

## 2026 SESSION

## HOUSE SUBSTITUTE

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## HOUSE BILL NO. 786

**FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**(Proposed by Delegate Austin  
on February 2, 2026)**

(Patron Prior to Substitute—Delegate Austin)

*A BILL to amend and reenact § 22.1-207.4 of the Code of Virginia, relating to school boards; authority to prohibit sale of energy drinks to students in public high schools.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-207.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-207.4. Nutritional guidelines for competitive foods; fundraisers; authority to prohibit sale of energy drinks to students in public high schools.**

A. For purposes of As used in this section, "competitive:

*"Competitive food"* means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program.

"Energy drink" means any beverage that contains more than 55 milligrams of caffeine in combination with one or more additional stimulants or stimulant-adjacent substances, including ginseng, guarana, L-carnitine, or taurine.

B. The Board, in cooperation with the Department of Health, shall promulgate regulations setting nutritional guidelines for all competitive foods.

C. The Board, with assistance from the Department of Health, shall periodically review the nutritional guidelines for competitive foods to ensure that they remain current and science-based and shall also review the nutritional guidelines upon changes to federal law or regulations for competitive foods.

D. The regulations promulgated pursuant to this section shall include but not be limited to: calorie, fat, sugar, and sodium content.

E. The regulations promulgated pursuant to this section shall permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year, during which food that does not meet the nutrition guidelines for competitive foods may be sold to students.

**F. Any school board may prohibit the sale of any energy drink to students in public high schools in the local school division, regardless of whether any such drink meets the requirements to be considered a diet or low-calorie beverage under any relevant federal regulation.**

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