

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]

A BILL to amend and reenact §18-5D-3a of the Code of West Virginia, 1931, as amended, relating to requirements for school nutrition programs; setting forth additives not to be included in a school nutrition program; setting forth requirements related for sugar; setting forth requirements related to fiber; setting for requirements to post a list of ingredients online; 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.

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

- (1) Red Dye No. 3 (CAS Reg. No. 16423-68-0);
- (2) Red Dye No. 40 (CAS Reg. No. 25956-17-6);
- (3) Yellow Dye No. 5 (CAS Reg. No. 1934-21-0);
- (4) Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);
- (5) Blue Dye No. 1 (CAS Reg. No. 3844-45-8);
- (6) Blue Dye No. 2 (CAS Reg. No. 860-22-0); and
- (7) Green Dye No. 3 (CAS Reg. No. 2353-45-9).

(b) Effective August 1, 2027, the following food additives shall be deemed unsafe and shall not be permitted as an ingredient in any meal served in a school nutrition program as set forth in this article:

- (1) Titanium dioxide;
- (2) Butylated hydroxytoluene (BHT);
- (3) Butylated hydroxyanisole (BHA);
- (4) Tert-butylhydroquinone (TBHQ);
- (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.