



## Competitive Foods Guidelines by State

As of September 2013

*Competitive Foods are those available at school but are outside of the National School Lunch and School Breakfast Program. This includes foods and beverages sold in vending machines, school stores, or a la carte sections of the school cafeteria. If competitive foods are available, the Institute of Medicine recommends they consist of fruits, vegetables, whole grains products, and low-fat and non-fat dairy. The USDA recently announced the interim final rule for Smart Snacks which will go into effect for School Year 2014-2015. These Smart Snack rules will act as the base set of rules for the sale of competitive foods in schools. Many States currently have stricter competitive foods guidelines in place and will likely remain so even after the implementation of Smart Snacks. Please note that each school can implement even stricter rules via their school wellness policy. Below is a summary of the current state of the States as can best be determined. As additional measures are passed, this document will be adjusted. If you have any questions or comments, please contact the Child Nutrition Policy Center at SNA.*

### **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. No full-calorie sodas may be sold in any vending machine in any school. In high schools, vending machines must contain at least 50% water and non- or low-calorie options.

### **Alaska**

Alaska has no additional set of state rules for food and beverage sales within schools. However, schools that have a wellness policy have seen dramatic drops in high-fat, high sugar food for sale in vending machines, etc.

### **Arizona**

The State requires that all foods sold or served at K-8 schools will meet Arizona Nutrition Standards which include calorie limits by age groups, size limitations (2 ounces for most items), and prohibits sale of caffeine and energy drinks in all schools. High Schools can develop separate policies by individual districts.

### **Arkansas**

In-school access to vending machines that offer food and beverages to elementary school students is prohibited. In middle/junior and high schools beginning half an hour after the lunch period ends, at least 50% of beverages in vending machines, school stores and other sales venues must be 100% fruit juice, low-fat or fat-free milk, unflavored or unsweetened water in 12 oz. servings or less. Schools may not serve; provide access to, or use as a reward, competitive foods until hour after the lunch period ends. Whenever competitive foods are sold, a choice of two fruits and/or 100% fruit juice must also be offered for sale at the same time and place. There are also limits on portion size and availability of fried potato products (both regular and sweet).

**California**

All schools that participate in the National School Lunch and Breakfast Program must have a wellness policy addressing sale of all foods sold on campus. No foods containing trans-fats may be sold on campuses and non-compliant food may only be sold thirty minutes after school ends. For elementary schools, only certain nutrient rich foods can be sold (low/nonfat dairy, whole grains, fruits and vegetables, low-sugar) as well as 50% fruit/veggie juice, low fat milk, and water. In middle/high school, food items sold outside the meal pattern must contain no more than 35 percent of calories from fat, 35 percent of sugar by weight, and 250 calories per item/container. "Entrée" food items can only be sold if they contain no more than 400 calories, and 4 grams of fat per 100 calories, and must either consist of two or more food groups. The same beverage restrictions are in place for middle and high schools, but they may also sell sports drinks of a certain size. No soda may be sold on campus and there are restrictions for what and how school organizations can sell items during school hours.

**Colorado**

No competitive foods offered on campus from ½ hour prior to until ½ hour after the last regular breakfast or lunch. This may be waived for mechanically-vended beverages in senior high. Federal regulations for FMNV cannot be waived for any grade level. Beverages sold to students on school grounds during the regular and extended school day shall, at a minimum, must be water, low fat milk, and 100% juice. High schools can sell low calorie sports drinks. No items containing trans fats can be sold in Colorado schools.

**Connecticut**

No extra food items anywhere on campus from ½ hour before and after any state or federally subsidized milk or food service program. "Extra food" means tea (including iced tea), coffee, soft drinks, and candy. Income from sales of any foods served on campus during this time must accrue to the food service account. Beverages that do not meet the requirements of state statute can never be sold from a vending machine or school store at any time, even after school hours. Individual schools can implement stricter restrictions as part of their local wellness policy.

**Delaware**

Foods sold in addition to meals must be selected to promote healthful eating habits and exclude those foods of minimal nutritional value.

**Florida**

Competitive food and beverage items may only be sold in secondary schools with the approval of the board, one hour after the closing of the last lunch period. However, in high schools, the sale of carbonated beverages is allowed at all times if a 100% fruit juice is sold at each location where the carbonated beverages are sold. The location cannot be where breakfast or lunch are served or eaten. 100/% juice may be sold all times during the day at any location.

**Georgia**

No foods of minimal nutritional value can be sold in elementary schools until the last lunch group is scheduled to return to class. In other schools, no foods of minimum nutritional value in dining, serving or kitchen areas during mealtime.

**Hawaii**

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 and all-school events approved by the principal, schools are not allowed to permit the sale of other foods. Foods listing sugar as the first ingredient or containing trans-fats cannot be sold on school grounds nor used in fund raisers. Beverage selections from school vending machines available to students must contain only milk, flavored milk, water, and fruit juice containing at least 50 percent juice or other choice deemed appropriate by the Hawaii DOE.

**Idaho**

Idaho encourages schools to comply by the State Nutritional Standards for vending machines and other food sales. At minimum, whole grain and nutritionally rich foods must be offered at all times and 75% of beverages sold must be water, juice or low fat milk. Each district can develop its own wellness policy to address fund raising and other snack foods.

**Illinois**

Food sold to students outside of food service areas or within food service areas other than during meal periods include only the following: (1) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products or (2) any food item whose total calories from fat do not exceed 35%, calories from saturated fat do not exceed 10%, total amount of sugar by weight does not exceed 35% and calories do not exceed 200. These rules are for grades K-8. Complete Illinois Food Service Rules are available online at <http://www.isbe.net/rules/archive/pdfs/305ark.pdf>.

**Indiana**

Vending machines that dispense food and beverages at elementary schools must not be available to students. At least 50% of the food items and beverages available for sale at school or on school grounds, including vending machines, must qualify as better choice foods and beverages.

**Iowa**

The sale of a la carte, vending and regulated fundraising is restricted as follows: Food and beverages not offered as part of a reimbursable meal must meet all Healthy Kids Act Nutritional Content Standards. Beverages in a la carte, vending and regulated fundraising are restricted to low/non-fat milk, juices, water, and no sodas.

**Kansas**

All accredited K-12 schools in Kansas must be in compliance with the School Wellness Model Policy Guidelines for foods and beverages sold in vending machines. According to these guidelines, foods of minimal nutritional value (FMNV) cannot be sold on school property in areas accessible to students in elementary and middle schools until after the end of the school day and in secondary schools until one hour after the last lunch period. The guidelines for vended foods and beverages must meet national standards.

**Kentucky**

Foods of minimal nutritional value (FMNV) cannot be sold on school property in areas accessible to students in elementary and middle schools until after the end of the school day and in secondary schools until one hour after the last lunch period. No items may be sold during the morning sessions at all schools. The only beverages that can be sold on campuses are 100% fruit juice, water, low/nonfat milk, and beverages with less than 10 grams of sugar. High schools can sell larger size items, but are

strongly encouraged to offer small portions. Food items sold must meet certain fat, caloric, sugar, and portion size requirements. These are minimum requirements and each school may implement stricter standards.

### **Louisiana**

The sale of beverages and foods that can be sold on school grounds that are not part of the school food program is restricted beginning one half-hour before school begins and ending one-half hour after the school day ends. Except for items sold as part of the school food program, food items of minimal nutritional value or snacks exceeding 150 calories may not be sold to students at public elementary and secondary schools or on the grounds of public elementary and secondary schools at any time during a period beginning half an hour before the start of the school day and ending half an hour after the end of the school day.

### **Maine**

Maine bans the sale of foods of minimal nutritional value on school property 24 hours a day, seven days a week with exceptions under local school board policy for public events and sales to school staff. This policy effectively eliminates all sodas, candy, gum and many high calorie snack sales in vending machines and school stores. All food sold on campus must be a part of the overall school nutritional policy.

### **Maryland**

Vending machines in public schools must use a timing device to automatically prohibit or allow access to in accordance with the nutrition policies established by the respective county school board. The sale of beverages at all schools during the school day is limited to the following: water, non-carbonated, flavored water with less than 20 calories per serving, unflavored milk or soy milk, 100% fruit/vegetable juice (max of 12 ounces), fruit/vegetable juice beverages with at least 10% juice and 100% vitamin C (max of 12 ounces), isotonic beverages (max of 16 ounces). No Foods of minimal nutritional value can be sold before noon at all schools. All other food (including pre-packaged snacks) served in elementary and middle schools outside of the Child Nutrition Program should be offered only in single-serving portions with caloric and nutritional restrictions.

### **Massachusetts**

All competitive foods and beverages sold or provided in public schools shall comply with state nutrition standards. However, that unless otherwise determined by the public school district or board of trustees, these standards shall not apply to competitive foods and beverages sold on school grounds up to 30 minutes before the beginning of the school day or 30 minutes after the end of the school day. This exception shall not apply to competitive foods sold through vending machines, which shall comply with these standards at all times. All competitive items, with the exception of a la carte entrees, be limited to 200 calories per item, with less than 35 percent of those calories coming from fat, less than 20 percent from saturated fat, and less than 30 percent from sugars, with exceptions for fruit and low-fat yogurt. Juice must be 100% juice and no larger than 4 ounces. No food or beverage shall contain an artificial sweetener nor contain more than trace amounts of caffeine.

### **Michigan**

Michigan State Board of Education has adopted the Michigan Nutrition Standards, but does not require schools to adopt the standards. The Standards recommend the following in regards to competitive foods: Beverages served outside the USDA CN programs should be unflavored water, 100% juice, Milk - Low-fat (1%) or fat-free milk (flavored or unflavored) and lactose-free and soy beverages. Foods served

outside the USDA CN programs should include: Fruits, vegetables, whole grains, and related combination products and low-fat and fat-free dairy as packaged. They should not exceed 200 calories, total fat should be no more than 35% total calories and trans-fat free. In regards to total sugar, no more than 35% of total weight per serving with additional restrictions on sodium (no more than 230 mg. as packaged).

Fundraising activities should meet the standards, and fundraisers selling foods and/or beverages cannot be held less than 30 minutes before the first lunch period starts, or less than 30 minutes after the final lunch period ends. At the high school level, schools may choose to serve caffeinated, fortified, or flavored beverages with less than 5 calories per serving as packaged, up to 20 oz, or 100% juice or 100% juice/water blends with carbonation, up to 12 oz.

### **Minnesota**

There are no separate competitive food guidelines but healthy alternatives are encouraged.

### **Mississippi**

No food is to be sold on campus for one hour before breakfast or lunch and until the end of either serving period. School Foodservice shall sell only those foods that are components of the approved Federal meal patterns being served (or milk products). With the exception of milk products, a student may purchase the individual components of the meal only if the full meal also is being purchased.

### **Missouri**

Missouri does not have a competitive food policy in place.

### **Montana**

Montana has no restrictions but encourages the schools to offer healthy options in vending machines and for sale outside the meal programs.

### **Nebraska**

No food or beverages can be sold to children anywhere on the school premises beginning one half hour before breakfast and lunch service until one half hour after meal service unless all proceeds earned during these times go to the school nutrition program. If a vending machine, not operated by a school nutrition program, is open during the meal service period, the profits from that period must go to the school nutrition program.

### **Nevada**

The Statewide School Wellness Policy forbids giving away or selling of any Foods of Minimal Nutritional Value (FMNV) during the school day. Also, all schools must sell nutrient rich foods with certain parameters and in 2013, the Governor signed into law a bill promoting the consumption of fresh fruit and vegetables in schools. Each local educational agency may establish a policy that allows exemptions for food that exceed the established nutrition parameters in observance of state or national holidays, established religious observances, school community observances such as birthday parties, as part of a learning experience related to the reinforcement of established lesson plans in the classroom.

### **New Hampshire**

In 2012, schools were instructed to form policies governing competitive foods with instructions to use standard practice as a guideline. Schools must only allow nutrient dense food and beverage items for sale in schools. "Nutrient dense foods" means those foods that provide substantial amounts of vitamins

and minerals and relatively fewer calories. If a school wants to opt out of meeting standards set by USDA, they can apply for a waiver.

### **New Jersey**

No food of minimal nutritional value on campus until the end of the last lunch period. Funds from sale of foods and beverages during the hours of operation of the school lunch and breakfast programs must accrue to the foodservice account.

### **New Mexico**

In elementary schools, beverages may not be sold through vending machines until after the last lunch period and can only include 1% or less milk or soy milk and water. Middle schools are limited to the same beverage restrictions, with the addition of 100% fruit juice and may sell nuts, seeds, cheese, yogurt and fruit at all times, and other foods (with nutritional specifications outlined) after the lunch period. High schools may sell the same beverages with the addition of 50% fruit juice. After the lunch period, vending machines may sell sugar-free and caffeine free carbonated drinks, non-carbonated flavored water with no added sweeteners and sports drinks.

For a la carte sales, all schools follow regulations follow the same beverage restrictions for vending machines, with the exception of carbonated beverages, sport drinks and flavored water (which are not permitted). A la carte food items may only be sold during the lunch period, and are restricted as follows: (1) no more than 400 calories/container/package/amount served, (2) no more than 16 grams of fat/container/package/amount served, with a maximum of 2 grams of saturated fat and trans fat combined and (3) no more than 30 grams of sugar per serving/amount served. These restrictions do not apply to nuts, seeds, cheese and yogurt.

### **New York**

From the beginning of the school day until the end of the last scheduled meal period, no sweetened soda water, no chewing gum, no candy including hard candy, jellies, gums, marshmallow candies, fondant, licorice, spun candy and candy coated popcorn, and no water ices except those which contain fruit or fruit juices, shall be sold in any public school within the State.

### **North Carolina**

Elementary schools are not allowed to offer any vending or a la carte sales. In middle and high schools, competitive food sales are allowed in the lunchroom if the profits accrue to school foodservice and used solely for the school meal programs. Schools may sell extra food items after the established lunch hour is over, only with the approval of the local board of education, and should be whole grain, low fat, and fruit/vegetables. Local board approval is also needed to sell soft drinks to students so long as soft drinks are not sold during the lunch period, at elementary schools, or contrary to the requirements of the National School Lunch Program. A la carte foods may not include food of minimum nutritional value.

### **North Dakota**

All schools should have a wellness plan that encourages healthy choices for sale in the cafeteria and vending machines.

### **Ohio**

Ohio prohibits public or chartered nonpublic schools from permitting the sale of a la carte beverage items during the regular and extended school day other than water, milk, and 100% fruit juice. High schools may also sell beverages with less than 66 calories, including soda.

**Oklahoma**

Oklahoma has no separate competitive foods guidelines.

**Oregon**

Food and beverages sold in a school at all times during the regular or extended school day is restricted before or after classes are in session and the time when the school is being used for activities such as clubs, practice, student government or rehearsal. There are strict caloric, fat, and nutrient standards for all foods sold within the school not associated with the School Meal Programs.

**Pennsylvania**

Vending food/snack standards must be implemented in order for schools to receive supplemental state reimbursement. Schools may not offer foods of minimal nutritional value during the school day. At the elementary level, vending may only offer the following: fruits, vegetables, yogurts, low-fat yogurts and reduced-fat cheeses. Only the following beverages are allowed: plain water, flavored water with no sugars or artificial sweeteners, 100% fruit and/or vegetable juice (8 oz or less), milk (flavored or unflavored) that is 2% fat or less. At the middle and high school level, at least 75% of beverages must be the same as the lower grades with the rest not exceeding 150 calories per drink. These standards apply to fundraisers and school stores as well.

**Rhode Island**

School vending machines must have healthy options and schools must have a wellness policy to address such issues.

**South Carolina**

Schools are required to provide healthy options in vending machines and school stores that meet basic State and National nutritional guidelines. Also, vending machines cannot be operational during school hours.

**South Dakota**

There are no current laws in place.

**Tennessee**

There are restrictions on the types of beverages and food that can be sold during school hours. Only water, milk, and 100% juice can be sold. Foods must contain less than 35% of calories from total fat, less than 35% sugar by weight, not contain sugar as the first ingredient, provide minimal to no trans fatty acids, and not be fried. School stores cannot sell foods until 30 minutes after the last meal period.

**Texas**

The Texas Public School Nutrition Policy prohibits elementary schools from serving competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day. This includes school stores, fundraisers and vending machines. Elementary schools may allow one nutritious snack per day under the teacher's supervision. Middle schools may not serve competitive foods from 30 minutes before the start of the first lunch until 30 minutes after the last lunch. High schools may not serve or provide access to competitive foods during meal periods in areas where reimbursable meals are served and/or consumed. FMNV, including carbonated beverages, are not allowed to be provided to students until after the end of the last scheduled class. In 2013, the Governor passed into a law a bill limiting sanctions for schools that sell FMNV.

**Utah**

The sale of foods of minimal nutritional value is prohibited and all foods must have no more than 300 calories per unit. In addition, it may prohibit food based on the following criteria: more than 35% total fat, presence of trans fats, listing caffeine as an ingredient, or more than 35% of the product is sugar by weight. Schools are encouraged to offer fruits, vegetables, and whole grain items while limiting breaded and fried choices.

**Vermont**

Requirements for foods sold outside of reimbursable school meals are that beverages must be water, 100% fruit juice, low/nonfat milk or drinkable yogurt. The only foods that can be sold in vending machines are 1.5 oz cheese, low-fat and low-sugar items, low sodium, and certain soups. It is the practice that vending machines cannot be turned on until after the lunch period.

**Virginia**

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 nutritional standards. The foods and beverages sold must either be a recognized component of the food based meal pattern or must contain 5% 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.

**Washington**

There are recommendations for minimum standards for available food and beverages which include low fat, low calorie, no trans-fat, no fried foods and increased emphasis on fruits, vegetables, and whole grains.

**West Virginia**

No foods of minimal nutritional value may be served or sold to students during the instructional day, except that county boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods. Revenues accrue to the principal for purchase of school supplies and to the faculty senate for allocation. The state has nutritional standards for foods served in schools during the day including no foods containing 35% or more sugar by weight, any juice must contain 100% real juice, and all "other" foods shall reflect the Dietary Guidelines for fat by limiting the number of fat grams to not more than 8 per one ounce serving, or meet the USDA standard for a lunch component. Only meal components may be sold as a la carte for breakfast, and only fluid milk, milkshakes and bottled water (100% natural spring water containing no additives) may be served as a la carte items for lunch.

**Wisconsin**

Wisconsin has no state policy.

**Wyoming**

Wyoming has no state policy.