

USDA Interim Final Regulations and California Requirements:

	<u>USDA INTERIM FINAL REGULATIONS</u>	<u>CALIFORNIA REQUIREMENTS</u>
GENERAL	Standards apply to all schools participating in NSLP/SBP.	Standards apply to all schools EXCEPT charter and private schools.
DEFINITIONS		
Competitive food	All foods and beverages sold on school campus outside of the reimbursable meal program to students.	All foods and beverages sold on school campus outside of the reimbursable meal program to students.
School day	From midnight before to 30 minutes after the end of the official school day.	Not defined, but implied to be the official school day.
School campus	All areas of the property under the jurisdiction of the school that are accessible to students during the day.	Not defined, but implied to be all areas under the jurisdiction of the school that are accessible to students during the day.
FOODS		
Elementary	<p>Foods must:</p> <ol style="list-style-type: none"> 1. Meet nutrient standards for calories, fat, trans fat, saturated fat, sugar, and sodium; and 2. Be a fruit, vegetable, dairy product, “whole grain rich” grain product (50% or more whole grains by weight or have whole grains as the first ingredient) or protein food, or 3. (Through 6/30/2016 only) Contain 10% of the Daily Value of one of the following: calcium, potassium, vitamin D or dietary fiber, or 4. Be a combination food that contains at least ¼ cup of fruit or vegetable. 	<p>The ONLY items that can be sold in elementary school are:</p> <ol style="list-style-type: none"> 1. Items exempted from all standards (<i>nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, non-fried veggies, or legumes</i>); 2. “Full Meal” (<i>defined as foods that meet the USDA meal pattern</i>); 3. Dairy or whole grain food.
Middle/High	<p>(Same as Elementary)</p> <p>Foods must:</p> <ol style="list-style-type: none"> 1. Meet nutrient standards for calories, fat, trans fat, saturated fat, sugar, and sodium; and 2. Be a fruit, vegetable, dairy product, “whole grain rich” grain product (50% or more whole grains by weight or have whole grains as the first ingredient) or protein food, or 3. (Through 6/30/2016 only) Contain 10% of the Daily Value of one of the following: calcium, potassium, vitamin D or dietary fiber, or 4. Be a combination food that contains at least ¼ cup of fruit or vegetable. 	<p>A snack must meet 35/10/35/250 (35% or less calories from fat, 10% or less calories from saturated fat, 35% or less sugar by weight, 250 calories or less by package/container.</p>
Timing	Standards apply from midnight to 30 minutes after the end of the official school day.	Standards apply from beginning of school day to one-half hour after school.
Entrée	<p>Must contain:</p> <ol style="list-style-type: none"> 1. A meat/meat alternate and whole grain-rich item; 2. A vegetable or fruit and meat/meat alternate; or 3. A meat/meat alternate alone (<i>excluding yogurt, low-fat or reduced fat cheese, nuts, seeds, nut or seed butters, and meat snacks</i>). <p>NSLP/SBP entrée items sold a la carte are exempt from all standards when offered the day of and school day after it is menued.</p>	<p>Generally regarded as the primary food in a meal and contains:</p> <ol style="list-style-type: none"> 1. Two or more of the following groups: meat/meat alternate, grain/bread, vegetable/fruit that are eaten together, or 2. A meat/meat alternate alone (<i>excluding nuts, nut butters, seeds, cheese, and yogurt</i>).

USDA Interim Final Regulations and California Requirements:

	<u>USDA INTERIM FINAL REGULATIONS</u>	<u>CALIFORNIA REQUIREMENTS</u>
Calories (per package, or container)	200 calories or less for non-NSLP/SBP snacks ≤350 calories for non-NSLP/SBP entrées (including any added accompaniments)	Elementary: 175 calories or less for dairy or whole grain food. Middle/High: 250 calories or less for snack; 400 calories or less for entree
Fat	≤35% of total calories (excludes nuts, seeds, nut butters and reduced fat cheese, seafood)	≤35% of total calories (excludes nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, non-fried vegetables, or legumes)
Trans Fat	Zero grams trans fat	Zero grams <i>artificial</i> trans fat served or sold
Saturated Fat	<10% of total calories	≤10% of total calories (excludes eggs or cheese packaged for individual sale)
Sugar (per serving)	≤ 35% of sugar by weight (excludes fresh, frozen, canned & dried fruits/vegetables with no added sugars; fruits packed in 100% juice, light or extra light syrup; canned vegetables or dried fruit with sugar added for processing purposes; and dried fruit+nut combo with no added sugar or fat)	≤35% of sugar by weight (excludes fruit, non-fried vegetables)
Sodium (per package, or container)	Snacks: ≤230 mg (7/1/14 through 6/30/16) ≤200 mg (as of 7/1/16) ≤480 mg for entrées.	Not Addressed
Combination Foods	A combination food must contain at least ¼ cup of fruit or vegetable AND must contain two or more of the following food groups: fruit, vegetable, dairy, protein, or grains. Common accompaniments must be included as part of the nutrient profile of the foods complement.	Foods containing only exempted items are exempt from the standards. Foods that contain exempted and non-exempted foods must meet standards. Individually packaged foods meant to be sold together must meet the standards as one food item.
Dried, Canned, Frozen Fruit and Vegetables	Fresh, frozen, and canned fruits and vegetables with no added ingredients except water; canned fruit packed in 100 percent juice, light or extra light syrup and canned vegetables containing sugar for processing purposes, are exempt from all nutrient standards.	Dried fruit containing added sugar is exempt only if the added sugar is part of the dehydration process or added as dextrose to prevent caking and maintain flowability. Fruit that is canned or frozen is exempt only if it contains no added sugar other than 100 percent fruit juice.

USDA Interim Final Regulations and California Requirements:

<u>USDA INTERIM FINAL REGULATIONS</u>		<u>CALIFORNIA REQUIREMENTS</u>
Whole Grains	Grain products must: 1. Include 50 percent or more whole grains by weight, or 2. Have whole grain as the first ingredient.	Purchased grain products: 1. A product that contains the following statement: "Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol, may help reduce the risk of heart disease and certain cancers", or 2. The first listed grain ingredient is a whole grain, or 3. If the first listed ingredient is not specifically identified as a whole grain, documentation has been obtained within the previous 12 months from the manufacturer that lists whole grains, which, when combined, shall represent at least 51 percent of the weight of the total grains in the product. Prepared grain products: 1. The weight of the whole grains shall represent at least 51 percent of the total grain weight of the product.
BEVERAGES		
Timing	Standards apply from midnight to 30 minutes after the official school day.	Standards apply from ½ hour before to ½ hour after the school day (elementary standards apply "regardless of time of day")
Caffeine		
Elementary	Not allowed	Not allowed in the form of coffee or tea
Middle	Not allowed	Not allowed in the form of coffee, tea, or electrolyte replacement beverages
High	Allowed	Not allowed in the form of coffee, tea, or electrolyte replacement beverages
Juice		
Elementary	100% fruit and vegetable juices or 100% fruit/vegetable juice diluted with water and no added sweeteners Up to 8 fl. oz. portion	≥50% fruit or vegetable juice, with no added sweeteners. No serving size limit
Middle	100% fruit and vegetable juices or 100% fruit/vegetable juice diluted with water and no added sweeteners Up to 12 fl. oz. portion	
High	100% fruit and vegetable juices or 100% fruit/vegetable juice diluted with water and no added sweeteners Up to 12 fl. oz. portion	
Milk (includes lactose-free milk)		
Elementary	1% milk (unflavored) Non-fat milk (flavored or unflavored) Up to 8 fl. oz. portion	Milk: 2%, 1%, nonfat (flavored or unflavored); at least 25% of DV for calcium; Vitamins A and D added; no more than 28 grams total sugar per 8 fl. oz.
Middle	1% milk (unflavored)	
High	Non-fat milk (flavored or unflavored) Up to 12 fl. oz. portion	

USDA Interim Final Regulations and California Requirements:

<u>USDA INTERIM FINAL REGULATIONS</u>		<u>CALIFORNIA REQUIREMENTS</u>
Non-dairy Milk/Milk Substitutes		
All Grades	Must include, per 8 fl. oz., at least 276 mg calcium, 8 grams protein, 500 IU Vitamin A, 100 IU Vitamin D, 24 mg magnesium, 222 mg phosphorus, 349 mg potassium, 0.44 mg riboflavin, and 1.1 mcg Vitamin B12.	Non-dairy milk: at least 25% of DV for calcium; Vitamins A and D added; no more than 28 grams total sugar per 8 fl. oz., no more than 5 g fat per 8 fl. oz.
Water		
Elementary	Water without additives, no size limit	Drinking water with no added sweeteners
Middle		
High	Water without additives, no size limit Calorie-free, flavored and/or unflavored, caffeinated or non-caffeinated carbonated water allowed, up to 20 fl. oz.	Drinking water with no added sweeteners
Electrolyte Replacement, No/Low Calorie, & Alternate Calorie Beverages		
Elementary	Not allowed	Not allowed
Middle	Not allowed	Electrolyte replacement beverage may be sold: water must be first ingredient, no more than 2.1 g added sweetener per 1 fl. oz., 10-150 mg Na ⁺ per 8 fl. oz., 10-90 mg K ⁺ per 8 fl. oz., no added caffeine.
High	Beverages containing ≤ 5 calories per 8 fl. oz. (or ≤ 10 cal/20 fl. oz.), up to 20 fl. oz. portion. Beverages containing ≤ 40 calories per 8 fl. oz., up to 12 fl. oz. portion.	
FUNDRAISERS		
	Standards apply to non-exempted fundraising activities during the school day. State agencies are authorized to determine the number of exempt fundraisers that may be held during the year.	Foods: Standards apply to <u>all</u> fundraisers. Non-compliant foods can be sold from ½ hour after the end of the school day (elementary: only students can sell non-compliant items) Beverages: Standards apply to <u>all</u> fundraisers. Non-compliant items can be sold from ½ hour after the end of the school day (non-compliant items can be sold at a school-sponsored event that takes place after school but before ½ hour after school)
STUDENT ORGANIZATIONS		
Elementary	Standards apply to student organization sales during the school day.	Only four sales per year per school, Only after the last lunch period, only one item, cannot prepare items on school campus, cannot be same item as sold by Food Service Dept. that day at that school
Middle/High	Standards apply to student organization sales during the school day.	Only one student organization can sell per day, multiple organizations can sell on four designated days per year, no more than three categories of food, cannot prepare items on school campus, cannot be same item as sold by Food Service Dept. that day at that school

USDA Interim Final Regulations and California Requirements:

	<u>USDA INTERIM FINAL REGULATIONS</u>	<u>CALIFORNIA REQUIREMENTS</u>
ACCESS TO FREE WATER		
All grades	<p>Students must have access to free water during lunch time where meals are served and during breakfast when served in the cafeteria. Schools that participate in the National School Lunch Program cannot opt out of this requirement (from Healthy Hunger-Free Kids Act of 2010).</p> <p>Additional details, which are not addressed in USDA Interim Final Rule found in USDA Policy Memo SP 28-2011-REVISED (released July 12, 2011)</p>	<p>Students must have access to free water during lunch and breakfast anywhere reimbursable meals are served or eaten.</p> <p>Schools can opt out of requirement.</p>
ADDITIONS/OTHER		
Sugar-free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards and may be sold at the discretion of the local education agency	Sugar-free gum must meet nutrition restrictions.
Administrative Review	The district and school food authority shall comply with all competitive food nutrition standards and retain documentation necessary to demonstrate compliance.	
Foods of Minimal Nutritional Value	FMNV (appendix B to 7 CFR 210.11) remains in effect through 6/30/14. As of 7/1/14 FMNV is repealed and is no longer in effect	All foods and beverages, including those listed as FMNV must meet nutrition restrictions. No impact on California's standards once FMNV is repealed.
Recordkeeping	The school district is responsible for ensuring that each organization that sells food and/or beverages maintains records that document compliance (at minimum, receipts, nutrition labels and/or product specifications) with the food and beverage nutrition requirements.	Record keeping not required.