

PROHIBIT CERTAIN INGREDIENTS IN FOODS SERVED OR SOLD BY SCHOOLS

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House Bill 4369 (H-4) as passed by the House
Sponsor: Rep. Brad Paquette
Committee: Education and Workforce
Complete to 7-3-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4369 would amend the Food Law to prohibit certain ingredients in foods that are provided, sold, offered for sale, or made available to students by public or nonpublic schools in Michigan. This prohibition would take effect July 1, 2028, and apply to the following:

- Brominated vegetable oil.
- Potassium bromate.
- Propylparaben.
- Any of the following dyes:
 - Red 40.
 - Green 3.
 - Blue 1.
 - Blue 2.
 - Yellow 6.

Proposed MCL 289.7134

BACKGROUND:

Brominated vegetable oil is a food additive that had its U.S. Food and Drug Administration (FDA) approval revoked in July 2024, and beginning August 2, 2025, foods containing that additive may not be produced. Its purpose as an additive is to stabilize fruit flavoring in beverages so that citrus flavoring does not separate and rise to the top of the beverage.

While potassium bromate is allowed as a food additive in baked goods, it is not FDA-approved. Rather, it is classified as a prior sanctioned substance, meaning that it was approved by the FDA prior to 1985, and can be used with authorization in products.

Propylparaben is used in certain baked goods as a preservative, specifically to prevent mold. Its use in food is allowed, but it has been flagged for potential review by the FDA.

The dyes specified in the bill also have current FDA approval for use in food products, although the FDA announced in April that it was working with manufacturers in the food industry to phase out the use of these dyes, along with Yellow 5 (which the bill does not include).¹

¹ <https://www.fda.gov/news-events/press-announcements/hhs-fda-phase-out-petroleum-based-synthetic-dyes-nations-food-supply>

FISCAL IMPACT:

The bill could create costs for the state and would have an indeterminate fiscal impact on local school districts, public school academies (PSAs), and intermediate school districts (ISDs).

Under section 2101 of the Food Law, the Michigan Department of Agriculture and Rural Development (MDARD) has authority for administration and enforcement of the Food Law. It is not clear at this time if the additional food safety requirements under the bill would increase MDARD's food safety and quality assurance program activities in a material degree. As a result, it is not clear if the bill would increase MDARD program costs or if the added responsibilities could be assumed with current program staffing and funding levels.

Any fiscal impact on districts, PSAs, and ISD would be determined by whether the district, PSA, or ISD was providing students with foods that contained any of the restricted chemicals and whether there are alternatives that are of comparable cost.

POSITIONS:

The Consumer Brands Association indicated opposition to the bill. (6-10-25)

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