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# SENATE BILL No. 200

Proposed Changes to January 27, 2026 printing by AM020009

## DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-26-5-4.1 IS ADDED TO THE INDIANA
- 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2026]: **Sec. 4.1. (a) This section applies to a**
- 4 **vendor contract entered into, amended, or renewed after June 30,**
- 5 **2026.**
- 6 **(b) As used in this section, "choice of law provision" means a**
- 7 **term within a vendor contract that subjects the vendor contract to**
- 8 **the laws of a state other than Indiana.**
- 9 **(c) As used in this section, "indemnity provision" means a**
- 10 **provision, a clause, a covenant, or an agreement that:**
- 11 **(1) is contained in, collateral to, or affecting a vendor**
- 12 **contract; and**
- 13 **(2) purports to indemnify, defend, or hold harmless, or has**
- 14 **the effect of indemnifying, defending, or holding harmless, a**
- 15 **vendor against liability for loss or damage resulting from:**
- 16 **(A) negligence;**
- 17 **(B) intentional acts; or**
- 18 **> (C) omissions;**

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1 of the vendor or an agent, employee, servant, or independent  
2 contractor that is directly responsible to the vendor.

3 (d) As used in this section, "vendor contract" means a contract  
4 between a governing body of a school corporation, including a  
5 charter school (as defined in IC 20-24-1-4), and a vendor in which  
6 the vendor promises to provide goods or services.

7 (e) Notwithstanding any other law, an indemnity provision in  
8 a vendor contract under this section is:

- 9 (1) against public policy; and  
10 (2) void and unenforceable.

11 (f) Notwithstanding any other law, a choice of law provision in  
12 a vendor contract under this section is:

- 13 (1) against public policy; and  
14 (2) void and unenforceable.

15 A vendor contract is only subject to the laws of the state of Indiana.

16 [ SECTION 2. IC 20-26-9-20 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE JULY 1, 2026]: Sec. 20. (a) This section does not apply  
19 to contracts:

20 (1) concerning vending machines on school property:

- 21 (A) that are not accessible by students; or  
22 (B) located outside of a school building; or

23 (2) concerning fundraising events.

24 (b) Except as provided in subsections (c) and (d), beginning  
25 with the 2027-2028 school year, a public school, including a charter  
26 school, that participates in a federally funded or assisted meal  
27 program may not enter into or renew a contract with a third party  
28 vendor for the purchase, distribution, or provision of a food or  
29 beverage item to be sold or otherwise provided to students during  
30 the school day unless the following conditions are met:

31 (1) The food or beverage items provided under the contract  
32 do not contain one (1) or more of the following ingredients:

- 33 (A) Potassium bromate (CAS 7758-01-02).  
34 (B) Propylparaben (CAS 94-13-3).  
35 (C) Titanium dioxide (CAS 13463-67-7).  
36 (D) Yellow dye 5 (CAS 1934-21-0).  
37 (E) Yellow dye 6 (CAS 2783-94-0).  
38 (F) Blue dye 1 (CAS 3844-45-9).  
39 (G) Blue dye 2 (CAS 860-22-0).  
40 (H) Green dye 3 (CAS 2353-45-9).  
41 (I) Red dye 3 (CAS 16423-68-0).  
42 (J) Red dye 40 (CAS 25956-17-6).

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(K) Butylated hydroxytoluene (BHT) (CAS 128-37-0).  
(L) Tert-butylhydroquinone (TBHQ) (CAS 1948-33-0).  
(M) Azodicarbonamide (CAS 123-77-3).

(2) The third party vendor agrees to:

(A) maintain a current list of each food and beverage item provided under the contract, along with a complete list of ingredients for each food and beverage item, on the vendor's publicly accessible website; and

(B) provide the school with a direct link to the information described in clause (A).

(c) The department may grant a waiver to the conditions described in subsection (b)(1) for a school that provides a written request demonstrating that compliance with the conditions would result in a significant financial hardship. A waiver granted by the department under this subsection is valid for one (1) year and may be renewed one (1) time by the department if the school demonstrates continued financial hardship and provides a plan for future compliance.

(d) If, prior to July 1, 2027, a school entered into a contract with a third party vendor for the purchase, distribution, or provision of a food or beverage item that does not comply with subsection (b), the school may continue to operate under the contract until the contract is no longer eligible for renewal as described in 7 CFR 220.7(d)(4), expires, or otherwise terminates.

SECTION ~~3~~ [3]. IC 20-26-20-4, AS ADDED BY P.L.86-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) Upon request by an organization under section 3 of this chapter, a public school shall provide at least ~~one (1) time~~ **two (2) times** each school year, a day and time, which may be during the school day **or at a time where a majority of students and their families will be present on school property**, as approved by the public school, for the representatives of the organization to provide information to students on school property as described in section 3 of this chapter.

(b) An organization may submit a grievance to the department, in a manner prescribed by the department, if a public school refuses to allow an organization to provide information to students on school property as required by subsection (a).

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