

## **BILL ANALYSIS**

Senate Research Center  
89R1661 MM-D

S.B. 314  
By: Hughes  
Health & Human Services  
2/20/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Some food additives authorized by the FDA have the potential to cause cancer and are linked to other adverse effects, like DNA damage and reproductive harm. Those expected to oversee the FDA under the Trump Administration are considering taking action on the federal level to ban some of these chemicals, and we are starting to see states act where the FDA refuses. Additionally, most of these additives are already banned or heavily restricted in the EU.

S.B. 314 bans seven of the most dangerous chemicals in foods where Texas children have no other option: the free or reduced school lunch and breakfast program in our public schools. Each of the seven chemicals is linked to harm in human health and is unnecessary, and alternative foods and ingredients are available: brominated vegetable oil (BVO), potassium bromate, propylparaben, azodicarbonamide (ADA), butylated hydroxyanisole (BHA), red dye 3, and titanium dioxide (TiO<sub>2</sub>).

As proposed, S.B. 314 amends current law relating to prohibiting certain food additives from being included in free or reduced-price meals provided by school districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 33, Education Code, by adding Section 33.9011, as follows:

Sec. 33.9011. PROHIBITION ON CERTAIN ADDITIVES IN FREE OR REDUCED-PRICE MEALS. (a) Defines "national school breakfast program" and "national school lunch program."

(b) Prohibits a school district or open-enrollment charter school that provides free or reduced-price meals to eligible students under Section 33.901 (Breakfast Programs), the national school breakfast program, or the national school lunch program from providing 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);
- (6) red dye 3; or

(7) titanium dioxide.

SECTION 2. (a) Provides that, except as provided by Subsection (b) of this section, this Act applies beginning with the 2025–2026 school year.

(b) Provides that this Act applies only to a contract to provide food for free or reduced-price meals, as described by Section 33.9011, Education Code, as added by this Act, entered into or renewed on or after September 1, 2025.

SECTION 3. Effective date: upon passage or September 1, 2025.