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AB-1264 Pupil nutrition: restricted school foods and ultraprocessed foods of concern: prohibition.
(2025-2026)

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Assembly Bill No. 1264

CHAPTER 467

An act to amend Sections 49431, 49431.2, 49431.5, 49501.5, and 49531 of the Education Code, and to add Article 3 (commencing with Section 104660) to Chapter 2 of Part 3 of Division 103 of, and to repeal Sections 104665 and 104665.05 of, the Health and Safety Code, relating to pupil nutrition.

[Approved by Governor October 08, 2025. Filed with Secretary of State October 08, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, Gabriel. Pupil nutrition: restricted school foods and ultraprocessed foods of concern: prohibition.

(1) Existing law, the California Nutrition Monitoring Development Act of 1986, requires the State Department of Public Health to assess the availability and adequacy of existing state and local food and nutrition data systems. The act requires different state departments, including the State Department of Education, to provide to the State Department of Public Health, upon request, nutrition-related data collection forms, documentation, and reports of various programs.

This bill would define "ultraprocessed food" for certain school-related purposes and would require the State Department of Public Health to adopt regulations, on or before June 1, 2028, to define "ultraprocessed foods of concern" and "restricted school foods," as specified. The bill would require the department, when defining ultraprocessed foods of concern and restricted school foods, to consider specified factors, including, among others, whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances are linked to health harms or adverse health consequences, as specified. The bill would require schools, as defined, to begin to phase out restricted school foods and ultraprocessed foods of concern by no later than July 1, 2029. Beginning July 1, 2032, the bill would prohibit a vendor from offering restricted school foods and ultraprocessed foods of concern to a school.

This bill, on or before February 1, 2028, and on or before February 1 of each year thereafter through February 1, 2032, would require a vendor to report specified information to the State Department of Public Health for each food product sold to a school in the past calendar year, including, among others, the total quantity of food product sold to schools and whether that food product is an ultraprocessed food, a restricted school food, or an ultraprocessed food of concern. The bill, on or before July 1, 2028, and on or before July 1 of each year thereafter through July 1, 2032, would require the State Department of Public Health, in consultation with the State Department of Education, to submit to the Legislature and the Governor a report that contains, among other things, a summary and analysis of the information reported to the State Department of Public Health by vendors and recommendations for state and local legislative actions that could reduce the consumption of ultraprocessed foods, restricted school foods, and ultraprocessed foods of concern in schools. The bill would require the State Department of Public Health to consult with the State Department of Education regarding compliance training and technical assistance for school food service and procurement staff for these purposes and would require the State Department of Public Health to establish a structure to deliver training and technical assistance to local educational agencies.

(2) Existing law requires the State Department of Education to develop and maintain nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses, consistent with the requirements for a nutritionally adequate breakfast and a nutritionally adequate lunch. Existing law defines a nutritionally adequate breakfast and a nutritionally adequate lunch for these purposes to mean those that qualify for reimbursement under the most current meal pattern for the federal School Breakfast Program and the federal National School Lunch Program, respectively.

Existing law requires a school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to make available a nutritionally adequate breakfast and a nutritionally adequate lunch, free of charge, during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal. Existing law authorizes a school operated and maintained by a school district or county office of education, from the midnight before to 30 minutes after the end of the official schoolday, to sell food and beverages other than meals reimbursed by specified federal nutrition programs, only if the food or beverages meet dietary guidelines, as specified, depending on grade level.

This bill, beginning July 1, 2035, would prohibit a school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, from offering a nutritionally adequate breakfast or lunch that includes restricted school foods or ultraprocessed foods of concern, as provided, and would prohibit a school operated and maintained by a school district or county office of education from selling food or beverages, except for food items sold as part of a school fundraising event, containing those restricted school foods or ultraprocessed foods of concern, as provided.

(3) To the extent this bill would impose additional requirements on public schools, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Real Food, Healthy Kids Act.

SEC. 2. (a) It is the intent of the Legislature to reduce the consumption of ultraprocessed foods by the children of California, and to encourage schools and school districts to promote and provide healthier options in school meals in advance of the compliance dates provided in Section 104664 of the Health and Safety Code.

(b) It is further the intent of the Legislature to prioritize the inclusion of agricultural and whole food products in school meals.

SEC. 3. Section 49431 of the Education Code is amended to read:

49431. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each elementary school, the only competitive foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meets the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph shall not apply to individually sold portions of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. This paragraph shall not apply to fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(7) Beginning December 31, 2027, competitive foods do not contain any of the following substances:

- (A) Blue 1 (CAS 3844-45-9).
- (B) Blue 2 (CAS 860-22-0).
- (C) Green 3 (CAS 2353-45-9).
- (D) Red 40 (CAS 25956-17-6).
- (E) Yellow 5 (CAS 1934-21-0).
- (F) Yellow 6 (CAS 2783-94-0).

(8) Beginning July 1, 2035, federal National School Lunch Program and federal School Breakfast Program food and competitive entrées sold by any entity, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not include either of the following:

- (A) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.
- (B) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(b) An elementary school may permit the sale of food items that do not comply with subdivision (a) as part of a school fundraising event in either of the following circumstances:

- (1) The sale of those items takes place off of and away from school premises.
- (2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(c) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section and Section 49431.5.

(d) Nothing in this section shall be construed to prohibit a school from selling to a pupil, after the pupil has been provided a school meal pursuant to Section 49501.5, the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service.

SEC. 4. Section 49431.2 of the Education Code is amended to read:

49431.2. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, the only competitive snack foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meet all of the following standards:

- (1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.
- (2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part-skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.
- (3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph shall not apply to the sale of fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.
- (4) Contains less than 0.5 grams of trans fat per serving.
- (5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.
- (6) Contains not more than 200 calories per individual food item.

(7) Beginning December 31, 2027, competitive foods do not contain any of the following substances:

- (A) Blue 1 (CAS 3844-45-9).
- (B) Blue 2 (CAS 860-22-0).
- (C) Green 3 (CAS 2353-45-9).

(D) Red 40 (CAS 25956-17-6).

(E) Yellow 5 (CAS 1934-21-0).

(F) Yellow 6 (CAS 2783-94-0).

(8) Beginning July 1, 2035, competitive foods do not include either of the following:

(A) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.

(B) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(b) (1) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu shall meet the following standards:

(A) Contains not more than 400 calories per entrée item.

(B) Not more than 35 percent of its total calories shall be from fat.

(C) Contains less than 0.5 grams trans fat per serving.

(D) Is offered in the same or smaller portion sizes as in the federal National School Lunch Program or federal School Breakfast Program.

(E) Beginning December 31, 2027, federal National School Lunch Program and federal School Breakfast Program entrées, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not contain any of the following substances:

(i) Blue 1 (CAS 3844-45-9).

(ii) Blue 2 (CAS 860-22-0).

(iii) Green 3 (CAS 2353-45-9).

(iv) Red 40 (CAS 25956-17-6).

(v) Yellow 5 (CAS 1934-21-0).

(vi) Yellow 6 (CAS 2783-94-0).

(F) Beginning July 1, 2035, federal National School Lunch Program and federal School Breakfast Program entrées, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not include either of the following:

(i) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.

(ii) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(2) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department but not the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu, or a competitive entrée sold by any other entity, shall meet the following standards:

(A) Not more than 35 percent of its total calories shall be from fat.

(B) Less than 10 percent of its calories shall be from saturated fat.

(C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar.

(D) Contains less than 0.5 grams of trans fat per serving.

(E) Contains not more than 480 milligrams of sodium.

(F) Contains not more than 350 calories.

(G) Beginning December 31, 2027, federal National School Lunch Program and federal School Breakfast Program entrées and competitive entrées sold by any entity, excluding foods provided by the United States Department of Agriculture (USDA)

Foods in Schools program, do not contain any of the following substances:

- (i) Blue 1 (CAS 3844-45-9).
- (ii) Blue 2 (CAS 860-22-0).
- (iii) Green 3 (CAS 2353-45-9).
- (iv) Red 40 (CAS 25956-17-6).
- (v) Yellow 5 (CAS 1934-21-0).
- (vi) Yellow 6 (CAS 2783-94-0).

(H) Beginning July 1, 2035, federal National School Lunch Program and federal School Breakfast Program entrées and competitive entrées sold by any entity, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, do not include either of the following:

- (i) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.
- (ii) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(c) A middle school or high school may permit the sale of food items that do not comply with subdivision (a) or (b) in any of the following circumstances:

- (1) The sale of those items takes place off of and away from school premises.
- (2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(d) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section.

(e) Nothing in this section shall be construed to prohibit a school from selling to a pupil, after the pupil has been provided a school meal pursuant to Section 49501.5, the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service.

SEC. 5. Section 49431.5 of the Education Code is amended to read:

49431.5. (a) (1) (A) From the midnight before to 30 minutes after the end of the official schoolday, at each elementary or middle school, the only competitive beverages that may be sold to a pupil are the following:

- (i) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener in a maximum serving size of 8 fluid ounces for elementary school or 12 fluid ounces for middle school.
- (ii) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener in a maximum serving size of 8 fluid ounces for elementary school or 12 fluid ounces for middle school.
- (iii) Plain water or plain carbonated water.
- (iv) One-percent-fat unflavored milk, nonfat flavored or unflavored milk, soy milk, rice milk, almond milk, and other similar nondairy milk in a maximum serving size of 8 fluid ounces for elementary school or 12 fluid ounces for middle school.

(B) A beverage shall not contain any of the following:

- (i) Caffeine, with the exception of trace amounts of naturally occurring caffeine substances.
- (ii) Beginning December 31, 2027, any of the following substances:
 - (I) Blue 1 (CAS 3844-45-9).
 - (II) Blue 2 (CAS 860-22-0).
 - (III) Green 3 (CAS 2353-45-9).
 - (IV) Red 40 (CAS 25956-17-6).
 - (V) Yellow 5 (CAS 1934-21-0).
 - (VI) Yellow 6 (CAS 2783-94-0).

(iii) Beginning July 1, 2035, either of the following:

(I) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.

(II) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(2) An elementary school or middle school may permit the sale of beverages that do not comply with paragraph (1) as part of a school fundraising event in either of the following circumstances:

(A) The sale of those items takes place off and away from the premises of the school.

(B) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(3) (A) From the midnight before to 30 minutes after the end of the official schoolday, at each high school, the only competitive beverages that may be sold to a pupil are the following:

(i) Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener in a maximum serving size of 12 fluid ounces.

(ii) Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener in a maximum serving size of 12 fluid ounces.

(iii) Plain water or plain carbonated water.

(iv) One-percent-fat unflavored milk, nonfat flavored or unflavored milk, soy milk, rice milk, almond milk, and other similar nondairy milk in a maximum serving size of 12 fluid ounces.

(v) Flavored water or flavored carbonated water with no added sweetener that is labeled to contain less than five calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces.

(vi) Flavored water or flavored carbonated water with no added sweetener that is labeled to contain no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces.

(vii) Electrolyte replacement beverages that are labeled to contain less than five calories per 8 fluid ounces in a maximum serving size of 20 fluid ounces.

(viii) Electrolyte replacement beverages that are labeled to contain no more than 40 calories per 8 fluid ounces in a maximum serving size of 12 fluid ounces.

(B) Beverages labeled or commonly referred to as sodas, colas, or soft drinks are not allowed.

(C) A beverage shall not contain any of the following:

(i) Caffeine, with the exception of trace amounts of naturally occurring caffeine substances.

(ii) Beginning December 31, 2027, any of the following substances:

(I) Blue 1 (CAS 3844-45-9).

(II) Blue 2 (CAS 860-22-0).

(III) Green 3 (CAS 2353-45-9).

(IV) Red 40 (CAS 25956-17-6).

(V) Yellow 5 (CAS 1934-21-0).

(VI) Yellow 6 (CAS 2783-94-0).

(iii) Beginning July 1, 2035, either of the following:

(I) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.

(II) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(4) A high school may permit the sale of beverages that do not comply with paragraph (3) as part of a school event if the sale of those items meets either of the following criteria:

(A) The sale of those items takes place off and away from the premises of the school.

(B) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(b) It is the intent of the Legislature that the governing board of a school district annually review its compliance with this section.

(c) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this section shall not be waived.

SEC. 6. Section 49501.5 of the Education Code is amended to read:

49501.5. (a) Notwithstanding any other provision of this chapter, commencing with the 2022–23 school year all of the following shall apply:

(1) (A) (i) A school district, county superintendent of schools, or charter school maintaining kindergarten or any of grades 1 to 12, inclusive, shall make available a nutritionally adequate breakfast and a nutritionally adequate lunch free of charge and with adequate time to eat, as determined by that school district, county superintendent of schools, or charter school in consideration of the recommendations provided by the department pursuant to subdivision (e), during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, except as described in clauses (i) and (ii) of subparagraph (B), with a maximum of one free breakfast meal and one free lunch meal, except for family daycare homes that shall be reimbursed for 75 percent of the meals served. The meals made available under this paragraph shall be nutritionally adequate meals that qualify for federal reimbursement. Participating school districts, county superintendents of schools, and charter schools shall comply with federal regulations for the National School Lunch Program and School Breakfast Program, which includes established mealtimes and shall comply with state requirements for meals served.

(ii) Meals served that do not meet federal requirements shall not be eligible for federal or state meal reimbursement.

(iii) Meals served that do not meet state requirements shall not be eligible for state meal reimbursement.

(B) (i) The department shall submit a waiver request to the United States Department of Agriculture to allow for one meal provided during a schoolday lasting four hours or less to be served in a noncongregate manner.

(ii) If the department receives approval for the federal noncongregate waiver required by clause (i), school districts, county superintendents of schools, and charter schools may make available either a nutritionally adequate breakfast or a nutritionally adequate lunch in a noncongregate manner for meal service combinations resulting in either (I) a congregate nutritionally adequate breakfast and a noncongregate nutritionally adequate lunch or (II) a noncongregate nutritionally adequate breakfast and a congregate nutritionally adequate lunch. These meals shall be reimbursed under the provisions of paragraph (2) if both state and federal requirements are met.

(2) (A) The department shall provide state meal reimbursement to school districts, county offices of education, and charter schools that participate in, and comply with the requirements of, the federal School Breakfast Program and National School Lunch Program, and any applicable state laws and regulations. State meal reimbursement shall be provided for reduced-price and paid meals served to pupils, as described in subdivision (b).

(B) As a condition of receiving funding pursuant to this paragraph, school districts, county offices of education, and charter schools shall conduct direct certification matching through the California Longitudinal Pupil Achievement Data System on a monthly basis.

(b) The amount of per-meal reimbursements provided under this section shall not exceed the difference between the sum of the amounts calculated from meals claimed based on the free combined breakfast and lunch reimbursement rates established by the United States Department of Agriculture and state meal contribution established in Section 49559, and the combined federal and state amounts reimbursed for reduced-price and paid meals claimed.

(c) The reimbursement required pursuant to this section shall be provided upon appropriation by the Legislature. This section shall not be operative until the Legislature has appropriated funds for purposes of this section.

(d) (1) The department may adopt, and as necessary revise, guidelines in accordance with this section at a publicly noticed meeting if the department complies with all of the following:

(A) Provides an opportunity for public comment at the meeting.

(B) Provides written public notice of a meeting at least 30 days before the meeting at which the guideline to be adopted will be considered or approved.

(C) For a substantive revision of the guidelines, the department provides written notice of a meeting at least 15 days before the meeting at which the revision will be considered or approved.

(2) The adoption or revision of guidelines pursuant to this subdivision is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code until July 1, 2023.

(e) The department shall review available evidence-based research, studies, and survey findings with school food authorities and school food workers, or their representatives, to make a recommendation for the amount of time that is adequate for a pupil to eat a school meal, including, but not limited to, the steps necessary to ensure that a pupil has adequate time to eat school meals that are served pursuant to this section and examining the role that breakfast in the classroom and other innovative breakfast models can play in supporting adequate time to eat. These recommendations shall be made public on the department's internet website on or before June 30, 2025.

(f) Notwithstanding subdivision (a), a school district, county office of education, or charter school that offers independent study, pursuant to Article 5.5 (commencing with Section 51744) of Chapter 5 of Part 28, shall meet the requirements of this section for any pupil on any schoolday that the pupil is scheduled for educational activities, as defined in Section 49010, lasting two or more hours, at a schoolsite, resource center, meeting space, or other satellite facility. Pupils who are present during established meal times shall have a nutritionally adequate breakfast and nutritionally adequate lunch made available.

(g) The chartering authority shall, upon request by a charter school and to the extent feasible within existing resources, provide technical assistance to the charter school in implementing this section.

(h) A charter school may enter into a partnership with an existing school food authority for the purposes of implementing this section.

(i) The chartering authority shall, upon request by a new charter school, contract with a charter school to make available a nutritionally adequate school breakfast and a nutritionally adequate school lunch until the charter school is an approved school food authority or until July 1 of the school year after the charter school becomes operational, whichever occurs first. The contract shall not exceed the actual costs to provide meals to the charter school, including, but not limited to, additional staffing costs and delivery of meals to the schoolsite, that are not covered by federal or state meal reimbursement.

(j) To comply with subdivision (a), a school district, county office of education, or charter school may use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or may do so at the expense of the school district, county office of education, or charter school.

(k) For purposes of this section, the following definitions apply:

(1) (A) "Nutritionally adequate breakfast" is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program, as defined in Section 220.8 of Title 7 of the Code of Federal Regulations.

(B) Beginning December 31, 2027, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, a "nutritionally adequate breakfast" does not contain any of the following substances:

(i) Blue 1 (CAS 3844-45-9).

(ii) Blue 2 (CAS 860-22-0).

(iii) Green 3 (CAS 2353-45-9).

(iv) Red 40 (CAS 25956-17-6).

(v) Yellow 5 (CAS 1934-21-0).

(vi) Yellow 6 (CAS 2783-94-0).

(C) Beginning July 1, 2035, a "nutritionally adequate breakfast" does not include either of the following:

(i) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.

(ii) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(2) (A) "Nutritionally adequate lunch" is one that qualifies for reimbursement under the most current meal pattern for the federal National School Lunch Program, as defined in Section 210.10 of Title 7 of the Code of Federal Regulations.

(B) Beginning December 31, 2027, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, a "nutritionally adequate lunch" does not contain any of the following substances:

- (i) Blue 1 (CAS 3844-45-9).
- (ii) Blue 2 (CAS 860-22-0).
- (iii) Green 3 (CAS 2353-45-9).
- (iv) Red 40 (CAS 25956-17-6).
- (v) Yellow 5 (CAS 1934-21-0).
- (vi) Yellow 6 (CAS 2783-94-0).

(C) Beginning July 1, 2035, a “nutritionally adequate lunch” does not include either of the following:

- (i) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.
- (ii) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(3) “School day” means any day that pupils in kindergarten or any of grades 1 to 12, inclusive, are present at a schoolsite or school facility for purposes of instruction or educational activities, as defined in Section 49010, including, but not limited to, pupil attendance at minimum days, state-funded preschool, transitional kindergarten, summer school including incoming kindergarten pupils, extended school year days, school-sponsored field trips, independent study when a pupil is onsite during the schoolday, and Saturday school sessions.

SEC. 7. Section 49531 of the Education Code is amended to read:

49531. (a) A school district, county superintendent of schools, or charter school may apply to the department for all available federal and state funds that they are eligible for so that a nutritionally adequate breakfast and lunch may be made available to pupils each schoolday at each schoolsite or school facility where pupils are present during the schoolday and to children receiving child development services. A school district, county superintendent of schools, or charter school that receives state funds pursuant to this article shall make available breakfasts and lunches in accordance with state and federal guidelines. If an entity's school meal service is not in compliance with state and federal guidelines or regulations, or both, including noncompliance determined during administrative reviews, procurement reviews, or complaint investigations conducted by the department, the entity shall be ineligible for state meal reimbursement.

(b) (1) A nutritionally adequate breakfast, for the purposes of this article, is one that qualifies for reimbursement under the most current meal pattern for the federal School Breakfast Program, as defined in Section 220.8 of Title 7 of the Code of Federal Regulations and paragraph (2). A nutritionally adequate lunch for purposes of this article is one that qualifies for reimbursement under the most current meal pattern for the federal National School Lunch Program, as defined in Section 210.10 of Title 7 of the Code of Federal Regulations and paragraph (2).

(2) A nutritionally adequate breakfast or lunch shall not consist of more added sugar than the amount allowed by the federal School Breakfast Program and the federal National School Lunch Program, respectively.

(3) Beginning December 31, 2027, a nutritionally adequate breakfast or lunch, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, shall not contain any of the following substances:

- (A) Blue 1 (CAS 3844-45-9).
- (B) Blue 2 (CAS 860-22-0).
- (C) Green 3 (CAS 2353-45-9).
- (D) Red 40 (CAS 25956-17-6).
- (E) Yellow 5 (CAS 1934-21-0).
- (F) Yellow 6 (CAS 2783-94-0).

(4) Beginning July 1, 2035, a nutritionally adequate breakfast or lunch, excluding foods provided by the United States Department of Agriculture (USDA) Foods in Schools program, shall not include either of the following:

- (A) Restricted school foods, as defined pursuant to Section 104662 of the Health and Safety Code.
- (B) Ultraprocessed foods of concern, as defined pursuant to Section 104662 of the Health and Safety Code.

(c) (1) If the federal School Breakfast Program and federal National School Lunch Program allow more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans, established by the United States Department of Agriculture and the United States Department of Health and Human Services, the State Department of Education shall convene representatives from the California School Nutrition Association and cafeteria workers, or their representatives, to work in partnership to provide the following:

(A) Maximum daily added sugar intake recommendations for each grade level commensurate with the American Academy of Pediatrics' standards for children two years of age or older.

(B) Maximum daily added sodium intake recommendations for each grade level commensurate with recommendations for children and adolescents in the Dietary Guidelines for Americans.

(2) Recommendations pursuant to this subdivision shall encourage the prioritization of foods with higher nutritional density when there is added sugar or sodium in the food.

(d) State reimbursement for meals provided pursuant to this article shall be limited to meals made available to pupils pursuant to Section 49501.5.

SEC. 8. Article 3 (commencing with Section 104660) is added to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 3. Eating for Health

104660. The purpose of this article is to facilitate and support the creation of health promoting eating environments in California. For purposes of this article, the following definitions apply:

(a) (1) "Category of food" means the following groups of food:

(A) Fruits.

(B) Vegetables.

(C) Grains.

(D) Cereals.

(E) Beans, peas, and lentils.

(F) Nuts, seeds, and soy products.

(G) Beverages.

(H) Dairy.

(I) Seafood.

(J) Poultry.

(K) Meat.

(L) Eggs.

(M) Condiments.

(N) Fats and oils.

(O) Herbs and spices.

(2) The department, by rule, may expand, clarify, or subdivide the groups of food enumerated in paragraph (1).

(b) "Department" means the State Department of Public Health.

(c) "Food" means all food and beverages intended for sale or to be served to school pupils on campus during the schoolday.

(d) "Food product" means a finished product of food or beverage with a unique universal product code (UPC), other than food products reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.), and foods provided by the United States Department of Agriculture Foods in Schools program.

(e) "Health promoting eating environments" means, in places where foods and beverages are served or sold, there are healthy, good quality, culturally appropriate, and affordable options.

(f) "Local educational agency" means a school district, county office of education, or charter school.

(g) "Public entity" means the state, county, city, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the state.

(h) "School" means a high school, middle school, or elementary school, as those terms are defined in Section 49430 of the Education Code, or any public entity that purchases a food product to provide to pupils on campus during the schoolday in an elementary, middle, or high school.

(i) "Schoolday" has the same meaning as in Section 49430 of the Education Code.

104661. (a) (1) For purposes of this article, except as provided in subdivision (b), "ultraprocessed food" or "UPF" means any food or beverage that contains a substance described in paragraph (2) and either high amounts of saturated fat, sodium, or added sugar, as described in subparagraph (A) of paragraph (3), or a nonnutritive sweetener or other substance described in subparagraph (B) of paragraph (3).

(2) (A) Except as specified in subparagraph (B), substances available in the United States Food and Drug Administration (FDA) Substances Added to Food database that are designated as having any of the following FDA-defined technical effects:

(i) Surface-active agents, as defined in Section 170.3(o)(29) of Title 21 of the Code of Federal Regulations.

(ii) Stabilizers and thickeners, as defined in Section 170.3(o)(28) of Title 21 of the Code of Federal Regulations.

(iii) Propellants, aerating agents, and gases, as defined in Section 170.3(o)(25) of Title 21 of the Code of Federal Regulations.

(iv) Colors and coloring adjuncts, as defined in Section 170.3(o)(4) of Title 21 of the Code of Federal Regulations.

(v) Emulsifiers and emulsifier salts, as defined in Section 170.3(o)(8) of Title 21 of the Code of Federal Regulations.

(vi) Flavoring agents and adjuvants, as defined in Section 170.3(o)(12) of Title 21 of the Code of Federal Regulations, excluding spices and other natural seasonings and flavorings as listed in Section 182.10 of Title 21 of the Code of Federal Regulations.

(vii) Flavor enhancers, as defined in Section 170.3(o)(11) of Title 21 of the Code of Federal Regulations, excluding spices and other natural seasonings and flavorings as listed in Section 182.10 of Title 21 of the Code of Federal Regulations.

(viii) Nonnutritive sweeteners, as defined in Section 170.3(o)(19) of Title 21 of the Code of Federal Regulations.

(B) Any of the following additives, or combination of these additives, shall not by themselves cause a food or beverage to be categorized as a UPF.

(i) Salt or sodium chloride.

(ii) Spices or other natural seasonings or flavorings, as listed in Section 182.10 of Title 21 of the Code of Federal Regulations.

(iii) Natural color additives, as listed in Part 73 of Title 21 of the Code of Federal Regulations.

(3) (A) High amounts of saturated fat, sodium, or added sugar, as defined respectively as follows:

(i) The food or beverage contains 10 percent or greater of total energy from saturated fat.

(ii) The food or beverage contains a ratio of milligrams of sodium to calories that is equal to or greater than 1:1.

(iii) The food or beverage contains 10 percent or greater of total energy from added sugars.

(B) Nonnutritive sweeteners, as defined in Section 170.3(o)(19) of Title 21 of the Code of Federal Regulations, or any of the following substances:

(i) D-sorbitol (CAS 50-70-4).

(ii) Erythritol (CAS 149-32-6).

- (iii) Hydrogenated starch hydrolysates, including, but not limited to, CAS 68425-17-2.
- (iv) Sucralose (CAS 56038-13-2).
- (v) Isomalt, including, but not limited to, CAS 64519-82-0, CAS 534-73-6, and CAS 20942-99-8.
- (vi) Lactitol (CAS 585-86-4).
- (vii) Luo Han Fruit Concentrate (CAS 977188-77-4).
- (viii) Maltitol (CAS 585-88-6).
- (ix) Steviol glycosides, including, but not limited to, CAS 58543-16-1, CAS 57817-89-7, CAS 1220616-44-3, CAS 58543-16-1, and CAS 1220616-34-1.
- (x) Thaumatin, including, but not limited to, CAS 977178-03-2 and CAS 53850-34-3.
- (xi) Xylitol (CAS 87-99-0).

(b) "Ultraprocessed food" or "UPF" does not include any of the following:

- (1) Commodity food specifically made available by the United States Department of Agriculture.
- (2) A raw agricultural commodity as defined in Section 110020.
- (3) An unprocessed locally grown or locally raised agricultural product as defined in paragraph (2) of subdivision (g) of Section 210.21 of Title 7 of the Code of Federal Regulations.
- (4) Minimally processed prepared food as defined in paragraph (4) of subdivision (a) of Section 49015 of the Food and Agricultural Code, which may include foods in a variety of forms, including, but not limited to, whole, cut, sliced, diced, canned, pureed, dried, and pasteurized.
- (5) Class 1 milk as defined in Section 61932 of the Food and Agricultural Code.
- (6) Alcoholic beverages as defined in Section 23004 of the Business and Professions Code.
- (7) Medical foods, as defined in Section 101.9(j)(8) of Title 21 of the Code of Federal Regulations, only if exempted by the department by regulation.
- (8) Infant formula, as defined in Section 107 of Title 21 of the Code of Federal Regions, only if exempted by the department by regulation.

104662. (a) For purposes of this article, the following definitions apply:

- (1) "Restricted school foods" means a food or beverage product that is not listed in subdivision (b) of Section 104661, that contains one or more of the substances specified in paragraph (2) of subdivision (a) of Section 104661, and that is restricted from service or sale in schools, as defined by the regulations adopted by the department consistent with this section.
- (2) "Ultraprocessed food of concern" or "UPF of concern" means a food or food product that is an ultraprocessed food, as defined in Section 104661, that is of concern, as determined by regulations adopted by the department consistent with this section.

(b) (1) On or before June 1, 2028, the department shall adopt regulations to define ultraprocessed foods of concern and restricted school foods that consider all of the following factors:

- (A) Whether the substance or group of substances are banned or restricted in other state, federal, or international jurisdictions due to concerns about adverse health consequences.
- (B) Whether the products include or require a warning label in other state, federal, or international jurisdictions due to concerns about adverse health consequences.
- (C) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances are linked to health harms or adverse health consequences, including, but not limited to, any of the following:
 - (i) Cancer.
 - (ii) Cardiovascular disease.

- (iii) Metabolic disease.
- (iv) Developmental or behavioral issues.
- (v) Reproductive harm.
- (vi) Obesity.
- (vii) Type 2 diabetes.
- (viii) Other health harms associated with UPF consumption.

(D) Whether, based on reputable peer-reviewed scientific evidence, a substance or group of substances may be hyperpalatable, or may contribute to food addiction.

(E) Whether the food has been modified to be high in saturated fat, added sugar, or salt.

(F) Whether the food meets the requirements of the United States Food and Drug Administration's final rule issued on December 27, 2024, titled "Food Labeling: Nutrient Content Claims; Definition of Term 'Healthy'" that defines nutrient contents that are deemed to be a part of a nutritious diet.

(G) Whether the substance is a common natural additive.

(2) For purposes of paragraph (1), the department shall be guided by a rigorous examination of available reputable peer-reviewed scientific evidence and shall consider all of the following:

(A) The total number of jurisdictions where the substance or product is banned, restricted, or requires a warning label.

(B) The basis for any determination by another jurisdiction to ban, restrict, or require a warning label for any substance or product.

(C) The quality, caliber, and scope of any scientific evidence to any above determination, including a rigorous examination of whether such evidence is the product of scientific research conducted according to internationally recognized best practices for scientific research.

(D) Any reputable peer-reviewed scientific evidence that would call into question any determination that a substance is linked to health harms or adverse health consequences.

(c) (1) The department shall review regulations and, as needed, update the definitions of ultraprocessed food of concern and restricted school foods every five years to accommodate any relevant advances in scientific knowledge, the development of better agricultural or manufacturing practices, or other changes that require revision of either or both of the definitions. If an update to either or both of those definitions would add a food product to the list of restricted school foods or ultraprocessed foods of concern, the department shall delay the operation of the revised definition by three years to give impacted entities time to comply with the new definition's impact on the legal requirements of this article.

(2) The department shall adopt and revise regulations pursuant to this section in consultation with the Office of Environmental Health Hazard Assessment; the State Department of Education; the Department of Food and Agriculture; the University of California; school food authorities, school nutrition program directors, and school nutrition program managers, as defined in Section 210.2 of Title 7 of the Code of Federal Regulations; and other state agencies that the department deems appropriate, after providing an opportunity for all interested parties to comment.

(3) The department may seek information from academia, other states, the federal government, and other nations to inform implementation of this section.

104664. (a) By no later than July 1, 2029, a school shall begin to phase out restricted school foods and ultraprocessed foods of concern.

(b) Beginning July 1, 2032, a vendor shall not offer restricted school foods or ultraprocessed foods of concern to a school.

(c) The failure of a school, local educational agency, or vendor to comply with this section does not create a private right of action.

104665. (a) On or before February 1, 2028, and on or before February 1 of each year thereafter through February 1, 2032, any vendor of food or food products to a school shall report the following information to the department for each food product sold to a school in the past calendar year, to the extent it is known to the vendor:

(1) The total quantity of that food product sold to schools.

- (2) The name of the food product.
- (3) Whether the food product is an ultraprocessed food.
- (4) Whether the food product is a restricted school food or an ultraprocessed food of concern.
- (5) The category or categories of food to which the food product belongs.
- (6) The average total calories in each food product sold to schools that year.
- (7) The ingredient list of the food product.
- (8) The nutritional facts of the food product.

(b) The requirements of subdivision (a) do not apply to:

- (1) A cottage food operation that is registered or has a permit pursuant to Section 114365.
- (2) A microenterprise home kitchen, as defined in Section 113825.
- (3) A small business, as defined under Section 14837 of the Government Code.

(c) The failure of a vendor to comply with this section does not create a private right of action.

(d) This section shall become inoperative on July 1, 2033, and, as of January 1, 2034, is repealed.

104665.05. (a) On or before July 1, 2028, and on or before July 1 of each year thereafter through July 1, 2032, the department, in consultation with the State Department of Education and using information reported pursuant to Section 104665, shall submit to the Legislature a written report containing all of the following information:

- (1) A summary and analysis of information reported pursuant to Section 104665 for the prior year.
- (2) A summary and analysis of the progress of the restricted school foods and ultraprocessed foods of concern phaseout required by this article.
- (3) Estimates of the amount of foods that are not ultraprocessed food items and are sold or served to pupils on campus during the schoolday in elementary, middle, and high schools.
- (4) Estimates of the portion of the average elementary school, middle school, and high school student's school food intake, in calories, that is composed of ultraprocessed foods.
- (5) A strategy for reducing the consumption of ultraprocessed foods, restricted school foods, and ultraprocessed foods of concern in schools.
- (6) Analysis of the feasibility of reducing the sale or service of ultraprocessed foods, restricted school foods, and ultraprocessed foods of concern in schools.
- (7) Any actions the department or the State Department of Education plans to take regarding restricted school foods and ultraprocessed foods of concern.
- (8) Recommendations for state and local legislative actions that could reduce the consumption of restricted school foods and ultraprocessed foods of concern in schools.

(b) A report to be submitted to the Legislature pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) The department shall annually submit the report prepared pursuant to subdivision (a) to the Governor.

(d) The department shall make the report prepared pursuant to subdivision (a) publicly available on its internet website.

This section shall become inoperative on August 1, 2033, and, as of January 1, 2034, is repealed.

104666. This article does not prohibit a public entity from voluntarily enacting more stringent restrictions on ultraprocessed foods, restricted school foods, or ultraprocessed foods of concern.

104667. (a) For purposes of this article, the department shall consult with the State Department of Education regarding compliance training and technical assistance for school food service and procurement staff.

(b) The department shall establish a structure to deliver training and technical assistance to local educational agencies.

(c) The department may contract with providers with expertise in nutrition, school-community collaboration of service delivery and financing, and coordination and integration of support services to deliver training and technical assistance to implement this article.

(d) The topics for training shall be identified by the department through a periodic survey of local educational agencies. The curriculum for the training provided under this section may be developed in consultation with representatives from associations, consumer associations, and others, as deemed appropriate by the department.

SEC. 9. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.