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| BILL ANALYSIS |

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| C.S.H.B. 1290 |
| By: Harris Davila |
| Public Education |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** The bill author has informed the committee that concerns over the health effects of certain food additives in school meals have grown as research links some artificial dyes, preservatives, and chemicals to potential behavioral and health issues in children and that studies have shown that artificial food dyes, such as Red 40 and Yellow 5, may contribute to hyperactivity, attention difficulties, and allergic reactions in some children. The bill author has also informed the committee that preservatives like sodium benzoate and butylated hydroxyanisole have been linked to potential long-term health risks, including endocrine disruption and carcinogenic effects, and that processed foods high in these additives can also contribute to childhood obesity and metabolic disorders. The bill author has further informed the committee that several states have taken steps to regulate or ban specific additives from school meals, ensuring students receive healthier, less-processed options, and that while Texas schools currently follow federal nutrition guidelines, there are no additional state-level regulations addressing potentially harmful additives in food served to students. C.S.H.B. 1290 aims to improve the quality of food served in Texas public schools by restricting the use of specific artificial additives that have been linked to health concerns in children.  |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 1290 amends the Education Code to prohibit a public school district or open-enrollment charter school that provides free or reduced-price meals to eligible students under a locally funded program, the national school breakfast program, or the national school lunch program from providing as part of those meals any food that contains the following substances:* brominated vegetable oil (BVO);
* potassium bromate;
* propylparaben;
* azodicarbonamide;
* butylated hydroxyanisole (BHA);
* red 3 (CAS 16423-68-0);
* red 40 (CAS 25956-17-6);
* yellow 5 (CAS 1934-21-0);
* yellow 6 (CAS 2783-94-0);
* blue 1 (CAS 3844-45-9);
* blue 2 (CAS 860-22-0);
* green 3 (CAS 2353-45-9);
* caramel (CAS 8028-89-5);
* titanium dioxide; or
* any additive that is substantially similar to these additives.

The bill establishes that a district or charter school that receives a waiver obtained under applicable state law exempting the district or school from the prohibition is not in violation of the bill's provisions. C.S.H.B. 1290 applies beginning with the 2026-2027 school year and only to a contract to provide food for free or reduced-price meals entered into or renewed on or after September 1, 2026. |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 1290 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.Both the introduced and substitute list the substances that are prohibited in free or reduced-priced meals. The substitute expands the introduced version's list of prohibited substances to include the following substances:* red 40 (CAS 25956-17-6);
* yellow 5 (CAS 1934-21-0);
* yellow 6 (CAS 2783-94-0);
* blue 1 (CAS 3844-45-9);
* blue 2 (CAS 860-22-0);
* green 3 (CAS 2353-45-9);
* caramel (CAS 8028-89-5); or
* any additive that is substantially similar to an additive specified by the bill.

The substitute clarifies that the prohibited substance red dye 3, as in the introduced, is the substance red 3 (CAS 16423-68-0). The substitute also includes a provision not present in the introduced establishing that a district or charter school that receives an applicable waiver from the prohibition is not in violation of the bill's provisions. Whereas the introduced made its provisions applicable beginning with the 2025-2026 school year and only to a contract to provide food for free or reduced-price meals entered into or renewed on or after September 1, 2025, the substitute makes its provisions applicable beginning with the 2026-2027 school year and only to such a contract entered into or renewed on or after September 1, 2026.  |
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