

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 58, “School Breakfast and Lunch Program; Nutritional Content Standards For Other Foods and Beverages,” Iowa Administrative Code.

This amendment replaces the current chart and explanation concerning how Iowa schools sell food and beverage items à la carte, in vending machines and in school stores, excluding reimbursable school lunches and breakfasts and concession stands. Pursuant to the Healthy Iowa Kids Act, a group comprised of representatives of Iowa education officials and Iowa business groups gathered to conduct a five-year review of the current rules. The group’s recommendations are reflected in the chart adopted herein.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the February 19, 2014, Iowa Administrative Bulletin as **ARC 1341C**. Public comments were allowed until 4:30 p.m. on March 11, 2014. A public hearing was held on that date, with three persons in attendance. Those in attendance did not state any opinions on the rule but were present to monitor the hearing as well as to have a few questions answered. No written comments were received. Concerns were shared at the March meeting of the Administrative Rules Review Committee, and the format of the rule adopted herein is intended to address those concerns.

The rule adopted herein has been formatted to present nutritional content standards in chart form as opposed to adoption of only a reference to standards adopted by the USDA. The Department of Education elected to adopt this rule in a format preferred by Committee members and in order to make clear the content of the material being presented.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 283A and sections 256.7(29), 256.9(59) and 256.9(60).

This amendment shall become effective June 4, 2014.

The following amendment is adopted.

Rescind rule 281—58.11(256) and adopt the following new rule in lieu thereof:

281—58.11(256) Nutritional content standards.

Foods Table		
Nutrient	Allowable à la Carte, Vending, and Regulated Fundraising Items	Exemptions
General Standards for Competitive Food	<p>To be allowable, a competitive food item must meet all of the competitive food nutrient standards AND:</p> <ol style="list-style-type: none"> 1. Be a grain product that contains 50% or more whole grains by weight or have whole grain as the first ingredient*; OR 2. Have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); OR 3. Be a combination food that contains at least ¼ cup fruit and/or vegetable; OR 4. Only through July 1, 2016, the food may qualify by containing 10% of the Daily Value (DV) of a nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber). <p>*If water is the first ingredient, the second ingredient must be one of the items in 1, 2, or 3 above.</p>	<p>Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service.</p> <p>Fresh fruits and vegetables with no added ingredients except water are exempt from all nutrient standards.</p> <p>Canned and frozen fruits with no added ingredients except water or that are packed in 100% juice, extra light syrup, or light syrup are exempt from all nutrient standards.</p> <p>Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all nutrient standards.</p>
Calories	<p>Snack items and side dishes sold à la carte: ≤200 calories per item as served, including any added accompaniments</p> <p>Entrée items sold à la carte: ≤350 calories per item as served, including any added accompaniments</p>	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p>
Sodium	<p>Snack items and side dishes sold à la carte: ≤230 mg sodium per item as served</p> <p>Effective July 1, 2016, snack items and side dishes sold à la carte must be ≤200 mg sodium per item as served, including any added accompaniments.</p> <p>Entrée items sold à la carte: ≤480 mg sodium per item as served, including any added accompaniments/condiments</p>	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p>

Foods Table		
Nutrient	Allowable à la Carte, Vending, and Regulated Fundraising Items	Exemptions
Saturated Fats	<10% calories from saturated fat as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p> <p>Reduced fat cheese (including part-skim mozzarella).</p> <p>Nuts and seeds and nut/seed butters.</p> <p>Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p> <p>Combination products when sold beyond day of service or day after service are not exempt and must meet all the nutrient standards.</p>
Trans Fat	≤0.5 g per portion	
Total Fats	≤35% calories from total fat as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p> <p>Reduced fat cheese (including part-skim mozzarella).</p> <p>Nuts and seeds and nut/seed butters.</p> <p>Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p> <p>Seafood with no added fat.</p> <p>Combination products when sold beyond day of service or day after service are not exempt and must meet all the nutrient standards.</p>
Sugar	≤35% of weight from total sugar as served	<p>Entrée items served are exempt on the day of or day after service in the program meal.</p> <p>Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners.</p> <p>Dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries or blueberries).</p> <p>Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats.</p>
Dietary Fiber/ Whole Grain	≥50% whole grains by weight or have whole grains as the first ingredient	
Sugar-Free Chewing Gum		Sugar-free chewing gum is exempt from all competitive food standards.
Accompaniments/ Condiments	Must be included in the nutrient profile as part of the food item served and meet all standards	

Beverages Table		
Beverage	Allowable à la Carte, Vending, and Regulated Fundraising Items	Exemptions
Milk	Lowfat milk, unflavored, or nonfat milk, flavored or unflavored, including nutritionally equivalent milk alternatives as permitted by NSLP*: <ul style="list-style-type: none"> • Elementary School ≤8 fl oz • Middle and High School ≤12 fl oz 	
Fruit/Vegetable Juice	100% fruit/vegetable juice, or 100% fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners: <ul style="list-style-type: none"> • Elementary School ≤8 fl oz • Middle and High School ≤12 fl oz 	
Water	Plain or plain carbonated water in any size	
Caffeine	<ul style="list-style-type: none"> • Elementary and Middle School: Foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. • High School: Foods and beverages may contain caffeine. 	
Other Flavored and/or Carbonated Beverages	<ul style="list-style-type: none"> • Elementary or Middle School: None allowed. • High School: <ul style="list-style-type: none"> – Contain ≤5 calories per 8 fl oz, or ≤10 calories per 20 fl oz in sizes ≤20 fl oz – Contain ≤40 calories per 8 fl oz, or ≤60 calories per 12 fl oz in sizes ≤12 fl oz 	

*National School Lunch Program

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/30/14.