

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 545

By Senator Barrett

[Introduced February 20, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §18-5D-3A, relating to school nutritional programs; prohibiting certain unsafe
 3 food additives; providing for exceptions; and setting an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5D. WEST VIRGINIA FEED TO ACHIEVE ACT.

§18-5D-3A. Unsafe food additives prohibited.

1 (a) Effective July 1, 2025, the following food additives shall be deemed unsafe and shall
 2 not be permitted as an ingredient in any meal served in a school nutrition program as set forth in
 3 this article:

4 (1) Red Dye No. 3 (CAS Reg. No. 16423-68-0);

5 (2) Red Dye No. 40 (CAS Reg. No 25956-17-6);

6 (3) Yellow Dye No. 5 (CAS Reg. No. 1934-21-0;

7 (4) Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);

8 (5) Blue Dye No. 1 (CAS Reg. No.3844-45-8);

9 (6) Blue Dye No. 2 (CAS Reg. No. 860-22-0); and

10 (7) Green Dye No. 3 (CAS Reg. No. 2353-45-9).

11 (b) An elementary, middle, or high school may permit the sale of food items that do not
 12 comply with this section as part of a school fundraising event if the sale of those items takes place
 13 off of and away from school premises or the sale of those items takes place on the school
 14 premises at least one-half hour after the end of the school day.

NOTE: The purpose of this bill generally relates to school nutritional programs. The bill prohibits certain unsafe food additives. The bill provides for exceptions. Finally, the bill provides for an effective date.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.