

SB 577-FN - AS AMENDED BY THE HOUSE

14May2026... 1778h

2026 SESSION

26-2234

12/09

SENATE BILL

***577-FN***

AN ACT prohibiting the use and recommending avoidance of specific color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Altschiller, Dist 24; Rep. Spier, Hills. 6; Rep. Burroughs, Carr. 2

COMMITTEE: Education

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AMENDED ANALYSIS

This bill:

I. Prohibits the use of certain red, citrus red, and orange color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

II. Encourages public schools to avoid offering foods containing certain other color additives in school breakfast and lunch meals.

III. Encourages public schools, where it is feasible, to work with vendors to transition away from foods containing certain color additives in school breakfast and lunch meals.

IV. Exempts foods offered outside school breakfast and lunch meal programs from the prohibition and recommended avoidance of certain color additives.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT prohibiting the use and recommending avoidance of specific color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 New Paragraph; Prohibition and Recommended Avoidance of Certain Color Additives. Amend  
2 RSA 189:11-a by inserting after paragraph II the following new paragraph:

3       II-a.(a) No public elementary or secondary school shall offer or make available to any  
4 student, as a part of a school breakfast or lunch meal, any food that contains any of the following  
5 color additives as recognized by the Food and Drug Administration:

6               (1) FD&C red number 3, CAS Registry number 16423-68-0.

7               (2) FD&C citrus red number 2, CAS Registry number 6358-53-8.

8               (3) FD&C orange letter B, CAS Registry number 15139-76-1.

9       (b) Public elementary and secondary schools are encouraged to avoid offering foods  
10 containing the following color additives in school breakfast and lunch meals and to work with  
11 vendors to transition away from foods containing such color additives where feasible:

12              (1) FD&C blue number 1, CAS Registry numbers 3844-45-8, 3844-45-9.

13              (2) FD&C blue number 2, CAS Registry number 860-22-0.

14              (3) FD&C green number 3, CAS Registry number 2353-45-9.

15              (4) FD&C red number 40, CAS Registry number 25956-17-6.

16              (5) FD&C yellow number 5, CAS Registry number 1934-21-0.

17              (6) FD&C yellow number 6, CAS Registry number 2783-94-0.

18       (c) This paragraph shall not apply to foods offered outside school breakfast and lunch  
19 meal programs, including but not limited to foods brought by students, vending machine items, a la  
20 carte sales, and school fundraisers.

21       2 Effective Date. This act shall take effect July 1, 2028.

**SB 577-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2026-1778h)

AN ACT prohibiting the use and recommending avoidance of specific color additives in meals offered or made available by public schools as a part of school breakfast and lunch meal programs.

**FISCAL IMPACT:**

| Estimated Political Subdivision Impact |         |         |         |                                          |
|----------------------------------------|---------|---------|---------|------------------------------------------|
|                                        | FY 2026 | FY 2027 | FY 2028 | FY 2029                                  |
| Local Revenue                          | \$0     | \$0     | \$0     | \$0                                      |
| Local Expenditures                     | \$0     | \$0     | \$0     | Indeterminable,<br>Possibly No<br>Impact |

**METHODOLOGY:**

This bill, effective July 1, 2028, prohibits public schools from offering foods containing certain FDA-recognized red, citrus red, and orange color additives as part of school breakfast and lunch programs. It also encourages schools to avoid several other listed food dyes and work with vendors to transition away from them where feasible, while exempting foods sold outside regular school meal programs. Costs to school districts to comply with this bill, if any, are indeterminable and will vary by district.

**AGENCIES CONTACTED:**

Department of Education