Arizona Bans Food Dyes and Additives in Schools

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So far in 2025, more and more states are enacting legislation to prohibit the use of food dyes and other additives in food meant for human consumption. With the signing of HB 2164 into law as the Arizona Healthy Schools Act on April 14, 2025, Arizona is the latest state to enact such legislation.[1]

According to the Arizona legislature, childhood obesity, morbidity and wellness are matters of statewide concern, with "ultraprocessed, industrially manufactured [and] nutrient-depleted food with synthetic additives" contributing to negative outcomes.[2] The Arizona Healthy Schools Act aims to combat this by ensuring that taxpayer-funded meals and snacks offered to minors at Arizona public schools are "nutritious and made primarily of whole, minimally processed plant or animal products."[3] For this reason, the Arizona Healthy Schools Act amends Title 15, Chapter 2, Article 2 of the Arizona Revised Statutes to add a new Section 15-242.01, which prohibits certain food dyes and additives from being used as ingredients in the food offered to minors at public schools.[4]

What Food Dyes and Additives Are Banned by the Arizona Healthy Schools Act?

Beginning in the 2026-2027 school year, the Arizona Healthy Schools Act prohibits schools that participate in a federally funded or assisted meal program from serving, selling or allowing a third party to sell ultraprocessed food on the school campus during the normal school day.[5] This does not apply, however, to a parent or guardian providing ultraprocessed foods to a student for consumption during the normal school day.[6]

The Arizona Healthy Schools Act defines "ultraprocessed food" as any food or beverage that contains one or more of the following ingredients:

- FD&C Blue Dye No. 1
- FD&C Blue Dye No. 2
- Brominated vegetable oil (BVO)
- FD&C Green Dye No. 3
- Potassium bromate
- Propylparaben
- FD&C Red Dye No. 3
- FD&C Red Dye No. 40
- Titanium dioxide
- FD&C Yellow Dye No. 5
- FD&C Yellow Dye No. 6

The Arizona Healthy Schools Act requires the Arizona Department of Education to provide public schools with a standardized form online to certify their adherence to the requirements.[8] The Arizona Department of Education must also post a list of the compliant schools on its website.[9]

What Is the Current FDA Status of Food Ingredients Banned in Arizona Schools?

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All of the food dyes and additives prohibited by the Arizona Healthy Schools Act are currently authorized for use in food by the U.S. Food and Drug Administration (FDA), except two – BVO and FD&C Red Dye No. 3.[10] The FDA has not allowed BVO to be used as a food ingredient in the U.S. since August 2, 2024.[11]

On January 15, 2025, the FDA removed FD&C Red Dye No. 3's permanent listing as an approved color additive in food.[12] And, although the other food dyes are currently approved by the FDA, on April 22, 2025, the FDA announced new measures to phase out petroleum-based synthetic dyes, including FD&C Blue Dye No. 1, FD&C Blue Dye No. 2, FD&C Green Dye No. 3, FD&C Red Dye No. 40, FD&C Yellow Dye No. 5 and FD&C Yellow Dye No. 6, by the end of next year.[13]

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[1]Prepared by Suzie Trigg and Kristi Weisner as of April 22, 2025. Please refer to the text of the engrossed version of the bill (available at https://legiscan.com/AZ/text/HB2164/2025) and to amended Section 15-242.01 of the Arizona Revised Statutes (available at https://www.azleg.gov/arsDetail/?title=15) to ensure compliance.

[2]H.B. 2164, 57th Legis., 1st Reg. Sess. (Ariz. 2025).

[3]H.B. 2164, 57th Legis., 1st Reg. Sess. (Ariz. 2025).

[4]H.B. 2164, 57th Legis., 1st Reg. Sess. (Ariz. 2025) (to be codified at ARIZ. REV. STAT. § 15-242.01).

[5]ARIZ. REV. STAT. § 15-242.01(A), as amended.

[6]ARIZ. REV. STAT. § 15-242.01(A), as amended.

[7]ARIZ. REV. STAT. § 15-242.01(C), as amended.

[8]ARIZ. REV. STAT. § 15-242.01(B)(1), as amended.

[9]ARIZ. REV. STAT. § 15-242.01(B)(2), as amended.

[10]*See* U.S. FOOD AND DRUG ADMIN., *Substances Added to Food* (last updated Feb. 13, 2025); U.S. FOOD AND DRUG ADMIN., *Regulatory Status of Color Additives* (last updated Feb. 14, 2025).

[11]U.S. FOOD AND DRUG ADMIN., *Final Rule: Revocation of Authorization for Use of Brominated Vegetable Oil in Food*, 89 Fed. Reg. 128 (July 3, 2024).

[12]90 Fed. Reg. 4628 (Jan. 16, 2025).

[13]U.S. DEP'T OF HEALTH AND HUMAN SERVICES, *HHS, FDA to Phase Out Petroleum-Based Synthetic Dyes in Nation's Food Supply* (April 22, 2025).

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