

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 745

**FISCAL
NOTE**

By Senator Helton

[Introduced February 4, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend and reenact §18-5D-3a of the Code of West Virginia, 1931, as amended, relating
2 to requirements for school nutrition programs; setting forth additives not to be included in a
3 school nutrition program; setting forth requirements related for sugar; setting forth
4 requirements related to fiber; setting for requirements to post a list of ingredients online;
5 and setting forth 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 August 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) Effective August 1, 2027, the following food additives shall be deemed unsafe and shall
12 not be permitted as an ingredient in any meal served in a school nutrition program as set forth in
13 this article:

- 14 (1) Titanium dioxide;
- 15 (2) Butylated hydroxytoluene (BHT);
- 16 (3) Butylated hydroxyanisole (BHA);
- 17 (4) Tert-butylhydroquinone (TBHQ);
- 18 (5) Sodium benzoate;

19 (6) Propyl gallate;

20 (7) Azodicarbonamide;

21 (8) Aloe vera;

22 (9) Propylparaben;

23 (10) Potassium bromate;

24 (11) Butylparaben;

25 (12) Acetaldehyde;

26 (13) Propylene oxide;

27 (14) Ethoxyquin;

28 (15) Acrolein;

29 (16) Aspartame;

30 (17) Sucralose;

31 (18) Acesulfame K;

32 (19) Diacetyl;

33 (20) Octyl gallate;

34 (21) Dodecyl gallate;

35 (22) Calcium bromate; and

36 (23) Calcium sorbate.

37 (c) Effective August 1, 2027, no more than five percent of daily calories served in a school
38 nutrition program as set forth in this article may come from added sugars.

39 (d) Effective August 1, 2027, products served in a school nutrition program as set forth in
40 this article shall include a minimum ratio of one gram of fiber for each 10 grams of carbohydrates.

41 (e) Effective August 1, 2027, a school shall post on the school's website the school's
42 breakfast and lunch menu, as applicable, with the list of ingredients for each item on the menu.

43 (b)(f) An elementary, middle, or high school may permit the sale of food items that do not
44 comply with this section as part of a school fundraising event if the sale of those items takes place

45 off of and away from school premises or the sale of those items takes place on the school
46 premises at least one-half hour after the end of the school day.

NOTE: The purpose of this bill is to set forth a list of additives to be excluded from a school nutrition program and to set forth requirements for sugar, a fiber to carbohydrate ratio, and to require a posting of menu ingredients.

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