

State Laws & Regulations Governing Beverage Sales in Schools

Updated as of February 2006

IMPORTANT NOTES:

All schools that receive government funding for school meal programs must comply with federal laws that prohibit the sale of carbonated beverages in food service areas during the lunch or breakfast periods. These schools may be subject to additional state laws, as summarized below, and in some cases to local regulations as well.

STATE	POLICY
<p>Alabama</p> <p><i>New regulations for 2006-2007 school year</i></p>	<p>Federal regulations plus: 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.</p> <p>On July 12, 2005, the Alabama Board of Education approved a policy, effective with the 2006-2007 school year:</p> <ul style="list-style-type: none"> • Elementary Schools – No carbonated soft drinks. • Middle Schools – 70% of selections must be non-carbonated, 30% can be carbonated soft drinks (of the carbonated soft drinks, at least 50% must be low/no calorie carbonated soft drinks) • High Schools – 50% of selections must be non-carbonated soft drinks (of the carbonated soft drinks, at least 50% must be low/no calorie carbonated soft drinks)
<p>Alaska</p>	<p>Federal Regulations</p>
<p>Arizona</p> <p><i>New regulations beginning July 1, 2006</i></p>	<p>Federal regulations plus: As directed by law, the Arizona Department of Education approved implementing regulations for elementary and middle schools in January 2006, to be effective July 1, 2006:</p> <ul style="list-style-type: none"> • Elementary Schools - Prohibits the sale of all carbonated beverages and sports drinks; juices must contain 100% juice and cannot exceed 8 ounces; milk alternative products must be in a reduced fat form and cannot exceed 12 ounces • Middle/Junior High Schools - Prohibits the sale of all carbonated beverages; sports drinks cannot exceed 12 ounces; juices must contain at least 50% juice with no added sugar and cannot exceed 12 ounces • Caffeine/energy drinks are prohibited in elementary, middle and junior high schools • High Schools - No new restrictions
<p>Arkansas</p>	<p>Federal regulations plus: No beverages may be sold outside of school meal programs in elementary schools during the school day. Beverages sold in elementary schools as part of school meal programs are not affected.</p> <p>In addition, the following new standards were approved by the Department of Education for all vending contracts executed after August 8, 2005.</p> <ul style="list-style-type: none"> • Middle through high school students may not have access to Foods of Minimal Nutritional Value and Competitive Foods until ½ hour after the last lunch period: • Beverages sold as part of meal programs are not regulated beyond federal standards. • Beverages sold after lunch are limited to 12 ounce serving sizes except for unsweetened, unflavored water

Florida	Federal regulations plus: No competitive foods in elementary schools. No competitive foods sold until one hour after last lunch period in secondary schools. 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	Federal regulations plus: No Foods of Minimal Nutritional Value in elementary school 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	Federal regulations plus: The sale of food in all elementary and secondary schools shall be limited to the School Breakfast Program, School Lunch Program and approved cafeteria supplementary food items. Schools shall not permit anywhere on campus the sale of the other foods from the beginning of the school day to the ending of the school day except certain beverages through vending machines. These beverages may not be sold during meal serving periods. (At least one machine shall vend bottled water. Coffee and coffee-based beverages are not allowed.) Vending machines on elementary campuses should not be accessible to students.
Idaho	Federal Regulations
Illinois	Federal regulations plus: No Competitive Foods in elementary schools during regular breakfast and lunch periods. Competitive Foods include all confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50% pure fruit juice, tea, coffee, and any other foods or beverages designated as such by the State Board of Education. Income from sale of all food and beverages provided in any dining or serving area during the designated breakfast and lunch periods shall accrue to the food service account.
Indiana	Federal Regulations
Iowa	Federal Regulations
Kansas	Federal Regulations
Kentucky	Sales of competitive foods are prohibited in middle and high schools until 30 minutes after the end of the last lunch period and in elementary schools until after the end of the school day. Only beverages served as part of meal programs and <i>a la carte</i> items are permitted until 30 minutes after lunch. In elementary schools, only 100% fruit juice, low-fat milk or beverages with ≤ 10g of sugar per serving may be sold until the end of the school day.
<i>New regulations effective Feb. 2006</i>	The Kentucky state legislature in 2005 approved legislation directing the state Board of Education to develop new vending regulations. The following regulations were approved in January 2006 and are effective February 3, 2006: <ul style="list-style-type: none"> • The additional standards apply to beverages sold between ½ hour after the last lunch period and the end of the school day. (Existing law already restricted the sale of competitive foods prior to ½ hour after lunch.) • Beverages permitted to be sold outside of school meal programs are limited to 17 ounce or smaller serving sizes (through grade 5) or 20 ounce serving size (grades 6-12) except for water and milk (flavored or unflavored) with no more than 1% milk fat, non-carbonated, non-caloric water (flavored or plain), 100% juices and other beverages containing 10 grams of sugar per serving or less

Louisiana	<p>Federal regulations plus: All new contracts effective for the 2005-2006 School Year or later must comply with the following restrictions:</p> <p>Grade K-8:</p> <ul style="list-style-type: none"> • Allows sale of 100% juices, unsweetened flavored water, unflavored water, or low-fat milks from ½ hour before school until ½ hour after school • Serving sizes limited to 16 ounces or less applies only to juices <p>Grades 9-12:</p> <ul style="list-style-type: none"> • Beginning 10 minutes before the end of lunch period, allows the sale of all beverages but at least 50% of beverages offered must be 100% juice, water, or low-fat milks
Maine	<p>Federal regulations plus: Only the School Foodservice Program can sell food/beverages that exceed the 5% minimal nutritional value per 100 calories rule on campus during the school day and profits must accrue to the foodservice program. However, local school boards may establish, by policy, a process whereby a school or approved student organization is allowed to benefit from the sale of such foods and beverages.</p>
Maryland	<p>No foods of minimal nutritional value until the end of the last lunch period.</p> <p>By Aug. 1, 2006 all vending machines must have a mechanical timer device.</p>
Massachusetts	Federal Regulations
Michigan	Federal Regulations
Minnesota	Federal Regulations
Mississippi	<p>Federal regulations plus: 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.</p>
Missouri	Federal Regulations
Montana	Federal Regulations
Nebraska	<p>Federal regulations plus: No Competitive Foods anywhere on campus from ½ hour before until ½ hour after breakfast or lunch</p>

<p>Nevada</p> <p><i>New regulations effective July 2006</i></p> <p>Nevada</p>	<p>Federal regulations plus: On July 1, 2005 the Nevada Department of Education approved the following minimum statewide Wellness Policy for schools, effective July 1, 2006. Schools can develop and implement a more restrictive policy if they choose.</p> <p>Foods of minimal nutritional value, which includes carbonated soft drinks, will not be given away, sold, or used as incentives for students during the school day in all schools.</p> <p>Elementary schools serving size limits:</p> <ul style="list-style-type: none"> • Water (no serving size limit) • Fruit drinks (16 oz. limit) <p>Middle and high schools serving size limits:</p> <ul style="list-style-type: none"> • Water (no serving size limit) • Sports drinks (12 oz. limit) • Fruit drinks (16 oz. limit)
<p>New Hampshire</p>	<p>Federal Regulations</p>
<p>New Jersey</p> <p><i>New regulations effective Sept. 2007</i></p>	<p>Federal regulations plus: No Food of Minimal Nutritional Value may be sold 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.</p> <p>The New Jersey Dept. of Agriculture on June 20, 2005 adopted new regulations for all schools to be implemented by September 2007:</p> <ul style="list-style-type: none"> • Prohibits carbonated soft drinks in all grade levels during the school day. • Limits beverage choices in elementary schools to only 100% juice, water and milk. • Limits the serving size of beverages sold in all schools during the school day to 12 ounces, except for water and milk (2% or less). • In addition to the carbonated soft drink ban in all grade levels, limits beverage choices in middle and high schools, requiring that “at least 60% of all beverages offered, other than milk and water, shall be 100% fruit or vegetable juices”.
<p>New Mexico</p>	<p>Federal Regulations</p>
<p>New York</p>	<p>Federal regulations plus: 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.</p>
<p>North Carolina</p>	<p>Federal regulations plus: Effective August 1, 2005</p> <ul style="list-style-type: none"> • Elementary Schools – Carbonated soft drinks are prohibited at all times • Middle Schools – Regular (sugared) carbonated soft drinks are prohibited, though diets are allowed • High Schools – Regular (sugared) carbonated soft drinks are limited to 50% of offerings • Bottled water must be sold in every school that has beverage vending.
<p>North Dakota</p>	<p>Federal Regulations</p>
<p>Ohio</p>	<p>Federal Regulations</p>
<p>Oklahoma</p>	<p>Federal regulations plus:</p>

<p><i>New restrictions effective January 1, 2006</i></p>	<p>In 2005, the Oklahoma state legislature approved the following legislation effective January 1, 2006:</p> <ul style="list-style-type: none"> • Elementary Schools – Prohibits the sale of carbonated soft drinks at all times • Middle and Junior High Schools – Prohibits the sale of regular (sugared) carbonated soft drinks; the sale of beverages containing <10 calories (i.e. diets) is permitted • High Schools – No restrictions (although the bill stipulates that “healthy” choices must be provided with some type of incentive)
<p>Oregon</p>	<p>Federal Regulations</p>
<p>Pennsylvania</p>	<p>Federal Regulations</p>
<p>Rhode Island</p>	<p>Federal Regulations</p>
<p>South Carolina</p>	<p>Federal Regulations for all grade levels plus, as of June 2005, carbonated soft drinks are prohibited during the school day in elementary schools.</p>
<p>South Dakota</p>	<p>Federal Regulations</p>
<p>Tennessee</p> <p><i>New restrictions effective June 30, 2007</i></p>	<p>Federal Regulations for all grade levels plus: Regulations approved in 2005 limit beverage choices in Pre-K through grade 8 (grades K-5: effective June 30, 2007; grades 6-8: 50% of selections must meet criteria by June 30, 2007 and the remainder must meet criteria by June 30, 2008):</p> <p>Only beverages available are:</p> <ul style="list-style-type: none"> • nonflavored, noncarbonated water • 100% juices • low- or non-fat milk • noncarbonated beverages containing no caloric sweeteners and ≤15 calories per serving • serving size limited to 8 oz. except for water
<p>Texas</p>	<p>Federal regulations plus: An elementary school campus may not serve or provide access for students to Foods of Minimal Nutritional Value at any time anywhere on school premises during the school day. Portion sizes are limited for whole milk (≤8oz.), reduced fat milk (≤16oz.), fruit drinks containing more than 50% juice (≤6oz.) and other beverages (≤12oz.). No limit for water.</p> <p>Schools must prevent students’ from accessing Foods of Minimal Nutritional Value on school premises. Such food and beverages may not be sold or given away on school premises by the school, school or non-school organizations, teachers, parents, or any other person or group during the school day.</p> <p>A middle school campus may not serve or provide access for students to Foods of Minimal Nutritional Value anywhere on school premises until after the last lunch period. In addition, the same portion sizes in place in elementary schools also apply to middle schools except that serving sizes for fruit drinks can be up to 12oz.</p> <p>In high schools, Foods of Minimal Nutritional Value are prohibited during meal times in areas where meals are served and/or consumed. Portion size limits are the same as those for middle schools.</p>
<p>Utah</p>	<p>Federal Regulations</p>
<p>Vermont</p>	<p>Federal Regulations</p>
<p>Virginia</p>	<p>Federal regulations plus: Any food or beverage sold (including a la carte) in Virginia schools from 6:00 a.m. until the</p>

	<p>end of breakfast period, and during the lunch period, must meet the following nutrition standard. 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.</p> <p>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.</p>
Washington	Federal Regulations
West Virginia	<p>Federal regulations plus: Effective July 8, 2005:</p> <ul style="list-style-type: none"> • Elementary, Middle and Junior High Schools – Prohibits the sale of carbonated soft drinks; only low-fat milk, water and \geq 20% juices may be sold • High Schools – At least 50% of offerings must be composed of low-fat milk, water and \geq 20% juices
Wisconsin	Federal Regulations
Wyoming	Federal Regulations

Definition of Terms:

Foods of Minimal Nutritional Value

The United States Department of Agriculture (USDA) considers a food to be a “food of minimal nutritional value” if it provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving. These nutrients are: protein, vitamin A, vitamin C, niacin, riboflavin, thiamine, calcium and iron. Federal Regulations establish four categories of products as foods of minimal nutritional value:

- Soda waters, such as colas and other soft drinks;
- Water ices as defined by the Food and Drug Administration, other than those that contain fruit or fruit juice;
- Chewing gum; and
- Candies made predominantly from sweeteners -- this includes hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn.

Since the regulatory definition of foods of minimal nutritional value is somewhat limited, a number of snack food products such as chocolate bars, ice cream, and potato chips can be sold in the food service area, as long as they conform with regulations for “competitive foods.”

Competitive Foods

Competitive Foods are defined as any food or beverage which is sold in competition with the national school lunch or breakfast program. Competitive Foods include snacks such as chocolate bars, ice cream, and potato chips and beverages such as waters, juices, teas and sports drinks.