

**USDA Proposed Rule and California Requirements:
Which Sections of the Rule are Stricter?**

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	USDA PROPOSED REGULATIONS	CALIFORNIA REQUIREMENTS
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	Foods must: <ol style="list-style-type: none"> 1. Meet all of the proposed nutrient standards; 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. Contain 10% of the Daily Value (DV) of naturally occurring calcium, potassium, vitamin D or dietary fiber, or 4. Be a combination food that contains at least ¼ cup of fruit or vegetable. 	The ONLY items that can be sold in elementary school are: <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	(Same as Elementary) Foods must: <ol style="list-style-type: none"> 1. Meet all of the proposed nutrient standards; 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. Contain 10% of the Daily Value (DV) of naturally occurring calcium, potassium, vitamin D or dietary fiber, or 4. Be a combination food that contains at least ¼ cup of fruit or vegetable. 	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.
Timing	Standards apply from midnight to one-half hour after school.	Standards apply from beginning of school day to one-half hour after school.
Entrée	Must contain: <ol style="list-style-type: none"> 1. A meat/meat alternate and whole grain-rich bread; 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 and nut or seed butters</i>). <p>Alternative (Alt) A1: NSLP/SBP entrees (and side dishes) sold a la carte exempt from all standards except fat and sugar standards; or Alt A2: NSLP/SBP entrees (and side dishes), except grain based dessert products, sold a la carte exempt from all standards.</p>	Generally regarded as the primary food in a meal and contains: <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>).
Calories	200 calories or less for non-NSLP/SBP snacks	Elementary: 175 calories or less for dairy or whole grain food.

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(per package, or container)	≤350 calories for non-NSLP/SBP entrées (including any added accompaniments)	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)	Alt 1: ≤35% calories from total sugars Alt 2: ≤ 35% of sugar by weight (excludes fresh, frozen, canned & dried fruits/vegetables with no added sugars except fruits packed in 100% juice or extra light syrup; and yogurt with less than 30 grams of total sugars per 8 oz.)	≤35% of sugar by weight (excludes fruit, non-fried vegetables)
Sodium (per package, or container)	≤200 mg for non-NSLP/SBP snack items ≤480 mg for non- NSLP/SBP entrées.	Not Addressed
Combination Foods	A combination food must contain at least ¼ cup of fruit or vegetable. 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 or, fruit, packed in 100 percent juice or extra light syrup, are exempt from all the 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.

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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 one-half hour after school.	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 only Up to 8 oz. portion	≥50% fruit or vegetable juice, with no added sweeteners. No serving size limit
Middle	100% fruit and vegetable juices only Up to 12 oz. portion	
High	100 % fruit and vegetable juices only Up to 12 oz. portion	
Milk (includes lactose-free and soy/non-dairy milks)		
Elementary	1% milk (unflavored) Non-fat milk (flavored or unflavored) Up to 8 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) Non-fat milk (flavored or unflavored) Up to 12 oz. portion	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.
High		

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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 oz., but not during meals.	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	Calorie-free caffeinated or non-caffeinated beverages with < 5 calories per serving are also allowed, up to 20 oz., not during meals. Alt 1: Allowed, ≤ 40 calories per 8 oz., up to 12 oz. portion, not during meals. Alt 2: Allowed, ≤ 50 calories per 8 oz., up to 12 oz. portion, not during meals.	
FUNDRAISERS		
	Standards apply to non-exempted fundraising activities during the school day. <i>(Limited number of exemptions to be determined by state: Alt 1: State agencies determine number of exempt fundraisers that may be held during the year Alt 2: State agencies determine number of exempt fundraisers that may be held during the year subject to USDA approval)</i>	Foods: Standards apply. 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. 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

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ACCESS TO FREE WATER		
All grades	<p>Students must have access to free water during lunch time where meals are served. 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 not addressed in USDA Proposed Rule. Background in Rule refers to revised USDA Policy Memo SP 28-2011 (released July 12, 2011)</p>	<p>Students must have access to free water during meal times where reimbursable meals are served or eaten.</p> <p>Schools can opt out of requirement.</p>

NSLP: National School Lunch Program
 SBP: School Breakfast Program
 USDA: United States Department of Agriculture