

Aligning CA and Federal Competitive Food Rules

Nutrition Services Division Management Bulletin

Purpose: Policy, Beneficial Information

To: National School Lunch and School Breakfast Program Sponsors

Attention: County and District Superintendents, Chief Business Officials, and Food Service Directors

Number: SNP-07-2017

Date: August 2017

Reference: Senate Bill 1169 (McGuire)—amending California *Education Code* sections 49430–49431.7

Subject: Aligning California and Federal Competitive Food Rules

This management bulletin (MB) provides information on the changes made to California *Education Code* (EC) sections 49430–49431.7 through Senate Bill (SB) 1169 (McGuire).

Overview

On January 1, 2017, SB 1169 became effective and aligned many of the California competitive food and beverage EC requirements with the federal competitive food and beverage requirements, called Smart Snacks in School (SSIS). All competitive food resources, on the California Department of Education (CDE) Competitive Foods Web page at <http://www.cde.ca.gov/ls/nu/he/compfoods.asp>, are updated to reflect the changes found in SB 1169.

Summary of the changes made to California EC that:

1. **Align definitions for “competitive foods, school campus, and school day”**

The definitions for these terms have been copied, verbatim, from Title 7, *Code of Federal Regulations*, Section 210.11, are now included in the California EC. (EC sections 49430[c], 49430[k]), and 49430[l])

2. **Align timeframe when compliant foods and beverages are allowed to be sold**

The EC now includes the stricter federal requirement when only compliant items can be sold. Only compliant items can be sold to students, on school campus, from midnight before to 30 minutes after the end of the official school day. (EC Section 49430[l])

3. **Align general food standards for all grades**

The *EC* now allows at all grade levels any fruit, vegetable, dairy food, protein, or whole grain-rich item; or a food containing any of these as the first ingredient to be considered a compliant food, provided it also meets the applicable specific nutrient standards. (*EC* Section 49431[a])

4. **Align additional total fat and saturated fat exemptions for certain foods**

The *EC* includes additional foods that are exempt from the total fat standard and saturated fat standard. (*EC* sections 49431[a][1], 49431[a][2], 49431.2[a][1], and 49431.2[a][2])

5. **Align snack calorie maximum for all grades**

The *EC* now allows a maximum of 200 calories for a snack food for all grade levels. [*EC* sections 49431[a][6] and 49431.2[a][6])

6. **Are more restrictive than the federal SSIS for the following items**

Competitive entrées sold by food service the day of or day after appearing on the menu.

According to the federal SSIS, a competitive entrée that is sold the day of or day after it appears on the menu, is not subject to any nutrition standards. The *EC*, however, requires a competitive entrée to meet nutrition standards for calories, total fat, and trans fat. (*EC* Section 49431.2[b][1][A-C])

Caffeine

The federal SSIS allows caffeine-containing beverages to be sold in high schools. The *EC* specifies that caffeine, except in trace amounts, is not allowed in any beverages. (*EC* sections 49431.5[a][1][E] and 49431.5[a][3][J])

Alternate beverages

The federal SSIS allows any alternative beverage (i.e., besides water, milk, and juice) as long as the beverage meets the no- or low-calorie criteria. SSIS only allows alternative beverages on a high school campus. The *EC*, however, only allows the following alternative beverage categories; electrolyte replacement beverages/sports drinks, and flavored waters. Electrolyte replacement beverages/sports drinks and flavored waters must meet specific criteria and are only allowed on a high school campus. (*EC* Section 49431.5[3][E-H])

Additional information regarding beverages can be found in Management Bulletin SNP-27-2014 on the CDE MB Web page at <http://www.cde.ca.gov/ls/nu/sn/mbsnp272014.asp>. Compliance criteria can be found on the Competitive Food Quick Reference Cards—Public Schools on the CDE Competitive Foods Web page at <http://www.cde.ca.gov/ls/nu/he/compfoods.asp>.

Student organization sales

The rules that govern food and beverage sales by student organizations are found under the *California Code of Regulations*, Title 5, sections 15500–15501 (and not in *EC*). The federal SSIS does not contain additional requirements for specific groups or individuals.

Resources

The CDE Nutrition Services Division Competitive Foods Web page at <http://www.cde.ca.gov/ls/nu/he/compfoods.asp> contains a number of tools and resources such as the Quick Reference Cards, links to the California Project LEAN online calculator, and the smart snack online calculator.

Contact Information

If you have any questions regarding this subject, please contact the Competitive Food and Beverage team by e-mail at COMPETITIVEFOODS@cde.ca.gov.

Questions: Nutrition Services Division | 800-952-5609

Last Reviewed: Monday, August 14, 2017