, and limits or prohibitions on the use of certain food dyes.

The national spotlight on MAHA and its influence on federal policy bolsters state-level actions on food regulation, which have long been part of the legal landscape. States like California have regulated food additives and ingredients for decades, but the current focus on the intersection of food and public health is intensifying scrutiny and accelerating legislative activity.

And with MAHA highlighting the potential health impacts of certain food ingredients, more states are poised to take proactive regulatory steps. This trend raises the likelihood of a fragmented and increasingly complex regulatory environment. As states assert their authority, food companies may find themselves navigating a patchwork of differing — and at times conflicting — state laws, all while continuing to meet federal requirements.

For clients operating in multiple states, the growing patchwork of state-level food regulations can quickly become a major challenge. As more states pass their own laws — sometimes with conflicting requirements — companies may find themselves juggling a complex and costly web of rules, all while trying to stay compliant with federal requirements.

This not only increases the risk of regulatory scrutiny, but also opens the door to potential litigation. Attorneys must stay ahead of these developments by regularly reviewing state laws and updating compliance programs accordingly.

This article focuses on how MAHA is taking shape at the state level, and highlights proposed and enacted legislation across the country, as well as enforcement activity, including action by Texas against companies that market products containing color additives that the state believes are inconsistent with MAHA-aligned priorities.

State-Level Legislative Activity

Color and Food Additives Under Fire

The administration's MAHA-driven focus on natural ingredients mirrors state efforts that saw the introduction of new rules around artificial dyes, preservatives and other food additives.

At the federal level, MAHA has pushed for stricter monitoring of chemicals in the food supply and the elimination of certain food and color additives. State legislatures have also taken up that mantle, translating these priorities into law.

- In July, Louisiana passed legislation banning certain artificial dyes and preservatives in school meals;[4]
- In March, West Virginia passed legislation banning seven food dyes in schools and statewide by 2028;[5] and

- In October, California passed legislation authorizing regulations to define "ultraprocessed foods of concern" and "restricted school foods," and requiring these foods to be phased out of California public elementary and secondary school meals by July 1, 2035.[6]

Warning Labels

States are also adopting labeling requirements for food ingredients. A few have enacted more targeted measures requiring specific warning statements for substances flagged by foreign health authorities in Australia, Canada, the European Union and the U.K. — even if those ingredients are still permitted for use under federal law.

Below are examples from two states — one requires a warning directly on the label, while the other requires a QR code. These laws do not take effect until 2027 and 2028, so the real-world impact remains to be seen. But if more states begin adopting their own labeling requirements, the result could be a confusing and inconsistent patchwork for both companies and consumers to navigate.

Texas legislation passed in June requires that food products containing any of 44 specified ingredients include the following warning statement on their labels, starting in 2027:

WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom.[7]

Louisiana legislation passed in June, effective January 2028, mandates that food packaging include a QR code linking to a manufacturer-controlled website that must display the following disclosure for each flagged ingredient:

NOTICE: This product contains [ingredient]. For more information about this ingredient, including FDA approvals, click HERE.[8]

GRAS Reform

Some states are also moving ahead of federal efforts to reform the GRAS determination process. These initiatives reflect growing concern over what the administration refers to as the GRAS loophole, where companies can self-affirm the safety of ingredients without FDA oversight. In response, the MAHA strategy has directed the FDA to update the regulations to close the GRAS loophole and implement a mandatory GRAS notification program.

- In January, New York introduced legislation requiring companies selling food in New York to disclose information supporting their GRAS determinations to the New York Department of Agriculture and Markets for review; should this become law, this shift toward regulatory oversight is expected to place significant resource demands on the state.[9]
- In April, Pennsylvania introduced legislation that would require companies that make, sell or distribute food in Pennsylvania to disclose the use of any GRAS substances — along with documentation showing the substance is safe under the conditions intended for use.[10]

Cracking Down on Cell-Cultured Meats

Beyond color additives, warning labels and GRAS reform, state lawmakers have trained their sights on novel cell-cultured proteins, which are often referred to as cell-cultivated meats by their proponents and lab-grown meats by their detractors.

Regardless of terminology, an increasing number of states are moving aggressively to restrict or ban these cell-cultured food products. What's especially striking is the preemptive nature of some of these laws — particularly around cell-cultured food products, which aren't even widely available yet.

This wave of legislation, which started before the MAHA movement but has been picking up increased momentum within its framework, appears aimed at protecting so-called traditional agriculture, and reflects MAHA's broader push for natural ingredients.

For companies in the alternative protein space utilizing cell-cultured production platforms, the regulatory climate is shifting — and staying ahead of these changes will be key to maintaining compliance and market access.

Federal Context

At the federal level, oversight of cell-cultured food products remains split between the FDA and the U.S. Department of Agriculture's Food Safety and Inspection Service under a 2019 memorandum of understanding.[11]

The FDA retains jurisdiction over cell lines, e.g., cell collection, cell banks, cell growth and cell differentiation, while the USDA-FSIS regulates postharvest processing, inspection and

labeling for these products.

As of July, only five companies — UPSIDE Foods,[12] GOOD Meat,[13] Mission Barns,[14] Wildtype[15] and Believer Meats[16] — had completed premarket consultations and received an FDA no-questions letter for their products. However, the MAHA strategy does not yet define how such products will be treated within its nutrition or ingredient frameworks, leaving cell-cultured alternative protein companies in anticipation.

State Activity

States are aggressively stepping into this arena and drafting legislation that restricts or prohibits the category entirely, with recent examples including the following.

- In July, Mississippi banned the manufacture, sale or distribution of food products produced from cultured animal cells.[17]
- Last year, Florida[18] and Alabama [19]passed similar bans on the sale of cultured meat.
- In February, South Dakota prohibited the use of state funds for the research, production, promotion, sale or distribution of cell-cultured protein.[20]
- In May, Indiana passed a temporary two-year ban on both the manufacture and sale of cultivated meat products.[21]
- In May, Nebraska passed a ban on the manufacture and sale of cultivated-protein food products.[22]
- In May, Montana passed a ban on the manufacture and sale of cell-cultured edible products.[23]
- In September, Texas banned the production and sale of cell-cultured protein products.[24]

Enforcement Is Already Underway

As federal efforts advance more slowly, states have been moving ahead with enforcement. Texas illustrates this trend.

In June, General Mills Inc. agreed[25] to remove artificial dyes from its products following an **investigation** by the Texas Attorney General's Office into its use of the terms "healthy"

and "nutritious" to market products containing artificial dyes.

The company pledged[26] to eliminate synthetic dyes back in 2015. Now, General Mills has committed to removing dyes from cereals and school food products by summer 2026 — and from its entire portfolio by the end of 2027.

In July, the Texas Attorney General's Office **launched** yet another investigation,[27] this time into Mars Inc., the maker of M&M's and Skittles. Mars made a public commitment in 2016[28] to remove artificial colors from its food, but according to the attorney general's office, that promise wasn't kept.

Mars also claimed that artificial colors pose "no known risks to human health or safety," which the attorney general's office called false. Just days after the announcement of the investigation, Mars said it would begin offering product options made without certain artificial dyes beginning in 2026.[29]

In August, the Texas Attorney General's Office **announced** that WK Kellogg Co. signed a legally binding assurance of voluntary compliance.[30] According to the attorney general's office, this agreement certifies that Kellogg's is "legally agreeing to remove artificial food colorings from its cereals by the end of 2027."

This announcement follows an investigation by the attorney general's office in April for Kellogg's use of the term "healthy" to market products containing petroleum-based artificial food colorings.[31] While other companies have made verbal commitments, Kellogg's appears, based on publicly available information, to be the first company to sign a formal legal agreement with the state of Texas.

Food companies can no longer assume that enforcement in these areas will come at the federal level. As the Texas examples demonstrate, states are now regulating — and enforcing — in areas that have not historically been their focus.

Indeed, Texas could become a model for activist state regulators eager to crack down on companies using ingredients they consider unhealthy. For food companies, the message is unmistakable: MAHA priorities are moving into active enforcement, and the enforcement risk at the state level is real.

Litigation Risks on the Rise

The combined focus of the federal MAHA programs and enforcement by state attorneys general, emphasizing the need to eliminate ultra-processed foods and use more natural ingredients, is also increasing the risk of private claims against food and beverage manufacturers.

For example, in Martinez v. Kraft Heinz Co. Inc., 11 food manufacturers were sued by a plaintiff who alleged that he developed Type 2 diabetes and nonalcoholic fatty liver disease at age 16 because he regularly ingested ultra-processed foods made by those companies. The complaint alleged that, like cigarettes, ultra-processed foods have been designed to be addictive.

The U.S. District Court for the Eastern District of Pennsylvania ultimately **dismissed** the action in August, finding the plaintiff had not adequately alleged the specific foods he consumed or causation, but given the current climate, this is unlikely to be the last complaint of this kind.

And the evergreen class action claims regarding food labeling are only likely to increase as MAHA pushes for changes to the nation's food products. For example, MAHA emphasizes the importance of natural foods, a term that has never been defined by the FDA or other federal agencies. As a result, class actions litigating what a natural claim means are only likely to grow.

A Rapidly Fragmenting Compliance Landscape

As MAHA-inspired policies continue to gain traction, companies manufacturing food and consumer goods need to pay close attention. The regulatory landscape is shifting quickly, and the patchwork of state-level laws governing labeling, additives and ingredient disclosures is creating compliance challenges.

With more states expected to follow suit, staying ahead of these developments is critical. As counsel advising food industry clients, it's critical to emphasize the importance of proactive and tailored compliance strategies.

Regulatory requirements — both federal and state — are constantly evolving, and companies must be prepared not only to adapt to these changes but also to respond effectively to any regulatory inquiries or investigations.

Companies should foster a culture of compliance throughout their organizations. This

means treating compliance as something ongoing, not just a box to check once and forget about. They should see that a set-it-and-forget-it approach to compliance doesn't cut it; they need to regularly review and update their policies and procedures to keep up with changing laws.

Most importantly, companies should build strong, well-documented compliance programs. Good documentation and internal checks aren't just helpful, they're critical for reducing risk and protecting the company if regulators or private litigants come knocking. A solid compliance foundation makes it easier to respond quickly and confidently to any regulatory or legal challenges that come up.

By taking these steps, companies will be better positioned to navigate the regulatory landscape confidently and avoid unnecessary legal exposure.

Sonia Nath is a partner and chair of the global life sciences and healthcare regulatory practice group at Cooley LLP.

Auguste Humphries is an associate at the firm.

Chris Holly is a partner at the firm.

Cooley special counsel Laura Akowuah and partner Megan Donohue contributed to this article.

[1] The White House, "Executive Order 14212: Establishing the President's Make America Healthy Again Commission," February 13, 2025.

[2] The White House, "The MAHA Report," May 2025.

[3] The White House, "The MAHA Strategy," September 2025.

[4] Louisiana State Legislature, SB14, 2025 regular session.

[5] West Virginia Office of the Governor, "Governor Patrick Morrisey Signs Food Dye Legislation Into Law," March 24, 2025.

[6] California Legislature, CaliforniaAssembly Bill 1264 (CA AB1264), 2025 – 2026 regular session.

[7] Texas Legislature, S.B. 25.

[8] Louisiana State Legislature, SB14, 2025 regular session.

[9] The New York State Senate, Sen. Brian Kavanagh, "New York State Senate Agriculture Committee Advances Food Safety and Chemical Disclosure Act," May 14, 2025.

[10] General Assembly of Pennsylvania, House Bill 1130, 2025 session.

[11] US Food and Drug Administration, "Formal Agreement Between FDA and USDA Regarding Oversight of Human Food Produced Using Animal Cell Technology Derived from Cell Lines of USDA-amenable Species," March 7, 2019.

[12] US Food and Drug Administration, "Human Food Made with Cultured Animal Cells Inventory," Cultured chicken cell material – UPSIDE Foods.

[13] US Food and Drug Administration, "Human Food Made with Cultured Animal Cells Inventory," Cultured chicken cell material – GOOD Meat, Inc.

[14] US Food and Drug Administration, "Human Food Made with Cultured Animal Cells Inventory," Cultured pork fat cells – Mission Barns.

[15] US Food and Drug Administration, "Human Food Made with Cultured Animal Cells Inventory," Cultured salmon cell material – Wildtype Inc.

[16] US Food and Drug Administration, "Human Food Made with Cultured Animal Cells Inventory," Cultured chicken cell material – Believer Meats.

[17] Mississippi Legislature, House Bill No. 1006, 2025 regular session.

[18] Florida Executive Office of the Governor, "Governor DeSantis Signs Legislation to Keep Lab-Grown Meat Out of Florida," May 1, 2024.

[19] Alabama Legislature, SB23 (Enrolled).

[20] South Dakota Legislature, House Bill 1118.

[21] Indiana General Assembly, House Bill 1425, 2025 session.

[22] Nebraska Legislature, Legislative Bill 246, 2025 session.

[23] Montana Legislature, HB401, 69th Legislature, 2025.

[24] Texas Legislature, Senate Research Center, Bill analysis of S.B. 261, March 28, 2025.

[25] General Mills news release, "General Mills Announces Plans to Remove Certified Colors from All U.S. Cereals and All K-12 Foods by Summer 2026," June 17, 2025.

[26] Allison Aubrey, "Sans Artificial: General Mills Scrambles To Reformulate Lucky Charms," NPR, June 22, 2015.

[27] Texas Office of the Attorney General press release, "Attorney General Ken Paxton Announces Investigation into Food Company Mars for Deceptive and Illegal Practices," July 16, 2025.

[28] MARS press release, "Mars, Incorporated to remove all artificial colors from its human food ...," February 5, 2016.

[29] MARS press release, "Mars Wrigley U.S. Extends Consumer Choice – Introducing Product Options ...," July 24, 2025.

[30] Texas Office of the Attorney General press release, "Attorney General Paxton Secures Historic Legal Agreement with Kellogg's to Remove Toxic Artificial Dyes from its Cereals," August 13, 2025.

[31] Texas Office of the Attorney General press release, "Attorney General Ken Paxton

Announces Investigation into Kellogg's for Potentially Breaking the Law After Falsely Claiming to Remove Unhealthy ArtificialDyes," April 5, 2025.