

Virginia Legislature Unanimously Votes to Ban Food Dyes in School Meals

April 7, 2025 Suzie Trigg, Kristi Weisner

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The introduction of state legislation banning food additives has similarly gathered momentum. ¹ In 2023, Governor Gavin Newsome signed the California Food Safety Act into law, banning four food additives in California. Since then, several other states have introduced similar legislation. Virginia recently became the second state in the nation to ban synthetic food dyes in school provided meals.

What Food Dyes Are Restricted Under the New Virginia Law?

Virginia's Senate Bill 1289 was signed into law on March 21, 2025, and prohibits public and secondary schools from offering food containing the following color additives¹:

- FD&C Blue No. 1 (CAS Reg. No. 3844-45-9)
- FD&C Blue No. 2 (CAS Reg. No. 860-22-0)
- FD&C Green No. 3 (CAS Reg. No. 2353-45-9)
- FD&C Red No. 3 (CAS Reg. No. 16423-68-0)
- FD&C Red No. 40 (CAS Reg. No. 25956-17-6)
- FD&C Yellow No. 5 (CAS Reg. No. 1934-21-0)
- FD&C Yellow No. 6 (CAS Reg. No. 2783-94-0)²

Not only does the new law ban these ingredients in breakfast and lunch meals served during the school day, but also in "competitive food" which is "any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program."³

What Is the Current FDA Status of These Food Dyes?

All but one of the food dyes banned under the Virginia law are currently authorized for use in food by the U.S. Food and Drug Administration (FDA).⁴ On January 15, 2025, the FDA revoked its authorization for the use of FD&C Red Dye No. 3 as a color additive in foods, dietary supplements and ingested drugs, citing data demonstrating carcinogenic properties in animals.⁵ The remaining six food dyes listed in Virginia's legislation are still authorized by the FDA for use in food.⁶

When Is Compliance Required?

Virginia's Senate Bill 1289 provides for a compliance date of July 1, 2027.

[1] Va. Code Ann. § 22.1-207.4:3(A) (citing 21 U.S.C. 321(t)) ("Color additive" means any material not exempted pursuant to 21 U.S.C. § 321(t)(1) that is a dye, pigment or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without

intermediate or final change of identity, from a vegetable, animal or other source and that when added or applied to a food, drug or cosmetic, or to the human body or any part thereof, is capable of imparting color thereto.”).

[2] Va. Code Ann. § 22.1-207.4:3(B, C).

[3] Va. Code Ann. § 22.1-207.4(A).

[4] U.S. Food and Drug Admin., [Regulatory Status of Color Additives](#) (last updated Feb. 14, 2025).

[5] 90 Fed. Reg. 4628 (Jan. 16, 2025).

[6] U.S. Food and Drug Admin., [Regulatory Status of Color Additives](#) (last updated Feb. 14, 2025).

[1] Prepared by Suzie Trigg and Kristi Weisner as of April 7, 2025. Please refer to the text of the bill (available at <https://lis.virginia.gov/bill-details/20251/SB1289/text/SB1289ER>) and the amended sections of the Code of Virginia (available at <https://law.lis.virginia.gov/vacode/>) to ensure compliance.
