

By: Harris Davila

H.B. No. 1290

Substitute the following for H.B. No. 1290:

By: Buckley

C.S.H.B. No. 1290

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain food additives from being included  
in free or reduced-price meals provided by school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 33, Education Code, is  
amended by adding Section 33.9011 to read as follows:

Sec. 33.9011. PROHIBITION ON CERTAIN ADDITIVES IN FREE OR  
REDUCED-PRICE MEALS. (a) In this section:

(1) "National school breakfast program" means the  
national school breakfast program under the Child Nutrition Act of  
1966 (42 U.S.C. Section 1773).

(2) "National school lunch program" means the national  
school lunch program of free or reduced-price lunches under 42  
U.S.C. Section 1751 et seq.

(b) A school district or open-enrollment charter school  
that provides free or reduced-price meals to eligible students  
under Section 33.901, the national school breakfast program, or the  
national school lunch program may not provide as part of a free or  
reduced-price meal any food that contains the following substances:

(1) brominated vegetable oil (BVO);

(2) potassium bromate;

(3) propylparaben;

(4) azodicarbonamide;

(5) butylated hydroxyanisole (BHA);

- 1           (6) red 3 (CAS 16423-68-0);  
2           (7) red 40 (CAS 25956-17-6);  
3           (8) yellow 5 (CAS 1934-21-0);  
4           (9) yellow 6 (CAS 2783-94-0);  
5           (10) blue 1 (CAS 3844-45-9);  
6           (11) blue 2 (CAS 860-22-0);  
7           (12) green 3 (CAS 2353-45-9);  
8           (13) caramel (CAS 8028-89-5);  
9           (14) titanium dioxide; or  
10          (15) any additive that is substantially similar to an  
11 additive specified in Subdivisions (1) through (14).

12          (c) A school district or open-enrollment charter school  
13 that receives a waiver under Section 7.056 is not in violation of  
14 this section.

15          SECTION 2. (a) Except as provided by Subsection (b) of this  
16 section, this Act applies beginning with the 2026-2027 school year.

17          (b) This Act applies only to a contract to provide food for  
18 free or reduced-price meals, as described by Section 33.9011,  
19 Education Code, as added by this Act, entered into or renewed on or  
20 after September 1, 2026.

21          SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2025.