

LAWS OF DELAWARE
VOLUME 85
CHAPTER 27
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 69

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FOODS AND BEVERAGES IN SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter I, Chapter 41, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4137B. Red dye 40 prohibited; school foods and beverages.

(a) For purposes of this section:

(1) “Breakfast” means as defined in 7 C.F.R. § 220.2.

(2) “Campus” means areas of the property under the jurisdiction of a school district or charter school that are accessible to students during the school day.

(3) “Competitive food” means all foods and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751 et seq., and the Child Nutrition Act of 1966, 42 U.S.C. § 1771 et seq., available for sale through the school nutrition programs to students on campus during the school day.

(4) “Department” means the Department of Education.

(5) “Lunch” means as defined in 7 C.F.R. § 210.2.

(6) “School day” means the period from the midnight before, to 30 minutes after, the end of the official school day.

(b) A school district or charter school may not sell or serve breakfast, lunch, or competitive food on campus during the school day that contains Red dye 40 (CAS no. 25956-17-6).

(c) The Department may adopt rules or promulgate regulations to implement this section.

Section 2. This Act is effective immediately and is to be implemented beginning July 1, 2026.

Approved May 22, 2025