

PROPOSED AMENDMENT

SB 200 # 9

DIGEST

Food and beverage contracts. Provides that a public school that participates in a federally funded or assisted meal program may not enter into or renew a contract with a vendor for the purchase, distribution, or provision of a food or beverage item unless certain conditions are met. Provides that the department of education may waive certain conditions for a school.

- 1 Page 2, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 2. IC 20-26-9-20 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2026]: **Sec. 20. (a) This section does not apply to contracts:**
5 **(1) concerning vending machines on school property:**
6 **(A) that are not accessible by students; or**
7 **(B) located outside of a school building; or**
8 **(2) concerning fundraising events.**
9 **(b) Except as provided in subsections (c) and (d), beginning with**
10 **the 2027-2028 school year, a public school, including a charter**
11 **school, that participates in a federally funded or assisted meal**
12 **program may not enter into or renew a contract with a third party**
13 **vendor for the purchase, distribution, or provision of a food or**
14 **beverage item to be sold or otherwise provided to students during**
15 **the school day unless the following conditions are met:**
16 **(1) The food or beverage items provided under the contract**
17 **do not contain one (1) or more of the following ingredients:**
18 **(A) Potassium bromate (CAS 7758-01-02).**
19 **(B) Propylparaben (CAS 94-13-3).**
20 **(C) Titanium dioxide (CAS 13463-67-7).**
21 **(D) Yellow dye 5 (CAS 1934-21-0).**
22 **(E) Yellow dye 6 (CAS 2783-94-0).**
23 **(F) Blue dye 1 (CAS 3844-45-9).**
24 **(G) Blue dye 2 (CAS 860-22-0).**
25 **(H) Green dye 3 (CAS 2353-45-9).**
26 **(I) Red dye 3 (CAS 16423-68-0).**

- 1 **(J) Red dye 40 (CAS 25956-17-6).**
- 2 **(K) Butylated hydroxytoluene (BHT) (CAS 128-37-0).**
- 3 **(L) Tert-butylhydroquinone (TBHQ) (CAS 1948-33-0).**
- 4 **(M) Azodicarbonamide (CAS 123-77-3).**
- 5 **(2) The third party vendor agrees to:**
- 6 **(A) maintain a current list of each food and beverage item**
- 7 **provided under the contract, along with a complete list of**
- 8 **ingredients for each food and beverage item, on the**
- 9 **vendor's publicly accessible website; and**
- 10 **(B) provide the school with a direct link to the information**
- 11 **described in clause (A).**
- 12 **(c) The department may grant a waiver to the conditions**
- 13 **described in subsection (b)(1) for a school that provides a written**
- 14 **request demonstrating that compliance with the conditions would**
- 15 **result in a significant financial hardship. A waiver granted by the**
- 16 **department under this subsection is valid for one (1) year and may**
- 17 **be renewed one (1) time by the department if the school**
- 18 **demonstrates continued financial hardship and provides a plan for**
- 19 **future compliance.**
- 20 **(d) If, prior to July 1, 2027, a school entered into a contract with**
- 21 **a third party vendor for the purchase, distribution, or provision of**
- 22 **a food or beverage item that does not comply with subsection (b),**
- 23 **the school may continue to operate under the contract until the**
- 24 **contract is no longer eligible for renewal as described in 7 CFR**
- 25 **220.7(d)(4), expires, or otherwise terminates."**
- 26 Renumber all SECTIONS consecutively.
- (Reference is to SB 200 as reprinted January 27, 2026.)