



## Summary of State School Nutrition Standards

(List is in progress)

Year	2008	2007	2006	2005	2004	2003	2002 & earlier
Number of States Passing Laws or Regulations	2	6	6	18	5	2	19
State Legislation Passed	CO	MS, ND, NJ, OR, RI, SD	FL, IN, CT, RI (2), PA, TN	AZ, CA (3), CO, IL, KS (2), KY, LA, ME, MD, NM, NC (2), OK, RI, SC, WV	CO, LA, TN, WA	AR, CA	AL, CA, CO, CT, FL, GA, HI, IL, KY, LA, ME, MD, MS, NE, NJ, NY, NC, VA, WV
State Regulation	WV (revised)		IL, TX (revised)	MD, NJ, TN	TX		

### **Alabama**

The sale of foods of minimal nutritional value during meal service times will continue to be prohibited. Schools are required to restrict student access to concession, extra sales, vending and fundraisers that are in direct competition with the Child Nutrition Program during meal services anywhere on campus. If income from such sales occurs, the revenue is required to be deposited into the Child Nutrition account (as of 2002).

### **Arizona**

ARS [15-242](#) (2006) requires all elementary, middle and junior high schools to participate in the National School Lunch Program, with the exception of schools with fewer than 100 pupils not currently participating in the program. The law allows schools with grades 9-12 to adopt nutrition standards for their own campuses. Further, the law prohibits new and renewal contracts beginning July 15, 2006 to include sugared, carbonated beverages and all other foods of minimal nutritional value to be served on elementary, middle, and junior high school campuses. Approval of a carbonated beverage may only be made by the Department of Education if it meets or exceeds the department's definition of minimal nutritional value. For more detailed information regarding the state's nutrition standards, refer to The Arizona Nutrition Standards (2006) <http://www.ade.state.az.us/health-safety/cnp/HB2544/ArizonaNutritionStandards.pdf>

ARS [15-242](#) requires all foods sold in vending machines, snack bars, meal-period kiosks and at school stores to meet the nutrition standards set by the department.

ARS [15-242](#) requires the department to establish minimum standards for foods and beverages sold or served on the grounds of elementary, middle and junior high schools during the normal school day. Foods of minimal nutritional value are not to be served or sold during the normal school day on any elementary, middle or junior high school campus

### **Arkansas**

House Bill 1583 (Act 1220) banned elementary school students' access to vending machines offering food and soda. Codes [6-7-119](#) and [20-7-135\(c\)](#) (2003) prohibit in-school access to vending machines that offer food and beverages to elementary school students. The latter code

further requires schools to report annually to parents and the community the amount and source of funds received and expended from competitive food and beverage contracts.

### **California**

S. 12 limits to elementary schools provisions prohibiting the sale of certain beverages and food items at schools participating in a pilot program. It prohibits the sale of certain beverages or food items at all middle, junior high and high schools commencing on a specified date. It authorizes the Superintendent of Public Instruction to monitor school district compliance with nutrition and activity requirements. It requires school districts to report their compliance.

S. 965 modifies the list of beverages that may be sold to pupils at elementary, middle or junior high schools. It restricts the sale of beverages to pupils at high schools at specified times to certain specified beverages.

In 2003, S. 677 (Chapter 415) banned vending machine sales of carbonated beverages to elementary, middle and junior high school students. It replaces the banned items with milk, water and juice. It also limits vending machine accessibility in middle and junior high schools from one-half hour before the start of the school day to one-half hour after the end of the school day. It exempts sales of certain beverages at specified school events.

In 2006 AB 469 ( Yee) was vetoed by the Governor . It would have set nutrition standards for all foods and beverages on campuses not just lunch and breakfasts and would have added sugar and sodium to existing state school nutrition guidelines.

### **Colorado**

SB 129 (2008) requires the state board of education to adopt the Alliance for a Healthier Generation voluntary beverage guidelines for all beverages sold outside of the National School Lunch Program and the School Breakfast Program. The bill is currently awaiting the governor's signature.

Statute [22-32-136](#) (2005) encourages local districts to adopt policies ensuring that every child has access to healthful food choices in the cafeteria, in vending machines, and in fundraising food activities. The statute also encourages districts to provide information regarding the nutritional contents of the foods sold in the school cafeterias and the vending machines. Statute [22-32-136](#) also encourages local districts to establish rules for when and where competitive foods may be sold on school property.

Statute [22-32-134](#) (2004) encouraged each school district, on or by July 1, 2004, to adopt a policy providing that at least 50% of all vending machine items or set of vending machines meet acceptable nutritional standards. Details of the standards are outlined in the statute. Subsection 3 of the statute outlines a step-by-step implementation guide provided by the Department of Education.

Regulation [2202-R-203](#) (1998) prohibits the operation of competitive food or beverage services that are in competition with the district's foodservice program. Competitive foodservices must be closed one-half hour prior to and remain closed until one-half hour after the last regular scheduled school lunch and/or school breakfast period on the campus during which school lunches and breakfasts are served. This restriction, however, may be waived for the competitive foodservice of mechanically vended beverages offered to senior high school students.

### **Connecticut**

PUBLIC ACT No. 06-63 was signed into law by Governor Rell on May 5, 2006. The law goes into effect on July 1, 2006. For all schools (including high schools) the following is permitted: the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on school premises,

whether or not school sponsored: (1) Milk that may be flavored but contain no artificial sweeteners and no more than four grams of sugar per ounce, (2) nondairy milks such as soy or rice milk, which may be flavored but contain no artificial sweeteners, no more than four grams of sugar per ounce, no more than thirty-five per cent of calories from fat per portion and no more than ten per cent of calories from saturated fat per portion, (3) one hundred per cent fruit juice, vegetable juice or combination of such juices, containing no added sugars, sweeteners or artificial sweeteners, (4) beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners or artificial sweeteners, and (5) water, which may be flavored but contain no added sugars, sweeteners, artificial sweeteners or caffeine. Portion sizes of beverages, other than water as described in subdivision (5) of this subsection, that are offered for sale pursuant to this subsection shall not exceed twelve ounces.

(b) Each such board of education or governing authority may permit at schools under its jurisdiction, the sale to students of beverages that are not listed in subsection (a) of this section, provided (1) such sale is in connection with an event occurring after the end of the regular school day or on the weekend, (2) such sale is at the location of such event, and (3) such beverages are not sold from a vending machine or school store.

Not later than August 1, 2006, and January first of each year thereafter, the Department of Education shall publish a set of nutrition standards for food items offered for sale to students at schools. Such standards shall not apply to food sold as part of the National School Lunch Program and School Breakfast Program unless such items are purchased separately from a school lunch or breakfast that is reimbursable under such program.

Each local and regional board of education, the regional vocational-technical school system, and the governing authority for each state charter school, interdistrict magnet school and endowed academy approved pursuant to section 10-34 of the general statutes that participates in the National School Lunch Program shall certify in its annual application to the Department of Education for school lunch funding whether, during the school year for which such application is submitted, all food items made available for sale to students in schools under its jurisdiction and not exempted from the nutrition standards published by the Department of Education pursuant to section 2 of this act will meet said standards. Except as otherwise provided in subsection (b) of this section, such certification shall include food not exempted from said nutrition standards and offered for sale to students at all times, and from all sources, including, but not limited to, school stores, vending machines, school cafeterias, and any fundraising activities on school premises, whether or not school sponsored.

(b) Each board of education, the regional vocational-technical school system and each governing authority that certifies pursuant to this section compliance with the department's nutrition standards for food may exclude from such certification the sale to students of food items that do not meet such standards, provided (1) such sale is in connection with an event occurring after the end of the regular school day or on the weekend, (2) such sale is at the location of such event, and (3) such food is not sold from a vending machine or school store.

The State Board of Education is authorized to expend in each fiscal year an amount equal to (1) the money required pursuant to the matching requirements of said federal laws and shall disburse the same in accordance with said laws , and (2) ten cents per lunch served in the prior school year in accordance with said laws by any local or regional board of education, the regional vocational-technical school system or governing authority of a state charter school, interdistrict magnet school or endowed academy approved pursuant to section 10-34 that participates in the National School Lunch Program and certifies pursuant to section 3 of this act that the nutrition standards established by the Department of Education pursuant to section 2 of this act shall be met .

The Commissioner of Education shall establish a procedure for monitoring compliance by boards of education, the regional vocational-technical school system, or governing authorities with

certifications submitted in accordance with section 3 of this act and may adjust grant amounts pursuant to subdivision (2) of subsection (a) of this section based on failure to comply with said certification.

Nonpublic schools and nonprofit agencies may participate in the school breakfast, lunch and other feeding programs provided in sections 10-215 to 10-215b under such regulations as may be promulgated by the State Board of Education in conformance with said sections and under the federal laws governing said programs , except that such schools, other than the endowed academies approved pursuant to section 10-34, and agencies shall not be eligible for the funding described in subdivision (2) of subsection (a) of section 10-215b, as amended by this act .

Each local and regional board of education and governing authority for each state charter school, interdistrict magnet school and endowed academy approved pursuant to section 10-34, shall make available in the schools under its jurisdiction for purchase by students enrolled in such schools nutritious ,and low-fat foods , which shall include, but shall not be limited to, low-fat dairy products and fresh or dried fruit at all times when food is available for purchase by students in such schools during the regular school day.

Statute [Chapter 169, Section 10-215d](#) (1995) calls the State Board of Education to adopt regulations addressing nutrition standards for breakfasts and lunches provided to students by local boards of education. The regulations should be developed in consultation with the Department of Public Health, the Connecticut School Nutrition Association, and the Connecticut Dietetic Association.

The State Board of Education's [Position Statement on Nutrition and Physical Activity](#) (2005) states that local school boards should establish policies and procedures that "help schools promote good nutrition." Nutrition goals also should be incorporated into school improvement plans.

The State Board of Education's [Position Statement on Nutrition and Physical Activity](#) states that local school boards should establish policies and procedures that "make decisions regarding the sale and use of foods and beverages at school-sponsored activities (such as fundraisers, parties, and sports events) based on healthy eating goals." Nutrition goals also should be incorporated into school improvement plans.

Public Act [No. 04-224](#) requires each local board of education to make available in schools nutritious, low-fat foods and drinks, which include low-fat milk, 100% natural fruit juices and water; low-fat dairy products and fresh or dried fruit at all times when food is available for purchase during the regular school day by students enrolled in the school.

Statutes [Chapter 169, Sections 10-215b-1 and 10-215b-23](#) (1971) prohibit schools from selling or dispensing tea, coffee, soft drinks and candy to students anywhere on school grounds from 30 minutes prior to the start of any state or federal meal program until 30 minutes after the end of the program. The income made from the sales of any foods sold or distributed anywhere on school grounds during this timeframe must be accrued to the foodservice account.

### **Delaware**

Administrative Code [14:852](#) (2004) requires each school district to implement a Child Nutrition Policy that minimally provides nutritious and balanced meals, purchasing practices that ensure the use of quality products, and adequate time to eat breakfast and lunch.

Administrative Code [14:852](#) requires "foods sold in addition to meals be selected to promote healthful eating habits and exclude those foods of minimal nutritional value."

## **Florida**

2006 Legislative Changes Regarding School Wellness Policies and Nutrition Guidelines Senate Bill 772 was passed by the 2006 Florida State Legislature and was signed into law as Chapter 2006-301, Laws of Florida, by Governor Bush on June 25, 2006. Section 18 of the bill creates Section 1003.453, Florida Statutes, school wellness and physical education policies and nutrition guidelines.

As required in the statute, the Florida Department of Education Office of Food and Nutrition Management now has links to Florida District Wellness Policies at the following web site. <http://www.fldoe.org/FNM/wellness/localpolicies.asp>

F.S. 1003.455

1) By September 1, 2006, each school district shall submit to the Department of Education a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455 Each school district shall annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall send an updated copy of its wellness policy and physical education policy to the department when a change or revision is made.

(2) By December 1, 2006, the department shall post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district shall provide the most current versions of its school wellness policy and physical education policy on the district's website.

<http://www.firn.edu/doe/besss/health/word/flschldist.doc>

Administrative Rule [6A-7.042](#) (2000) requires each district school board to control the sale of food and beverage items in competition with the foodservice program. These competitive food and beverage items only may be sold in secondary schools with the approval of the board, one hour after the closing of the last lunch period. School boards may allow the sale of carbonated beverages to high school students by a school activity or organization approved by the principal at all times if 100% fruit juice is sold at each location where carbonated beverages are sold. Carbonated beverages may not be sold where breakfast or lunch is being served or eaten; however, non-carbonated beverages may be sold at all times during the day at any location. All proceeds from the sales must accrue to the foodservice program or a school organization approved by the board.

## **Georgia**

Rule [160-5-6-.01](#) (2002) requires each local board of education to ensure participation by all schools in a state-approved nutrition program and provide a policy addressing the sale of food with minimal nutritional value. The policy must prohibit the sale of those foods in elementary schools and below from the beginning of the school day until the last lunch period when students are scheduled to return to class, and for all other schools, in the dining, serving and kitchen areas during mealtime.

## **Hawaii**

BOE Policy [6810](#) (2004) limits the sale of food in all elementary and secondary schools to the School Breakfast Program, National School Lunch Program and approved cafeteria supplementary food items. From the beginning of the school day to the end of the school day, with the exception of certain vending machines deemed appropriate by the Department of Education, schools are not allowed to permit the sale of other foods. Further, beverages shall not be sold when meals are served.

HRS [§302A-1146](#) (2004) states that it is unlawful for any public school to operate stores or sell merchandise except for school lunches, milk, ice cream, candy, and products made from the school without written permission by the department.

### **Illinois**

[23 Illinois Administrative Code Ch. 1 Section 305.15](#) (1978) states that all elementary schools participating in the National School Lunch Program must prohibit the sale of competitive foods to students during the regular breakfast and lunch periods. School authorities at the junior and senior high levels must regulate the sale of competitive foods to students during the regular breakfast and lunch periods and any revenue during these times in any dining or serving area must be accrued to the nonprofit school lunch program.

S. 162 (2005) adds the Department of Human Services to the interagency working group that is required to be formed to publish model wellness policies consistent with recommendations from the Centers for Disease Control and Prevention regarding nutrition and physical activity. It includes nutrition guidelines for food sold on school campus during the school day. It provides that the Board of Education shall distribute the model wellness policies to all school districts.

In December 2005, the Illinois Governor proposed state nutrition standard regulations promulgated by the state Board of Education for elementary and junior high schools. If approved, these regulations would go into effect for the 2006-07 school year. All participating schools that operate only classes of grade 8 or below shall prohibit the sale to students of any minimally nutritious items before school and during the regular school day. If a school serves students in both grade 8 or below and students in grade 9 and above, then the school shall ensure that students in grade 8 and below do not have access to minimally nutritious items. The restrictions on the sale of foods and beverages contained in this Section 305.15 shall only apply to non-program items (see below). The proposed regulations define “minimally nutritious item” as ‘Any beverage other than: flavored or plain reduced fat (2 percent) or low-fat (1 percent), or skim/nonfat fluid milk that meets State and local standards for pasteurized fluid milk and/or U.S. Department of Agriculture-approved alternative dairy beverages; 100 percent full-strength fruit and vegetable juices in containers of 8 ounces or less for students in kindergarten through grade 5, and in containers of 12 ounces or less for students in grades 6 through 8; and water (non-flavored, non-sweetened, and non-carbonated). It also includes individual food item whose: calories from total fat exceed 35 percent, excluding nuts, seeds, and nut butters; calories from saturated fat exceed 10 percent; total sugar exceeds 35 percent by weight. (The total sugar includes both naturally occurring and added sugars.) The limit does not include fruits and vegetables; à la carte portion size exceeding the serving size of the food served in the National School Lunch Program or School Breakfast Program; or items with calories exceeding 200, and are prepackaged by the manufacturer and sold vended or à la carte.’

“Non-program items” means any food or beverage items sold to students other than those offered as part of a federal reimbursable meal. Such items include, but are not limited to, à la carte offerings, or any items sold in vending machines, or any items sold as part of any fundraising event (e.g., bake sales, candy sales), whether sponsored by the school, an individual or other organization.

In February 2006, the Illinois School Nutrition Association requested and was granted a hearing in front of the State Board of Education on the proposed standards. Over 30 school nutrition directors explained the challenges and inconsistencies in the proposed standards and advocated for a balanced approach. The standards were approved by the State Board of Education with several slight changes on March 17, 2006.

On April 14, 2006, the Joint Committee on Administrative Rules (JCAR) of the state of Illinois rejected the proposed rules by a vote of 11 to 1. In rejecting the rule the committee of Illinois state legislators stated: “JCAR objects to, and prohibits the filing of, SBE’s rulemaking titled “School Food Service” (23 Ill Adm Code 305; 30 Ill Reg 86) because the proposed rules affect the public

interest, safety and welfare by: Setting nutrition standards that are substantively problematic as they do not provide a total approach to child nutrition through diet, nutrition education and exercise; by preempting the purview of the State Task Force on Wellness that is to consider the issue of school nutrition and report to the Governor and the General Assembly by January 2007; and by largely excluding local school district input and expertise in development of the proposal.”

The State Task Force on Wellness returned with recommendations and on October 10, 2006 the Joint Committee on Administrative Rules for the state of Illinois approved rules that officially ban junk food in Illinois elementary and middle schools. The committee approved the new rules 8-4, reversing the previous vote by the same committee earlier this year. Under existing Illinois State Board of Education rules, schools could not sell soda, candy, and other non-nutritious foods during breakfast and lunch periods. The new rules prohibit the sale of non-nutritious foods during the entire school day in elementary and middle schools. Certain school districts can request an exemption for the 2006-2007 school year in order to meet the new regulations. The new rules, which took effect October 17, 2006, also change the definition of “junk food.” Foods such as nuts, seeds, fruits, non-fried vegetables, and low-fat yogurt are allowed, but any foods that have more than 35 percent of their calories from fat will be barred. Drinks allowed under the new rules include whole, 2 percent, low-fat or nonfat milk and alternative dairy beverages such as soy or rice milk. Water and drinks with at least 50 percent fruit or vegetable juice are also allowed.

#### Indiana

On March 15, 2006, the Governor of Indiana signed S. 111 into law. The new law requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements; requires the department of education to provide information concerning health, nutrition, and physical activity; establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs.

#### Iowa

Iowa's model [Wellness Policy](#) (2005), put forth by the State Board, recommends district wellness policies include school food nutrition requirements and guidelines for all foods available on campus. Suggestions can be found within the policy.

#### Kansas

SB 154 was signed by the governor and chaptered on June 6, 2005. The bill requires the state board of education to develop nutrition guidelines for all foods and beverages made available to students in Kansas's public schools during the school day. Local school districts should take the state guidelines into account when developing local wellness policies, as required by federal law.

KS SCR 1604 (Research) is a resolution chaptered on June 6, 2005, that would request that the department of education, in cooperation with other entities, study the state's public schools with regard to school food programs, the availability of other food items available on school grounds, any available classes on health and physical activities intended to promote healthy bodies and physical fitness, and to report to the legislature their findings and recommendations for improving the diets and physical well being of students.

[http://www.kn-eat.org/SNP/SNPDocs/Polices\\_and\\_Guidance/KSDE\\_Memos/2005\\_KSDE\\_Nutrient\\_Standards.pdf](http://www.kn-eat.org/SNP/SNPDocs/Polices_and_Guidance/KSDE_Memos/2005_KSDE_Nutrient_Standards.pdf)

Statute [72-5122](#) (1973) allows the state board to conduct studies to improve and expand foodservice programs in schools in order to promote nutritional education. Further, the state board may conduct appraisals of the nutritive benefits of foodservice programs.

#### Kentucky

S. 172 was passed just minutes before the end of the legislative session after much controversy. The bill was signed by the governor on March 16, 2005, it:

- bans soft drink sales in elementary schools during the school day;
- limits retail fast food in cafeterias to once a week;
- requires local site-based decision-making councils to develop "wellness policies" that would include physical activity for elementary schoolchildren each day. Up to 30 minutes of exercise could be counted as part of the instructional day;
- requires school foodservice directors to be certified or credentialed;
- establishes penalties for competitive food violations; and
- requires the board of education to promulgate regulations for the nutritional content of foods and beverages sold outside of meals.

### **Louisiana**

Passed in 2005, SB 146 addresses the nutritional value of foods and beverages in vending machines and a la carte lines in Louisiana schools. The legislation would allow a 50% mix of "healthy options" in high schools, defined as

- Fruit juices or drinks that are composed of 100% fruit juice or vegetable juice and that do not contain added natural or artificial sweeteners;
- Unsweetened flavored drinking water or unflavored drinking water; and
- Low-fat milk, skim milk, flavored milk, and non-dairy milk.

The Pennington Biomedical Research Center is authorized to develop and provide to interested persons, schools, or school systems publications relating to foods that can be sold on public elementary and secondary school grounds in compliance with the provisions of this Section. The Pennington Biomedical Research Center may provide assessments of nutritional value of individual food items contemplated for sale on public school grounds. The regulations do not apply to foods or beverages offered through the NSLP or SBP.

S. 871 (Act No. 734), which passed in 2004, established a three-year pilot program in public schools to assess health-related fitness and changes in weight status.

### **Maine**

S. 263 was signed by the governor on June 23, 2005. The bill implements the recommendations of the Commission to Study Public Health concerning schools, children and nutrition; includes a nutrition component within the statewide system of learning results; requires schools to provide nutrition education for students, teachers and staff through coordinated school health programs and in accordance with learning results guidelines; and requires a parent outreach component for nutrition education.

Education Rule [Chapter 51](#) (1996) establishes that any food or beverage sold during the normal school day on school premises of schools participating in the National School Lunch or School Breakfast programs must be a planned part of the total foodservice program of the school. These food and beverages shall only include items that contribute to the nutritional needs of children and develop desirable food habits. Revenue from all food and beverage sales during the normal school day on school premises shall be accrued to the benefit of the schools' non-profit school foodservice program, with the exception of the local board's approval of a school or student organization to benefit from the sales.

### **Maryland**

S. 473 was signed by the governor on May 10, 2005. The bill required each county board to establish a nutrition policy by January 1, 2006, to apply to all foods and beverages available to students during the school day, including items sold in vending machines; separate, non-meal related orders in the cafeteria; in school stores; and at school fundraisers. It also would require all vending machines in public schools to have and use a timing device to automatically prohibit or allow access to vending machines in accordance with the nutrition policy.

In February 2005, the Maryland State Department of Education approved new nutrition standard recommendations for elementary and middle school students. Under the recommendations, school cafeterias are prevented from selling food with more than 9 grams of total fat, 2 grams of saturated fat and 15 grams of sugar. State officials also have asked that districts have their own nutrition policies in place by 2006.

Regulation [13A.06.01.02](#) holds school food authorities (SFAs) to the terms of the School Nutrition Program Agreement they sign with the State Department of Education. The agreement, in turn, holds SFAs to the terms of the management and operations memorandums (MOMs) issued by the Department of Education. [MOM 12](#) (2005) prohibits the sale of foods of minimal nutritional value, as defined by the USDA, from 12:01 a.m until the end of the last lunch period, anywhere on campus. [MOM 12](#) also encourages SFAs to extend the prohibition until the end of the instructional day. [MOM 12](#) also requires each SFA to implement a nutrition policy no later than the start of the 2006-07 school year, addressing the types of foods that may be made available to students during the school day.

### **Michigan**

In its Policy on Offering Healthy Foods and Beverages in Venues Outside of the Federally Regulated Child Nutrition Programs (2003) the State Board of Education recommends that each school offer and promote whole-grain and enriched-grain products; fresh, frozen, dried or canned vegetables and fruit; non-fat, low-fat, plain yogurt and milk; nuts, trail mix, or soy bean snacks; and accompaniments in 1-ounce servings or less. The Model Local Wellness Policy (2005) also recommends districts adopt policies in which reimbursable school meals meet federal program requirements and nutrition standards. It is also recommended that the district monitor all food and beverages sold or served to students for nutritional value.

### **Mississippi**

The State Board Policy on Competitive Foods and Extra Food Sales [EEH](#) (1985) requires school foodservice staff to serve only foods that are components of approved federal meal patterns and any additional foods needed to meet the caloric requirement of the age group being served. [EEH](#) declares that no food items will be sold on school campus for 1 hour before the start of any meal service period. Local boards are encouraged to develop more comprehensive restrictions.

S. 2369 was adopted and signed into law April 11, 2007. This legislation mostly focuses on physical education and activity requirements, as well as health education. It does include a provision that requires the state Board of Education to adopt regulations for foods available in schools no later than March 2008. The law also allows school districts to develop more stringent regulations, as long as they do not conflict with the regulations established by the state.

### **Montana**

The Board of Public Instruction adopted a [position statement](#) (2005) encouraging all Montana schools to adopt a school wellness policy. Senate Joint Resolution [No. 2](#) (2003) also urges districts to offer nutritious food and beverage choices whenever possible.

### **New Jersey**

The [Model School Nutrition Policy](#) (2005) requires districts to adopt a school nutrition policy by September 2006. By September 2007, districts will have to match their policies to the [Model School Nutrition Policy](#). Under this policy, foods defined by the USDA as having minimal nutritional value, foods listing sugar in any form as the primary ingredient, and all forms of candy would be banned from sale or free promotional distribution anywhere on school property during the school day. This policy further applies to the federally reimbursable After School Snack Program.

Schools also are required to reduce the purchase of all products containing trans-fats by September 2006. Additionally, all snack and beverage items are required to contain no more than 8 grams of total fat per serving and no more than 2 grams of saturated fat per serving. Beverages

may not exceed 12-ounce servings, except for water or milk containing 2% or less fat. Whole milk may not exceed 8-ounce servings.

Elementary schools also must have 100 percent of all beverages offered be milk, water or 100 percent fruit or vegetable juices. Middle and high schools must have at least 60 percent of all beverages offered be milk, water and 100 percent fruit or vegetable juices. Further, no more than 40 percent of all ice cream/frozen desserts can exceed this policy's standards for sugar, fat and saturated fat.

S. 1218 passed the New Jersey General Assembly on January 8, 2007 and was signed into law on February 21. The law "establishes certain nutritional restrictions on food and beverages served, sold or given away to pupils in public and certain nonpublic schools." This essentially puts the Model School Nutrition Policy into law.

### **New Mexico**

H 61 was signed by Governor Bill Richardson on April 5, 2005. On January 27, 2006, Governor Richardson finalized new "sensible rules regulating vending machines" in New Mexico schools. The guidelines include: banning all junk food vending from elementary schools, and only allowing healthy beverages, like 2-percent milk, soy milk and water after the last lunch period; eliminating all carbonated drinks from middle schools; and requiring that middle and high school vending machines offer healthy snacks and beverages that meet health requirements. New Mexico also has established rules for a la carte items in schools. A la carte foods in New Mexico schools are limited to no more than 16 grams of fat, 30 grams of sugar and 400 calories.

### **New York**

Education Law [§915](#) (no date available) prohibits the sale of certain sweetened foods from the beginning of the school day until the end of the last scheduled meal period. Details of sweetened foods are outlined in the law.

### **North Carolina**

H 866 (2005) directs the Board of Education to establish statewide nutrition standards for school meals, a la carte foods and beverages, and the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units.

S. 961 (2005) establishes a statewide standard for vending products sold during the school day, as recommended by the study committee for childhood overweight/obesity of the Health and Wellness Trust Fund.

Statute [§115C-264](#) (2005) prohibits public schools from using cooking oil that contains trans-fatty acids in their school food programs or sell processed foods containing trans-fatty acids. With board approval, each school may sell soft drinks to students so long as they are not sold during the lunch period, at elementary schools, or any time contrary to the requirements of the National School Lunch Program, which are outlined in [16 NCAC 06H .0104](#) (1986).

### **North Dakota**

On February 9, 2007, HB1451 was passed and became law. It resulted in a new section to chapter 15.1-06 of the North Dakota Century Code as follows: "Sale of certain drinks. At the expiration of all current school vending contracts, the board of a school district shall renegotiate all vending contract extensions or new contracts to meet or exceed the 2006 school beverage criteria established by the alliance for a healthier generation and adopted by the American beverage association and national industry leaders for school vending. The directive in this section includes cafeteria

sales, vending machine sales, and concession sales except those occurring outside the regular school day.” Click here for [Alliance](#) beverage guidelines.

### **Ohio**

ORC [§3313.814](#) (1979) requires each board of education, with consideration of each foods' nutritional value, to adopt and enforce standards for the types of food that may be sold on school premises and the specific times and place each type of food may be sold. The State Board of Education is to develop and adopt guidelines for use by local boards of education to enforce and implement this section.

OAC [3301-91-09](#) (1979) states that each board of education shall adopt and enforce standards for which foods may be sold in schools. The standards shall include provisions of the types of foods sold in schools and whether they are nutritionally beneficial and enhance the school's nutrition philosophy and curriculum; the time of day and place foods may be sold; and approval through board resolutions for food sales.

### **Oklahoma**

S. 265 was signed by Governor Brad Henry and chaptered on May 9, 2005. The bill is designed to combat childhood obesity and other health problems by ensuring school vending machines offer healthy snacks. Statute [§70-5-147](#) (2005) states that students in elementary schools shall not have access to foods of minimal nutritional value (FMNV) except on special occasions. Middle and junior high school students shall have access to FMNV, with the exception of diet soda with less than 10 calories per bottle, except after school, at evening events, and on special occasions. Lastly, students in high school should be provided and have access to healthy food options in addition to FMNV. Districts should provide incentives and encourage healthy food choices for high school students.

### **Oregon**

On June 18, 2007, the Governor signed into law HB 2650 relating to standards for items sold in schools. Excepting for exceptions, all food and beverage items sold in a public kindergarten through grade 12 school must at a minimum meet the standards: A snack item may be sold only in a single-serving size and: may not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, eggs, non-fried vegetables and cheese. May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, eggs and cheese. May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables. May not contain more than 0.5 grams of trans fat per serving. May not contain more than 150 total calories if sold in a school in which the highest grade level in the school is grade 5 or less. May not contain more than 180 total calories if sold in a school in which the highest grade level in the school is grade 6, 7 or 8. May not contain more than 200 total calories if sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12.

An entree item that is sold individually: May not contain more than four grams of fat per 100 calories. May not contain more than 450 total calories. The following shall apply to all beverages sold in a school :the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

If the beverage is sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(D) A no-calorie or low-calorie beverage if the beverage contains no more than 10 calories per eight ounces.

(E) A beverage that is not more than 12 ounces and contains no more than 66 calories per eight ounces.

The standards required by this section apply to food and beverage items sold in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals or child care programs.

The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during or after the event, such as a sporting event or another interscholastic activity, a play or a band or choir concert.

The standards required by this section do not apply to food and beverage items sold in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.

A school district board may adopt standards that are more restrictive than the standards specified by this section.

Most of the Act applies as of July 1, 2007.

### **Pennsylvania**

On July 11, 2006, the Governor signed into law HB185. While the bill does the following, most relevant is that the state department of education is instructed to provide guidance and standards for foods sold in schools:

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for background checks of prospective employees; providing for competitive food or beverage contracts and for certain budget timelines; further providing for annual budget and for financial reports; providing for the Distinguished Educators Program; further providing for continuing professional development, for program of continuing professional education, for safe schools advocate, for certain health services and for advisory health councils; providing for local wellness policies, for an interagency coordinating council for child health and nutrition, for duties of the Department of Education and for physical education; providing for physiology and hygiene; further providing for the Educational Assistance Program, for definitions, for responsibilities of Department of Education, for responsibilities of school entities, for transportation, for definitions, for education empowerment list, for board of school directors, for education empowerment

districts, for school improvement grants, for limitation and for alternative education grants; providing for alternative education demonstration grants; further providing for State funding; providing for articulation agreements; further providing for definitions and for limitations; providing for transfer of credits between institutions of higher education and for transportation of certain students; further providing for definitions and for small district assistance; providing for basic education funding for 2005-2006 school year and for funding for partnership schools; further providing for payments on account of limited English proficiency programs, for payments to intermediate units and for special education payments to school districts; providing for special education community support services; further providing for payments, for approved reimbursable rental for leases and for Pennsylvania Accountability Grants; and providing for Statewide costing-out study.

### **Rhode Island**

[Public Law No. 2006-231](#) signed by the Governor on June 28, 2006, became effective immediately. The law states that all municipal school systems in this state shall make available, in their school lunch programs, low fat fortified milk with a milk fat content of one percent (1%) or less.

(b) From July 1, 2006, regardless of the time of day, beverages, other than water, milk, one hundred percent (100%) fruit juices, or fruit-based drinks that are composed of no less than fifty percent (50%) fruit juice and have no added sweeteners, may not be sold to a pupil at an elementary school.

An elementary school may permit the sale of beverages that do not comply with subdivision (b) as part of a school fundraising event in any of the following circumstances:

- (1) The items are sold by pupils of the school and the sale of those items takes place off the premises of the school.
- (2) The items are sold by pupils of the school and the sale of those items takes place one-half (1/2) hour or more after the end of the school day.

(d) Commencing July 1, 2006, from one-half (1/2) hour before the start of the school day to one-half (1/2) hour after the end of the school day, only the following beverages may be sold to a pupil at a middle or junior high school:

- (1) Fruit-based drinks that are composed of no less than fifty percent (50%) fruit juice and have no added sweeteners.
- (2) Drinking water.
- (3) Milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk.
- (4) An electrolyte replacement beverage that contains no more than forty-two (42) grams of added sweetener per twenty (20) ounce serving.

A middle or junior high school may permit the sale of beverages that do not comply with the subdivision (d) as part of a school event if the sale of those items meets all of the following criteria:

- (1) The sale occurs during a school-sponsored event and takes place at the location of that event after the end of the school day.
- (2) Vending machines, pupil stores, and cafeterias are not used no sooner than one-half (1/2) hour after the end of the school day.

(f) This section does not prohibit an elementary, middle or junior high school from making available through a vending machine any beverage allowed under subdivision (b) or (d) at any time of day, or, in middle and junior high schools, any product that does not comply with subdivision (d) if the product only is available not later than one-half (1/2) hour before the start of the school day and not sooner than one-half (1/2) hour after the end of the school day.

(g) For the purposes of this section, "added sweetener" means any additive that enhances the sweetness of the beverage.

(h) All school districts subject to the provisions of this section shall encourage vending choices in their respective high schools by notifying all high school students of comparable prices for both carbonated and noncarbonated beverages, and shall further encourage vending machine companies to advertise beverage options that encourage nutritional and healthy beverages, physical fitness, noncarbonated beverage choices and other health-related educational activities.

Also enacted on June 28, 2006, [Chapter 16-21](#) of the General Laws entitled "Health and Safety of Pupils" is hereby amended by adding thereto the following section:

16-21-29. Definitions. - As used in this chapter:

(1) "Healthier beverages" shall be defined as:

(a) Water, including carbonated water, flavored or sweetened with one hundred percent (100%) fruit juice and containing no added sweetener.

(b) Two percent (2%) fat milk, one percent (1%) fat milk, nonfat milk, and dairy alternatives, such as fortified soy beverages; plain or flavored, with a sugar content of not more than four (4) grams per ounce.

(c) One hundred percent (100%) fruit juice or fruit based drinks that are composed of no less than fifty percent (50%) fruit juice and have no added sweetener.

(d) Vegetable-based drinks that are composed of no less than fifty percent (50%) vegetable juice and have no added sweetener.

(2) "Healthier snacks" shall be defined as:

(a) Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes.

(b) Individually sold portions of low fat yogurt with not more than four (4) grams of total carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or low fat cheese packaged for individual sale.

(c) Individually sold enriched or fortified grain or grain product; or whole grain food items that meet all of the following standards based on manufacturers' nutritional data or nutrient facts labels:

(i) Not more than thirty percent (30%) of its total calories shall be from fat.

(ii) Not more than ten percent (10%) of its total calories shall be from saturated fat.

(iii) Not more than seven (7) grams of total sugar (includes both naturally occurring and added sugars) per ounce.

(3) "Added sweetener" shall mean any additive, including natural or artificial additives that enhances the sweetness of the beverage, including, added sugar, but does not include, the naturally occurring sugar or sugars that are contained within milk or fruit juice.

(4) "Snack" means a food that is generally regarded as supplementing a meal, including, but not limited to: chips, crackers, onion rings, nachos, French fries, donuts, cookies, pastries, cinnamon rolls, and candy.

SECTION 2. Section 16-21-7 of the General Laws in Chapter 16-21 entitled "Health and Safety of Pupils" is hereby amended to read as follows:

16-21-7. School health program. School health. - (a) All schools that are approved for the purpose of sections 16-19-1 and 16-19-2 shall have a school health program which shall be approved by the state director of the department of health and the commissioner of elementary and secondary education or the commissioner of higher education, as appropriate. The program shall provide for the organized direction and supervision of a healthful school environment, health education, and services. The program shall include and provide, within and consistent with existing school facilities, for the administration of nursing care by certified nurse teachers, as defined in section 16-21-8, as shall be requested, in writing, by the attending physician of any student and authorized, in writing, by the parent or legal guardian of the student. No instruction in the characteristics, symptoms, and the treatment of disease shall be given to any child whose parent or guardian shall present a written statement signed by them stating that the instructions should not be given the child because of religious beliefs.

(b) All Rhode Island elementary, middle and junior high schools that sell or distribute beverages and snacks on their premises, including those sold through vending machines, shall be required to offer healthier beverages effective January 1, 2007, and healthier snacks effective January 1, 2008 as defined in chapter 16-21.

(c) Schools may permit the sale of beverages and snacks that do not comply with the above paragraph as part of school fundraising in any of the following circumstances:

(1) The items are sold by pupils of the school and the sale of those items takes place off and away from the premises of the school.

(2) The items are sold by pupils of the school and the sale of those items takes place one hour or more after the end of the school day.

(3) The items sold during a school sponsored pupil activity after the end of the school day.

SECTION 3. This act shall take effect upon passage.

[H 5563 \(2005\)](#) requires school districts receiving state education aid to include in their strategic plans strategies to decrease obesity and to improve the health and wellness of students through nutrition, physical activity, and education. It also requires school committees to establish school health and wellness subcommittees to promote health and physical education in the schools.

Statute [§16-2-30](#) (no date available) requires all school systems to make available fortified milk with a milk fat content of 1% or less in their school lunch programs.

On June 22, 2007, HB 5050 passed which stated the following, among other components:” (c) All Rhode Island senior high schools that sell or distribute beverages and snacks on their premises, including those sold through vending machines, shall be required to offer only healthier beverages and snacks effective January 1, 2008 as defined in chapter 21 of this title.

### **South Carolina**

Made law on June 7, 2005, H 3499 relates to physical education, school health services and nutritional standards; establishes physical education and nutritional standards in elementary schools; provides for the amount of physical education instruction a student in kindergarten through fifth grade must receive each week on a phased-in basis; provides for a measure of

effectiveness of the physical education program in all public schools; appropriates funds for public school licenses nurses; provides for a weekly nutrition component.

Code [59-10-330](#) (2005) requires each school board of trustees to establish health and nutrition policies for its elementary schools aimed at limiting vending sales and sales of food and beverages with minimal nutritional value at any time during the school day except in the case of medical emergency and special occasions celebrated during school hours. This policy does not restrict the food a parent or guardian may provide his child's consumption at school. Code [59-10-340](#) (2005) mandates that each coordinated school health action committee determine which snacks may be sold in vending machines in elementary schools.

#### South Dakota

SCR4: approved February 2007 - Requesting all qualifying school districts in South Dakota to use the South Dakota Department of Education developed, and South Dakota Board of Education approved, Model Wellness Policy as a guideline.

#### Tennessee

Public Chaptered. Chapter No. 886: Enacts the Child Nutrition and Wellness Act of 2005 to educate public about child nutrition and wellness to advocate the improvement of child nutrition and wellness; develop a comprehensive long-term strategy, funding and evaluation mechanisms, to promote child nutrition and wellness in various settings, including but not limited to schools, child care centers, health care facilities, and community facilities such as churches, shopping centers, health clubs, and other areas frequented by children.

As commissioned by a state law that passed in 2004, in 2005, the Tennessee State Board of Education proposed nutrition standards for competitive foods available to K-8 students in school vending machines. The new nutrition guidelines do not affect high schools or private schools, but do extend to all the vending machines, snack bars, school stores, fundraisers and individually packaged cafeteria items in schools serving preschool through grade 8. The guidelines also require smaller serving sizes and specific caps on the amount of fat, salt and sugar allowed in foods. Elementary schools have a year to comply, and middle schools must meet at least half the guidelines by Fall 2006. Federally reimbursable meals are not required to adhere to these requirements, but it is strongly recommended.

The State Department of Education's [Physical Activity Policy](#) (2005) requires, beginning July 1, 2006, that each local education authority implement the Nutrition Services Module of the CDC's *School Health Index* to plan and assess each school's nutrition environment.

#### Texas

In fall of 2006 the Texas Department of Agriculture (TDA) presented the revisions to the Texas Public School Nutrition Policy (TPSNP). It includes a four-year implementation schedule, the 2007-08 updated policy and all revisions for school years 2008-09 and 2009-10. The revised plan can be accessed [here](#).

In 2004 Texas announced comprehensive state nutrition guidelines. Highlights include:

##### *Elementary Schools*

- No Foods of Minimal Nutritional Value (FMNV) or candy at any time
- No competitive foods at any time
- French fries may not exceed 3 ounces per serving, may only be served once a week, and students may only purchase one serving at a time

##### *Middle and Junior High Schools*

- No FMNVs or candy until after last lunch period
- No competitive foods during meal times
- French fries may not exceed 3 ounces per serving, may only be served three times a week, and students may only purchase one serving at a time

##### *High Schools*

- No FMNVs during meal times in areas where reimbursable meals are served and/or consumed
- No competitive foods during meal times in areas where reimbursable meals are served and/or consumed
- New contracts starting March 3, 2004 and contract renewals must expressly prohibit the sale of sugared, carbonated beverages in containers larger than 12 ounces
- No more than 30 percent of the beverages available in vending machines be sugared, carbonated soft drinks by 2005-06 school year
- French fries may not exceed 3 ounces per serving, and students may only purchase one serving at a time

*All Grade Levels*

- Should eliminate deep-fat frying as the method of onsite preparation
- Portion size restrictions on chips, certain snacks and sweets, milk and fruit drinks
- Limits on fats and sugar per serving
- Fruits and vegetables should be offered daily on all points of service
- Must offer 2 percent, 1 percent or skim milk at all points where milk is served
- Beginning with the 2005-06 school year, should include a request for trans fat information in all product specifications and, by 2007-08, reduce the purchase of any products containing trans fats
- All fruit and/or vegetable juices should contain 100 percent real fruit and/or vegetable juices by the 2006-07 school year.

**Virginia**

[8VAC20-290-10](#) (1980) requires that any food items sold during lunch periods must be limited to only those identified as components of the school lunch program's Type A lunch and breakfast. The income from the sales must accrue to the school lunch account. The code also recommends high schools only sell items that are of recognized nutritional value, in keeping with the federal requirements.

Any food or beverage sold (including a la carte) in Virginia schools from 6:00 a.m. until the end of breakfast period, and during the lunch period, must meet the following nutrition standards: the foods and beverages sold must either be a recognized component of the food-based meal pattern or must contain 5 percent of the Daily Value, per serving or per 100 calories, of at least one of these eight essential nutrients: iron, calcium, protein, vitamin A, vitamin C, niacin, thiamine, or riboflavin. The money from the sale of food or drink during the protected time periods must accrue to the school nutrition program account. Iced or hot coffee or tea may not be sold to students; non-carbonated water may be sold.

Virginia Governor Mark Warner issued recommended nutrition guidelines for foods sold in schools in 2005.

**Washington**

Substitute Senate Bill 5436 (Chapter 138) (2005) requires the Washington State School Directors Association, with the assistance of the Office of Superintendent of Public Instruction, the Department of Health, and the Washington Alliance for Health, Physical Education, Recreation and Dance to convene an advisory committee to develop a model policy regarding access to nutritious foods, opportunities for developmentally appropriate exercise, and accurate information related to these topics. It also requires the policy to address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the federal school breakfast and lunch program, and the availability and quality of health, nutrition and physical education and fitness curriculum. It also required the school directors association to submit the model policy and recommendations on the related issues and for local adoption to the governor and legislature and post it on its web site by January 1, 2005. The bill also required each district's board of directors to establish its own policy by August 1, 2005.

## **West Virginia**

H 2816 was signed by the governor on May 2, 2005. The bill relates to the promotion of healthy lifestyles; creates a Healthy Lifestyles Office in the Department of Education and the Arts; establishes a voluntary menu-labeling program; requires physical activity in schools; and encourages the offering of healthy foods and beverages in the vending machines of schools.

In 2008, the state Board of Education repealed Board Policy [4321.1](#) and replaced it with a new policy that reduced the allowable sugar content of cereals offered to students, eliminated trans fat from school meals and amended the meal pattern requirements to recognize the Pre-K through second grade category separately. The policy also adopted the IOM's nutrition standards for competitive foods, except for healthy beverage and soft drink sales permitted by WV state code. The policy also established rules and procedures to govern special dietary needs and food safety concerns related to foods and beverages brought or delivered to schools from sources outside the school meals programs, address the issues of marketing foods and beverages to students during the school day, incorporate the federal requirement for Local Wellness Policy development and oversight into state board policy, and expand the scope and conditions related to accountability and compliance by setting forth the terms for noncompliance with the policy.

Board Policy [4321.1](#) (2008) still proclaims that all foods and beverages made available on school campuses during the school day must be an USDA-approved meal option that meets the Dietary Guidelines or one of two implementation options outlined in the policy. The breakfast options are outlined in the policy and after school programs are also required to comply with the prescribed standards. The sale or service of foods containing 35 percent or more added sugar by weight is prohibited and any juice products must contain a minimum of 20 percent real juice. The policy further requires all student dining facilities to contain a drinking water dispenser and/or water offered with meals.

Board Policy [4321.1](#) also prohibits candy, soft drinks, chewing gum, or flavored ice bars to be sold or served during the school day, except where county boards permit the sale of soft drinks in high schools, per Code [§18-2-6a](#) (no date available), but not during breakfast or lunch periods. The standards also prohibit the sale or service of coffee or coffee-based products during the school day, as well as caffeine containing beverages (except those with trace amounts of naturally occurring caffeine). The policy prohibits the selling of food outside the school nutrition programs in elementary schools from the time the first child arrives until 20 minutes after the last lunch period. Soft drinks may be sold in high schools during the school day, provided that equal access to water and 100 percent fruit or vegetable juice is given. Reduced or low-fat milk also must be offered wherever and whenever drinks are sold.

## **Wisconsin**

Statute [118.12](#) (2001) allows any person to sell or promote the sale of foods or services on school district property provided that no district employee receives personal benefit that is of any value from the sale. Upon the board entering into a contract with one vendor that gives the exclusive right to sell soft drinks in one or more schools of the district, the contract may not prohibit the sale of milk in any school. The board must further ensure that milk is available to the maximum extent possible.

SNA State Policy Index <http://docs.schoolnutrition.org/childnutrition/govtaffairs/statutes/>

2002 list of state nutrition requirements from USDA:

[http://www.fns.usda.gov/cnd/lunch/CompetitiveFoods/state\\_policies\\_2002.htm](http://www.fns.usda.gov/cnd/lunch/CompetitiveFoods/state_policies_2002.htm)

National Association of State Boards of Education State Level School Nutrition Policies

<http://www.nasbe.org/HealthySchools/States/Topics.asp?Category=C&Topic=1>