



Legislation Regarding Artificial Food Dyes

Executive Summary

On January 15, 2025, the U.S. Food and Drug Administration (FDA) banned the Red Dye No. 3 dye from the nation's food supply in January, setting deadlines for stripping the brightly hued additive from candies and cough syrup, baked goods, and frozen treats. The FDA certifies synthetic color additives and regulates their use.

The synthetic dyes typically seen in foods and medicines are petroleum-based chemicals that do not occur naturally. These colorings are solely used in foods to “enhance the visual appeal” of products. Nine dyes, including Red Dye No. 3, have been approved as additives in U.S. food. The other common color additives in food are Blue 1, Blue 2, Green 3, Red 40, Yellow 5, Yellow 6, Citrus Red 2, and Orange B. With the FDA's recent order on Red Dye No. 3, manufacturers have until January 2027 to remove the dye from their products. Makers of ingested drugs like cough syrups have until January 2028. In the states, the Golden State became the first – and to date, only – state to enact legislation tackling these artificial dyes following a [2021 report from the California Office of Environment Health Hazard Assessment](#) concluding that synthetic dyes are linked to an increase in behavioral difficulties, memory problems, decreased attention spans, hyperactivity, and other neuro-behavioral issues in children.

In 2023, **California** became the first state to prohibit the use of Red Dye No. 3 and, in 2024, expanded the prohibition to include six other dyes from food offerings served in public schools. [Assembly Bill 418 \(2023\)](#) prohibits the manufacturing, selling, delivering, distributing, holding, or advertising of food products for human consumption that contain specific artificial substances—namely, brominated vegetable oil and Red Dye No. 3. Any violations of the law, beginning on January 1, 2027, would be punishable by fines of up to \$5,000 for the first offense and up to \$10,000 for each subsequent violation. Building upon this first action, lawmakers passed [Assembly Bill 2316 \(2024\)](#), which – starting on December 31, 2027 – bans schools, districts, charters, or any other public K-12 institution from offering any meal containing Red Dye No. 40 and/or Yellow Dye No. 5. However, any foods or drinks sold as a part of a fundraiser or other third-party offering are exemption from this prohibition.

State Legislative Proposals

STATE	MEASURE (YEAR)	STATUS	SUMMARY
Illinois	Senate Bill 2637 (2024) - Died in the House	Died in the House	It would have provided that, beginning January 2027, a person or entity shall not manufacture a food product for human consumption that contains brominated vegetable oil, potassium bromate, propylparaben, or Red Dye No. 3. The sale, distribution, holding, or offering of a food product for human consumption that contains those substances would not be banned until January 1, 2028.
Maryland	House Bill 1208 (2025) - Pending Committee Hearing 3/10 <i>See also:</i> HB 1098 (2024)	Pending Committee Hearing 3/10	Prohibits, from October 1, 2025, through September 30, 2028, the selling of food containing Red Dye No. 3 unless the food packaging includes a particular warning; and prohibiting, beginning on October 1, 2028, the manufacturing, selling, delivering, holding, or offering for sale in the State food that contains brominated vegetable oil, potassium bromate, propylparaben, or Red Dye No. 3.
Missouri	House Bill 2474 (2024) - <i>Died in Committee</i> <i>See also:</i> HB 99 (2025)	Died in Committee	Beginning January 1, 2027, this bill would have banned the manufacturing, selling, delivering, distributing, holding, or offering for sale of food products containing brominated vegetable oil, potassium bromate, propylparaben, or Red Dye No. 3. Anyone who violates the prohibition is liable for a civil penalty of up to \$5,000 for a first violation or \$10,000 for subsequent violations.
New Jersey	Senate Bill 3016 (2024)	Pending in Committee	It would have established penalties of up to \$1,000 for each violation of the prohibition on selling food products containing brominated vegetable oil, potassium bromate, propylparaben, or Red Dye No. 3.



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New York	Senate Bill 1239 (2025) <i>See also: SB 6055 (2024)</i>	Pending in Committee	Exempting small businesses until 2028, the bill would prohibit the use of food additives, including Red Dye No. 3, potassium bromate, and propylparaben, from being added to any food products for sale.
Pennsylvania	House Bill 2116 (2024)	Died in Committee	The bill would have prohibited the sale of any food products containing Red Dye No. 3, Yellow Dyes Nos. 5 and 6, potassium bromate, brominated vegetable oil, and/or BHA in the state.
Rhode Island	House Bill 7300 (2024)	Held for Further Study	Starting in January 2027, it would have prohibited the addition of brominated vegetable oil, potassium bromates, propylparaben, and Red Dye No. 3 from any food products sold, advertised, or marketed for human consumption.
South Dakota	House Bill 1169 (2024)	Died in Committee	As of July 1, 2025, it would be a Class 1 misdemeanor to manufacture, deliver, distribute, hold, sell, or advertise a food product for human consumption containing brominated vegetable oil, potassium bromates, propylparaben, and Red Dye No. 3.
Washington	House Bill 1921 (2024)	Died in Committee	Starting in January 2027, it would have prohibited the addition of brominated vegetable oil, potassium bromates, propylparaben, and Red Dye No. 3 from any food products sold, advertised, or marketed for human consumption.
West Virginia	House Bill 5086 (2024) - <i>Died in Committee</i> <i>See also: HB 2654 (2025)</i>	Died in Committee	If enacted, it would establish a prohibition on brominated vegetable oil, potassium bromates, propylparaben, and Red Dye No. 3 in any food products sold, advertised, or marketed for human consumption, with penalties of up to \$5,000 or \$10,000 for repeat offences.

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