

Maryland Nutrition Standards for All Foods Sold in School

I. Purpose and Scope

The purpose of this policy is to promote a healthy school environment by defining the scope of authority of the Local Educational Agency (LEA) regarding foods and beverages available to students during the school day and to outline the federal and State regulations which apply to serving these foods and beverages in schools and facilities that participate in the School Breakfast Program (SBP) and the National School Lunch Program (NSLP). The policy and procedures establish minimum requirements and provide guidance for LEAs electing to set policies which go beyond those contained in this memorandum.

In 2010, Congress passed the Healthy, Hunger-Free Kids Act (Sec. 204 of Public Law 111-296), based on recommendations from the Institute of Medicine. The Act defined nutrition standards to ensure quality meals served in all LEAs participating in the NSLP and SBP. The Act also directed U.S. Department of Agriculture (USDA) to establish broader guidelines for all foods and beverages available during the school day, now adopted as the Final Rule on Nutrition Standards for all Foods Sold in School, commonly known as “Smart Snacks” (Federal Register, Vol. 81, No. 146, July 29, 2016). These standards detail criteria for allowable foods and beverages, such as nutrient content and portion size, and replace the term, Foods of Minimal Nutritional Value.

Schools play a powerful role in preparing students for a successful future. The updated School Lunch and Breakfast Programs contribute to student learning and the development of lifelong health habits. Schools must continue to strengthen this foundation by providing healthy foods and beverages, while limiting less healthy options throughout the school environment.

II. Procedures

The policy is effective as of July 1, 2014¹ and applies to all foods and beverages sold to students on the school campus, including cafeteria a la carte items, vending machines, school stores, and fundraising activities, from 12:01 am until thirty minutes after the end of the official school day. The Maryland State Department of Education supports and adopts the aforementioned efforts from USDA to promote healthy choices for students, with minimal changes to the beverage standards. The following page outlines the combined federal and state standards. This policy was unanimously adopted by the Maryland State Board of Education on June 27, 2014.

Maryland LEA school wellness committees and schools may decide to implement policies that go beyond these Federal and State policies.

Questions may be sent to Sara Booker, RD, MPH, Nutrition Education and Training Coordinator in the Office of School and Community Nutrition Programs, Sara.Booker@Maryland.Gov, or 410-767-0204.

¹ Revised April 12, 2022 to reflect the USDA Transitional Standards for Milk, Whole Grains, and Sodium, effective July 1, 2022.

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Policy applies from 12:01 am through 30 minutes after the end of the school day

Policy applies to foods and beverages sold to students on the school campus, not including meals served through the National School Lunch Program and School Breakfast Program

#1: Foods must meet one of these general standards:

- Be whole grain-rich: at least 50% whole grain by weight, or whole grain listed as first ingredient; or
- Have as the first ingredient: fruit, vegetable, dairy product, or protein food; or
- Be a combination of food that consists of at least $\frac{1}{4}$ cup of fruit and/or vegetable

#2: If the food meets one of the standards above, it must **also** meet **all** the nutrient standards below:

Calories:	Sodium:	Fats:	Sugar:
• Snack/Side Dish: ≤ 200 calories • Entrees: ≤ 350 calories	• Snack/Side Dish: $\leq 200\text{mg}$ • Entrees: $\leq 480\text{mg}$	• Total Fat: $\leq 35\%$ of calories • Saturated Fat: $< 10\%$ of calories • Trans Fat: zero grams	• sugar weight divided by total weight: less than 35% of total weight from sugar

Beverages must meet the standards below. Allowable portions are provided in fluid ounces (fl oz).

Beverage Type	Elementary	Middle	High School
Plain Water or Plain Carbonated Water	Any Size	Any Size	Any Size
1 % Low-fat Milk², Flavored or Unflavored Non-fat Milk, Flavored or Unflavored	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
100% Fruit/Vegetable Juice	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
100% Fruit/Vegetable Juice • diluted with water, with or without carbonation • with no added sweeteners	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz
Other Flavored and/or Carbonated Beverages • soda is not allowed	Not Allowed	Not Allowed	For portions less than 12 oz: • ≤ 40 calories/8 fl oz • ≤ 60 calories/12 fl oz For portions more than 12 fl oz, and less than 20 fl oz: • < 5 calories/8 fl oz • ≤ 10 calories/20 fl oz
Caffeine beyond naturally occurring trace amounts	Not Allowed	Not Allowed	Not Allowed

² Revised April 12, 2022 to reflect the USDA Transitional Standards for Milk, Whole Grains, and Sodium, effective July 1, 2022.