

Senate Committee Advances Groundbreaking School Nutrition Bill Supporting Lactose-Intolerant Students

WASHINGTON, DC, UNITED STATES, June 3, 2025 /EINPresswire.com/ -- In a significant win for taxpayers and for children's health and choice in school nutrition policy, the U.S. Senate Agriculture Committee today passed a bipartisan compromise bill that merges key provisions of the Whole Milk for Healthy Kids Act (S. 222) and the Freedom in School Cafeterias and Lunches Act (S. 1236), creating a landmark shift in how milk and milk alternatives are handled under the National School Lunch Program (NSLP).

Championed by Senators John Fetterman, D-Pa., John Kennedy, R-La., and Cory Booker, D-N.J., the FISCAL Act sought to ensure that all children in America's public schools finally have access to nutritionally appropriate and digestible beverage options, including non-dairy milk. A third of Americans, and perhaps more than 40 percent of the 30 million kids participating in the NSLP have some degree of lactose intolerance. Representatives Troy Carter, D-La., Nancy Mace, R-S.C., and Anna Paulina Luna, R-Fla., are the lead authors of the FISCAL Act, H.R. 2539, in the U.S. House of Representatives.

The [Center for a Humane Economy](#), Switch4Good, and [Animal Wellness Action](#), which crafted and promoted S. 1236, praised the committee's vote as a long-overdue correction to a federal policy that has long dismissed the nutritional needs of millions of American children.

"Because of the archaic, decades-old milk mandate in the National School Lunch Program, we've seen a milk waste problem that is mind-boggling in its scale and a denial of choice and proper nutrition to millions of kids who cannot safely consume cow's milk," said Wayne Pacelle, president of the Center for a Humane Economy and Animal Wellness Action. "This compromise legislation finally acknowledges that a one-size-fits-all milk mandate does not work in a society where lactose intolerance is so prevalent."

"Forcing children to drink milk that makes them sick is not nutrition—it's neglect," said Dotsie Bausch, executive director of Switch4Good and an Olympic silver medalist in cycling. "This bipartisan bill ensures our school lunch program is inclusive, evidence-based, and humane."

The current law, under 42 U.S. Code §1758, has long required schools to offer cow's milk, excluding whole milk for over a decade due to its high saturated fat content. But it has offered no practical options for lactose-intolerant kids—requiring a note from a doctor and labeling the

condition as a disability, but then typically not having the plant-based milk stocked and available for those kids. The FISCAL Act sought to break the vise grip of the dairy industry on the NSLP.

Under the new legislation:

- Schools may offer non-dairy milk to students as part of their regular lunchroom options, as well as whole milk again as part of the NSLP.
- More importantly, schools will now be required to provide a non-dairy beverage—such as soy, oat, or almond milk—with a note from a parent, guardian, or licensed physician specifying whatever non-dairy beverage should be served to the student.

Lactose intolerance affects more than one-third of Americans and is particularly prevalent among a wide range of ethnic and racial groups. The bill takes a step forward in better reflecting the realities of the marketplace, where cow's milk competes with soy milk, oat milk, almond milk, and other popular plant-based milks.

Lactose intolerant rates reach:

- 60–80% among African Americans;
- 80–90% among Native Americans;
- 90–95% among Asian Americans;
- 50–70% among Latinos; and
- A high prevalence among individuals of Greek, Italian, Jewish, and Arab descent.

Symptoms of lactose intolerance—bloating, gas, diarrhea, abdominal pain, nausea, and more—can significantly impair a child's ability to learn and thrive in school. These symptoms are avoidable with simple changes in beverage policy, and today's legislation takes a major step in that direction.

"The current NSLP law places the many children who suffer from lactose intolerance at a significant health and educational disadvantage," stated Scott Edwards, general counsel for the Center for a Humane Economy. "By opening up non-dairy options in our schools' lunchroom, this compromise measure takes an important first step towards remedying the injustice that these children have had to suffer for decades."

The FISCAL Act had more than 200 endorsing organizations, including the National Rural Education Association, Asthma and Allergy Foundation of America, International Foundation for Gastrointestinal Disorders, National Urban League, Food Allergy and Anaphylaxis Connection Team, and the Coalition for Healthy School Food.

"We commend Senators Fetterman, Kennedy, and Booker for their leadership in bringing choice and competition to the National School Lunch Program," added Pacelle. Bausch added that "we'd

welcome an amendment on the Senate floor to clarify that lactose intolerance is not a disability but a normal circumstance affecting more than a hundred million Americans.”

Senator Rafael Warnock, D-Ga., filed an amendment in advance of the hearing to achieve that outcome, but Senator Warnock chose not to offer it during the mark-up. We urge the Senate to adopt that amendment as the bill moves ahead.

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