

## **SENATE BILL No. 390**

By Committee on Agriculture and Natural Resources

1-27

1 AN ACT concerning the Kansas food, drug and cosmetic act; prohibiting  
2 certain additives in food provided by schools as part of certain food  
3 service programs; requiring schools to certify that school facilities do  
4 not serve food that contains such food additives.

5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) Beginning in school year 2027-2028, and each school  
8 year thereafter, no school that participates in a food service program,  
9 school lunch program or school breakfast program shall serve as part of a  
10 **reimbursable meal or a** free or reduced-price meal any food that contains  
11 the following food additives:

12 (1) brominated vegetable oil, BVO;  
13 (2) potassium bromate;  
14 (3) propylparaben;  
15 (4) azodicarbonamide;  
16 (5) ~~butylated hydroxyanisole, BHA;~~  
17 (6) titanium dioxide;  
18 (7)(6) **FD&C** red 3;  
19 (8)(7) **FD&C** red 40;  
20 (9)(8) **FD&C** yellow 5;  
21 (10)(9) **FD&C** yellow 6;  
22 (11)(10) **FD&C** blue 1;  
23 (12)(11) **FD&C** blue 2; or  
24 (13)(12) **FD&C** green 3.

25 (b) (1) During the inspection required by K.S.A. 65-688, and  
26 amendments thereto, of a school facility, the school shall certify that such  
27 facility does not serve food that contains any food additive listed in  
28 subsection (a) **as part of a reimbursable meal or a free or reduced-price**  
29 **meal.**

30 (2) **Beginning in school year 2028-2029, and each school year**  
31 **thereafter:**

32 (A) If a school cannot certify that a school facility meets the  
33 requirements of subsection (a), such school shall submit a corrective action  
34 plan to the secretary within 30 days of such inspection. The school shall  
35 post the official notice of the violation and the corrective action plan on  
36 the school's website for one year from the date of the inspection or an

1 order from the secretary pursuant to this act, whichever is later; **and**  
2 **(3)(B)** If a school incorrectly certifies that a school facility meets the  
3 requirements of subsection (a), then such school shall comply with the  
4 requirements of ~~paragraph (2)~~ **subparagraph (A)** and notify the parent or  
5 guardian of each student enrolled in and attending such school of the  
6 violation.

7 (c) As used in this section:

8 (1) "Food service program" means the same as defined in K.S.A. 72-  
9 17,132, and amendments thereto.

10 (2) "School" means each school district and nonpublic school in the  
11 state that offers any of the grades kindergarten through 12.

12 (3) "School breakfast program" means the same as such term is  
13 defined in K.S.A. 72-17,145, and amendments thereto.

14 (4) "School lunch program" means the same as defined in K.S.A. 72-  
15 17,132, and amendments thereto.

16 (d) This section shall be a part of and supplemental to the Kansas  
17 food, drug and cosmetic act.

18 Sec. 2. This act shall take effect and be in force from and after its  
19 publication in the statute book.