

2025 -- H 5115

LC000284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- SCHOOL FOOD DYE RESTRICTION ACT

Introduced By: Representatives Carson, Boylan, Ackerman, O'Brien, Read, Caldwell,  
and Spears

Date Introduced: January 22, 2025

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings and purpose.

2 (1) Certain artificial food dyes have been linked to adverse health effects, including  
3 behavioral issues and allergic reactions in sensitive populations;

4 (2) Safer, naturally derived alternatives to these artificial dyes are widely available; and

5 (3) Restricting the use of certain artificial food dyes will protect the health and well-being  
6 of Rhode Island residents, particularly children. Many food dyes and colorants are known to make  
7 some children vulnerable to behavioral difficulties and decreased attention.

8 (4) Purpose. The purpose of this act is to restrict the manufacture, sale, and distribution of  
9 foods in RI schools containing specific artificial food dyes within the State of Rhode Island.

10 SECTION 2. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by  
11 adding thereto the following chapter:

12 [CHAPTER 21.9](#)

13 [SCHOOL FOOD DYE RESTRICTION ACT](#)

14 **16-21.9-1. Short title.**

15 [This act shall be known and may be cited as the "School Food Dye Restriction Act".](#)

16 **16-21.9-2. Definitions.**

17 [As used in this chapter:](#)

18 [\(1\) "Artificial food dye" means a synthetic chemical substance added to food to produce](#)  
19 [color including, but not limited to, FD&C Blue No. 1, FD&C Red No. 40, and FD&C Yellow No.](#)

1 5.

2 (2) "Competitive foods" means all foods and beverages, other than meals reimbursed under  
3 the Richard B. Russell National School Lunch Act (42 U.S.C. § 1751 et seq.) and the Child  
4 Nutrition Act of 1966 (42 U.S.C. § 1771 et seq.), available for sale to students on the school campus  
5 during the school day.

6 (3) "Food product" means any edible item intended for human consumption, including  
7 beverages, snacks, and prepared meals.

8 (4) "School campus" means all areas of the property for a school under the jurisdiction of  
9 the Rhode Island department of education (RIDE) accessible to students during the school day.

10 (5) "School day" means the period from midnight before, to sixty (60) minutes after, the  
11 end of the official school day.

12 (6) "School food service vendor" means a person or entity that prepares and sells ready-to-  
13 eat food products to the public.

14 **16-21.9-3. Applicability.**

15 The standards set forth and referenced in this section shall apply throughout the entire  
16 school campus including, but not limited to, school served breakfast, school served lunch, a la carte  
17 food sale, school stores, vending machines, fundraisers held during the school day and any food  
18 authorized or distributed by students, teachers or school personnel and any food prepared or  
19 provided for students to consume off school property.

20 **16-21.9-4. Restriction of food dye in food products consumed upon school campus.**

21 Beginning January 1, 2027, no food product distributed in schools shall contain any of the  
22 following artificial food dyes:

23 (1) FD&C Blue No. 1 and 2;

24 (2) FD&C Green No. 3;

25 (3) FD&C Red No. 40; and

26 (4) FD&C Yellow No. 5, and 6.

27 **16-21.9-5. Compliance.**

28 (a) School food service vendors shall ensure compliance with this restriction.

29 (b) The department of elementary and secondary education shall develop a process to  
30 monitor compliance with this chapter and shall post on its website resources to assist school districts  
31 with the implementation of this chapter.

32 **16-21.9-6. Enforcement and penalties.**

33 (a) The center for food service protection, within the department of health, shall be  
34 responsible for the enforcement of the provisions of this chapter.

1 (b) Any school food vendor found in violation of this chapter shall be subject to civil fines  
2 to be established by the department of health, not to exceed one thousand dollars (\$1,000) per day  
3 for the first offense, nor more than five thousand dollars (\$5,000) per day for any subsequent  
4 offense. In addition to fines imposed pursuant to this section, for repeated violations in a school  
5 year, the school or school district may cancel or void any food service contract with the vendor and  
6 no liability shall be imposed on the school or school district for any cancellation or voiding of the  
7 contract as a result of the violation of the provisions of § 16-21.9-4.

8 (c) Fines collected pursuant to this section shall be deposited into the "Food Safety and  
9 Public Health Fund," established to support education and outreach on food safety initiatives.

10 (d) The center shall review food labels during their food safety audits of school foods,  
11 including breakfast, lunch, snacks, and after-school foods as part of its enforcement of this section.

12 (e) A school food vendor alleged to have violated the provisions of this chapter may request  
13 a hearing to be conducted pursuant to chapter 35 of title 42 ("administrative procedures").

14 **16-21.9-7. Restricted receipts -- Food safety and public health fund..**

15 (a) There is hereby created a restricted receipt account within the department of health for  
16 the purpose of receiving and expending monies collected from fines assessed pursuant to § 16-21.9-  
17 6 relating to the food safety and public health fund.

18 (b) The department shall deposit any revenues from the fines collected pursuant to  
19 subsection (a) of this section into the restricted receipt account to be used to support education and  
20 outreach on food safety initiatives.

21 **16-21.9-8. Implementation and reporting -- Rules and regulations.**

22 (a) The department of health shall promulgate rules and regulations and publish guidance  
23 for school food service vendors to implement compliance with the provisions of this chapter no  
24 later than January 1, 2027.

25 (b) The department of health shall submit an annual report to the general assembly on the  
26 implementation and effectiveness of this chapter beginning January 1, 2028, and every January 1,  
27 thereafter. The report shall contain the following:

28 (1) Which schools are in compliance;

29 (2) Which schools are not in compliance;

30 (3) Which school food service vendors are in compliance;

31 (4) Which school food service vendors are not in compliance;

32 (5) Fines imposed by the department on school food service vendors;

33 (6) The identity of any school food service contracts cancelled; and

34 (7) Any other matters that the department deems appropriate.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO EDUCATION -- SCHOOL FOOD DYE RESTRICTION ACT

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1           This act would prohibit the manufacture, sale, and distribution of foods containing certain  
2 artificial food dyes within school systems in the State of Rhode Island commencing January 1,  
3 2027.

4           This act would take effect upon passage.

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