

February 4, 2026

The Honorable Virgil Peck, Chairperson
Senate Committee on Agriculture and Natural Resources
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Peck:

SUBJECT: Fiscal Note for SB 390 by Senate Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 390 is respectfully submitted to your committee.

SB 390 would require, beginning with school year 2027-2028, that no school district that participates in a food service program would be able to serve as part of a free or reduced-priced meal any of the following food additives: brominated vegetable oil; potassium bromate; propylparaben; azodicarbonamide; butylated hydroxyanisole; titanium dioxide; red 3; red 40; yellow 5; yellow 6; blue 1; blue 2; or green 3.

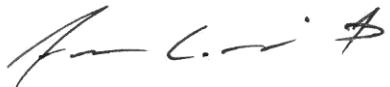
During a food facility inspection as required by KSA 65-688, the school would have to verify that the facility does not serve any food that contains the prohibited additives. If a school cannot make this certification, the school would be required to submit a corrective action plan to the Secretary of Health and Environment within 30 days of the inspection. The school would be required to post the official notice of the violation and corrective plan on the school's website for one year from the date of inspection, or an order from the Secretary, whichever is later.

If the school incorrectly certifies that a school facility meets the bill's provisions, then the school would be required to submit a corrective action plan to the Secretary of Health and Environment within 30 days of the inspection. The school would be required to post the official notice of the violation and corrective plan on the school's website for one year from the date of inspection, or an order from the Secretary, whichever is later. In addition, the school would have to notify the parents or guardians of each student in the school of the violation.

The Department of Health and Environment reports that the enactment of the bill would have no fiscal effect on the agency. The Department of Education oversees the administration of the national school lunch and breakfast programs. The agency notes that provisions of SB 390 would require school districts to incur additional costs in procuring food without the additives outlined in the bill. However, the Department cannot estimate a fiscal effect for school districts. Any fiscal effect associated with SB 390 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of School Board indicates that the enactment of the bill would require school districts to spend funds for training and potentially hiring new staff to implement provisions of the bill. KASB also indicates that school districts would incur higher food costs, as buying food without the outline additives would be more expensive than current food options with the additives. Because school districts likely will be granted the same amount of federal funding for these high-cost meals, school districts would likely need to increase fees for full-priced meals in order to recover higher food costs. However, a fiscal effect was not estimated by KASB.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Amy Penrod, Department of Health & Environment
Gabrielle Hull, Department of Education
Angie Stallbaumer, Kansas Association of School Boards