



TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 64100] (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

PART 27. PUPILS [48000 - 49704] (*Part 27 enacted by Stats. 1976, Ch. 1010.*)

CHAPTER 9. Pupil and Personnel Health [49400 - 49590] (*Chapter 9 enacted by Stats. 1976, Ch. 1010.*)

ARTICLE 2.5. The Pupil Nutrition, Health, and Achievement Act of 2001 [49430 - 49434] (*Article 2.5 added by Stats. 2001, Ch. 913, Sec. 2.*)

(a) (1) From one-half hour before the start of the schoolday to one-half hour after the schoolday, at each 49431. elementary school, the only food that may be sold to a pupil are full meals, individually sold dairy or whole grain foods, and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes.

(2) An individually sold dairy or whole grain food item, and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes may be sold to pupils at an elementary school, except food sold as part of a USDA meal program, if they meet all of the following standards:

(A) Not more than 35 percent of its total calories shall be from fat. This subparagraph shall not apply to individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, or legumes.

(B) Not more than 10 percent of its total calories shall be from saturated fat. This subparagraph shall not apply to eggs or cheese packaged for individual sale.

(C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. This subparagraph shall not apply to fruit or vegetables that have not been deep fried.

(D) Not more than 175 calories per individual food item.

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

(1) The sale of those items takes place off of and away from school premises.

(2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(c) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section and Section 49431.5.

(*Amended by Stats. 2013, Ch. 706, Sec. 9. Effective January 1, 2014.*)