

Food Additive Ban Imminent in Texas Schools

May 15, 2025 Suzie Trigg, Kristi Weisner

PRACTICES FDA Regulatory and Compliance

Texas S.B. 314, which seeks to prohibit certain food additives in school meals, recently passed in both the Texas House and the Texas Senate. As of May 14, 2025, Governor Greg Abbott has 10 days to veto the bill, but if he decides to sign or allow it² Texas S.B. 314 could make Texas the latest state to ban certain food additives from being offered in school breakfast and lunch programs.

What food additives are prohibited?

Texas S.B. 314 joins several other bills (i.e., S.B. 25,³ S.B. 379⁴ and others) aiming to prohibit or limit food additives in Texas. Under Texas S.B. 314, school districts and open-enrollment charter schools providing free or reduced-price meals, as well as meals provided under the national school breakfast and lunch programs, are prohibited from offering food to students that contains the following additives:⁵

- Ammonia Caramel (Class III)/INS No. 150c
- Azodicarbonamide
- Blue Dye No. 2
- Brominated Vegetable Oil (BVO)
- Butylated Hydroxyanisole (BHA)
- Citrus Red No. 3
- Green Dye No. 3
- Orange B Dye
- Potassium Bromate
- Propylparaben
- Red Dye No. 3
- Red Dye No. 40
- Sulfite Ammonia Caramel (Class III)/INS No. 150d
- Titanium Dioxide
- Yellow No. 5
- Yellow No. 6
- Any other additive similar to these

What is the effective date?

Upon becoming law, Texas S.B. 314 goes into effect on Sept. 1, 2025. ⁶Beginning with the 2026-2027 school year, the prohibition applies to contracts for free or reduced-price school meals that are entered into or renewed on or after Sept. 1, 2026.⁷

[1] Prepared by Suzie Trigg and Kristi Weisner as of May 15, 2025. Please refer to the text of the enrolled version of the bill (available at <https://legiscan.com/TX/text/SB314/id/3237373/Texas-2025-SB314-Enrolled.html>) and, once codified, to Section 33.9011 of the Texas Educational Code (available at <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.33.htm>) to ensure compliance.

[2] *The Legislative Process in Texas*, TEXAS LEGIS. COUNCIL (last updated Nov. 2024).

[3] [S.B. 25](#), 89th Leg. (Tex. 2025) (“[r]elating to health and nutrition standards to promote healthy living”).

[4] [S.B. 379](#), 89th Leg. (Tex. 2025) (“[r]elating to prohibiting the purchase of sweetened soft drinks under the supplemental nutrition assistance program”).

[5] [S.B. 314](#), 89th Leg. (Tex. 2025) (to be codified at TEX. EDU. CODE § 33.9011).

[6] *Id.* at § 3.

[7] *Id.* at § 4.