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105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 225.000: NUTRITION STANDARDS FOR COMPETITIVE FOODS AND BEVERAGES IN PUBLIC SCHOOLS

225.001: Purpose

The purpose of 105 CMR 225.000 is to establish nutrition standards for competitive foods and beverages sold or provided in public schools. The goal of the regulations is to ensure that students are offered nutritious food and beverage choices that will enhance learning, contribute to healthy growth and development, and cultivate lifelong healthy eating behaviors.

225.002: Scope and Application

In accordance with section 223 of Chapter 111 of the General Laws, 105 CMR 225.000 establishes nutrition standards for competitive foods and beverages sold or provided in public schools. These standards shall take effect on August 1, 2012.

225.003: Definitions

A la carte entrée means a single food or combination of foods offered as a main course or central focus of a meal, generally a protein source.

Artificial sweeteners means substances added to food or beverages to provide a sweet taste while providing few or no additional calories, including aspartame, sucralose, acesulfame-K, neotame, sugar alcohols and saccharin.

Competitive foods are defined as foods and beverages provided in:

- (1) school cafeterias, offered as a la carte items;
- (2) school buildings, including classrooms and hallways;
- (3) school stores;
- (4) school snack bars;
- (5) vending machines;
- (6) concession stands;
- (7) booster sales;
- (8) fundraising activities;
- (9) school-sponsored or school-related events; and
- (10) any other location on school property.

Fresh means fresh, frozen, dried or canned without added sugar, fat, or sodium, for the purpose of these regulations.

Grain-based products means food products in which the primary ingredient is grain, including pasta, crackers, granola bars, chips, and bakery items.

Item means one serving of a product.

Low-fat means 3 grams or less per Reference Amount Customarily Consumed (RACC) standards established by the federal Food and Drug Administration.

Natural flavorings means the essential oil, oleoresin, essence or extractive, protein hydrolysate, distillate, or any product of roasting, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function in food is flavoring rather than nutritional.

Nutrition standards means the minimum standards for beverage and food nutrition established in these regulations.

Public school means an elementary, middle, high, charter, innovation or comparable school operated by a public school district or board of trustees pursuant to Chapter 71 of the General Laws.

Reduced fat means at least 25% less fat per Reference Amount Customarily Consumed (RACC) than an appropriate reference food.

School day means the hours of the day that students must attend school.

Sweetener means a substance derived from a natural product that is added to food or beverages to provide a sweet taste. Such a substance may be nutritive or nonnutritive. A nutritive sweetener may be either naturally occurring, such as honey, or refined from plants, such as sugar from sugar cane. Nonnutritive sweeteners include products that may be regarded as natural.

Trans fat-free means less than 0.5 grams of trans fat per item, or as otherwise specified by the federal Food and Drug Administration.

Whole grains means grains or the foods made from them that contain all the essential parts and naturally occurring nutrients of the entire grain seed. If the grain has been processed, the food product should deliver approximately the same balance of nutrients found in the original grain seed. For purposes of these regulations, whole grain should be the primary ingredient by weight, (i.e., whole grain listed first in the ingredient statement).

225.100: General Nutrition Standards for Public Schools

- (A) All competitive foods and beverages sold or provided in public schools shall comply with the nutrition standards of 105 CMR 225.000; provided, however, that unless otherwise determined by the public school district or board of trustees, these standards shall not apply to competitive foods and beverages sold on school grounds up to 30 minutes before the beginning of the school day or 30 minutes after the end of the school day. This exception shall not apply to competitive foods sold through vending machines, which shall comply with these standards at all times.
- (B) When applying the nutrition standards of 105 CMR 225.000, the food product should be analyzed as a whole, not by the individual ingredients that make up the product.
- (C) A packaged item may contain no more than one serving per package.
- (D) Public schools shall, in accordance with applicable guidelines of the Department:
 - (1) make readily available plain, potable water to all students during the day, at no cost to the students;
 - (2) offer for sale fresh fruit and non-fried vegetables at any location where food is sold, but not including non-refrigerated vending machines and vending machines dispensing only beverages.
 - (3) make nutrition information available for students for non-prepackaged competitive foods and beverages by August 1, 2013. This requirement shall not apply to the sale or provision of fresh fruits or fresh vegetables, and foods or beverages sold during the school day at booster sales, concession stands and other school-sponsored or school-related fundraisers and events;
 - (4) prohibit the use of fryolators in the preparation of competitive foods; and

(5) ensure that food preparation and all foods and beverages sold or provided to students meet all applicable state and federal food safety requirements.

225.200: Specific Nutrition Standards for Competitive Foods in Public Schools

(A) Beverages

(1) Juice

- (a) All juice shall be made of 100% fruit or vegetable juice, with no added sugar.
- (b) Servings of juice shall be no more than four (4) ounces.

(2) Milk and Milk Substitutes

- (a) All milk and milk substitutes, which include alternative milk beverages such as lactose-free and soy milk, shall be fat free or low-fat (1% or less).
- (b) All milk and milk substitutes shall meet the USDA definitions and standards for fluid milk and milk substitutes.
- (c) Servings of milk and milk substitutes shall be no more than eight (8) ounces.
- (d) Flavored milk and flavored milk substitutes shall have no more than 22 grams of sugar per 8 ounces.

(3) Water

Water shall contain no added sugars, sweeteners, or artificial sweeteners, but may contain natural flavorings and/or carbonation.

(4) Beverages with added sugar or sweeteners

Any beverages with added sugar or sweeteners not already prohibited in section 225.200 will be phased out by August 1, 2013; provided, however, that a public school may provide or sell flavored milk or milk substitutes that contain the same amount or less sugar than plain fat-free or low-fat milk.

(5) Other Beverages

No beverages other than juice, milk, milk substitutes and water shall be sold or provided.

(B) Food

(1) Calories

Foods shall not exceed 200 calories per item, with the exception of a la carte entrées, which shall not exceed the calorie count of comparable National School Lunch Program entrée items.

(2) Fat

No food shall contain more than 35% of its total calories from fat, except as provided in 105 CMR 225.200 (B)(4) below.

(3) Saturated Fat

No food shall contain more than 10% of its total calories from saturated fat, except as provided in 105 CMR 225.200(B)(4) below.

(4) Exceptions to standards on fat and saturated fat content

Regardless of the limits established above in 105 CMR 225.200(B) for fat and saturated fat content, schools may provide or sell up to one (1) ounce of nuts, nut butters, seeds, or reduced fat cheese.

(5) Trans Fat

All foods shall be trans fat-free.

(6) Sugar

No food shall contain more than 35% of its total calories from total sugars; provided, however, that a public school may provide or sell:

- (a) non-fat or low-fat yogurt, including drinkable yogurt, which contains a maximum of 30 grams of total sugars per 8 ounce packaged serving;
- (b) 100% fruit with no added sugar.

(7) Sodium

No food shall contain more than 200 mg of sodium per item, with the exception of a la carte entrées, which shall not contain more than 480 mg of sodium per item.

(8) Grains

All bread and other grain-based products shall be whole grain.

(C) Food and Beverages

(1) Artificial sweeteners

No food or beverage shall contain an artificial sweetener.

(2) Caffeine

No food or beverage shall contain more than trace amounts of caffeine.