WEST VIRGINIA CODE: §18-5D-3A

§18-5D-3A. Unsafe food additives prohibited.

(a) Effective August 1, 2025, the following food additives shall be deemed unsafe and shall not be permitted as an ingredient in any meal served in a school nutrition program as set forth in this article:

(1) Red Dye No. 3 (CAS Reg. No. 16423-68-0);

(2) Red Dye No. 40 (CAS Reg. No. 25956-17-6);

(3) Yellow Dye No. 5 (CAS Reg. No. 1934-21-0);

(4) Yellow Dye No. 6 (CAS Reg. No. 2783-94-0);

(5) Blue Dye No. 1 (CAS Reg. No.3844-45-8);

(6) Blue Dye No. 2 (CAS Reg. No. 860-22-0); and

(7) Green Dye No. 3 (CAS Reg. No. 2353-45-9).

(b) An elementary, middle, or high school may permit the sale of food items that do not comply with this section as part of a school fundraising event if the sale of those items takes place off of and away from school premises or the sale of those items takes place on the school premises at least one-half hour after the end of the school day.

WV Legislature