

# Competitive Food and Beverage Requirements--AB626

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## Nutrition Services Division Management Bulletin

**Purpose:** Policy, Beneficial Information

**Date:** April 2014

**Number:** SNP-03-2014

**To:** School Nutrition Program Sponsors

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

**Reference:** Assembly Bill 626 (Skinner)—California *Education Code* sections 38085 and 49430–49436

**Subject:** Competitive Food and Beverage Requirements—Assembly Bill 626

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This Management Bulletin (MB) notifies school districts and county superintendents of schools about changes to competitive food and beverage requirements in the California *Education Code (EC)*.

### Overview

Assembly Bill 626 (Skinner) was signed into law on October 10, 2013, and became effective on January 1, 2014. This law amends or deletes certain California *EC* sections related to competitive foods and beverages to help individuals and groups that sell foods and beverages in schools more easily understand and comply with the requirements.

### Specific Changes to Current *Education Code*

AB 626 amends the following:

- Section 49430 (Definitions)
  - Expands the definition of **sold**. The new definition is “the exchange of food or beverages for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.”
  - Deletes the **full meal** definition in reference to the Shaping Health As Partners in Education (SHAPE) meal pattern. The federal regulations, **Nutrition Standards in the National School Lunch Program (NSLP) and School Breakfast Program (SBP)**, define new school meal pattern requirements effective January 26, 2012, and disallow the SHAPE meal pattern.
- Section 49431 (Food Requirements in Elementary Schools)
  - Modifies the time when no other foods but compliant foods can be sold—from one-half hour before to one-half hour after the school day.
  - Changes the exemption status in elementary schools for nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruit, nonfried vegetables, and legumes. These **exempt** items are no longer exempt from all of the nutrient standards.
  - Allows adults or students to sell noncompliant items on an elementary school campus starting from one-half hour after the school day.
- Section 49431.2 (Food Requirements in Middle and High Schools)
  - Modifies the time when no other foods but compliant foods can be sold—from one-half hour before to one-half hour after the school day.
  - Deletes the reference and requirement that foods must be “categorized as entrée items” in the SBP or NSLP since such a category does not exist in either program.
  - Disallows the sale of noncompliant food items at a school-sponsored event between the end of the school day to one-half hour after the school day.
- Section 49431.5 (Beverage Requirements in Elementary, Middle, and High Schools)
  - Removes 2 percent milk as an allowable competitive beverage at any grade.
  - Deletes language pertaining to past implementation and phase-in dates.
  - Deletes language pertaining to sales through vending machines, pupil stores, and cafeterias as these are already part of the **school campus**.
- Section 49431.7 (Trans fat Foods)
  - Changes how to determine compliance with foods containing trans fats. Similar to other nutrient requirements, the trans fat requirement applies only to foods sold throughout the school campus from one-half hour before to one-half hour after the end of the school day.
- Section 49434 (Monitoring Requirements)
  - Requires the California Department of Education (CDE), Nutrition Services Division (NSD), to monitor the compliance of the competitive food and beverage rules through the Administrative Review process.

AB 626 repeals the following:

- Section 38085 (outdated competitive food and beverage requirements)
- Sections 49433, 49433.5, 49433.7, 49433.9, 49435, and 49436 (outdated requirements for past competitive food grants)

Programmatic changes based on this law can be found in the Quick Reference Cards located on the CDE Competitive Foods and Beverages Web page at <http://www.cde.ca.gov/ls/nu/he/compfoods.asp>.

The NSD will soon release additional information on the federal Smart Snacks in School Interim Final Rule (to be implemented on July 1, 2014) including an MB and updated resources. The NSD is currently providing in-person and Webinar trainings on the new Smart Snacks in School rule. These trainings were announced in e-mails sent on February 3, 2014 (in-person training schedule) and February 7, 2014 (Webinar training schedule).

If you have any questions regarding this MB, please contact Michael Danzik, Nutrition Education Consultant, by phone at 916-445-7346 or by e-mail at [mdanzik@cde.ca.gov](mailto:mdanzik@cde.ca.gov).

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