

# Snack Foods and Beverages In Colorado Schools

A comparison of state policy with USDA's nutrition standards

The Colorado State Board of Education has been required since 2008 to promulgate rules to establish nutrition standards for beverages. State law also has defined since 1998 when competitive food service may operate in schools. State policy was updated in 2014 in order to comply with the U.S. Department of Agriculture's Smart Snacks in Schools interim final rule. Aspects of the state policy that are stricter than the Smart Snacks' minimum requirements will continue to be enforced.

Policy Applications		
	USDA interim final rule	Colorado standards <sup>1</sup>
<b>What is covered by the policy?</b>	This policy applies to all snack foods and beverages sold in schools—elementary, middle, and high—operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) effective July 1, 2014.	This policy applies to all snack food and beverages sold statewide in elementary, middle, and high schools.
<b>Does the policy address preemption?</b>	The interim final rule sets minimum standards for foods and beverages that local educational agencies, school food authorities, and schools must meet. State agencies and/or local school districts may establish other standards if they are consistent with or stricter than the national policy.	Each local education agency may establish additional standards for snacks and beverages, provided they are stronger than federal and state law.
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	<p><b>Foods:</b> The period from 12:01 a.m. to 30 minutes after the end of the instructional day. Restrictions on trans fats extend before and after school.<sup>1</sup></p> <p><b>Beverages:</b> This policy does apply to the extended school day for beverages.<sup>1</sup> The period from 12:01 a.m. to 30 minutes after the end of the instructional day and throughout the extended school day, including any time spent by students before or after the regular hours of operation for any purpose, including but not limited to participation in extracurricular activities or childcare programs (clubs, band, student government, sports, etc.)</p> <p>School-related events in which parents and other adults are a significant part of the audience are exempt from these rules.</p> <p>In addition, any food or beverage sales in competition with the district's food service program must be closed 30 minutes prior to and remain closed until 30 minutes after the last regular scheduled school lunch and/or breakfast on campus.</p>

<sup>1</sup> This chart reflects state policies in place as of Aug. 1, 2014, and federal standards as of Sept. 11, 2014.

Policy Applications		
	USDA interim final rule	Colorado standards
<b>Definition of "school campus"</b>	All areas of the school's property accessible to students during the school day are considered part of the school campus.	All areas of the school's property accessible to students during the school day, including a la carte, school stores, food-based fundraisers, and vending machines.

Foods		
	USDA interim final rule	Colorado standards
<b>General</b>	<p>A food item must meet all the competitive food-nutrient standards, as outlined in this chart, and</p> <ul style="list-style-type: none"> <li>• be a whole-grain product containing 50% or more whole grains by weight or have whole grains listed as the first ingredient, or</li> <li>• have as the first ingredient one of the non-grain major food groups: a fruit, vegetable, dairy product, protein food, or</li> <li>• be a combination food that contains at least ¼ cup of fruit and/or vegetable, or</li> <li>• Through June 30, 2016, a competitive food can contain 10 percent of the Daily Value of a nutrient of public health concern as identified in the <i>Dietary Guidelines for Americans</i> (i.e. calcium, potassium, vitamin D or dietary fiber).</li> </ul> <p>If water is the first ingredient, the second must be one of the food items above.</p>	<p>Any food item sold outside the reimbursable lunch or breakfast meals must meet all competitive food nutrient standards outlined in this chart, and:</p> <ul style="list-style-type: none"> <li>• be a whole-grain-rich grain product, or</li> <li>• have as the first ingredient a fruit, vegetable, a dairy product, or a protein food, or</li> <li>• be a combination food that contains at least ¼ cup of fruit and/or vegetable, or</li> <li>• contain 10% of the Daily Value of calcium, potassium, vitamin D, or dietary fiber.</li> </ul>
<b>Calories (per item as packaged or served)</b>	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items not from the National School Lunch Program (NSLP) or the School Breakfast Program (SBP).</p>
<b>Total fat</b>	≤ 35% of total calories	≤ 35% of total calories
<b>Saturated fat</b>	≤ 10% of total calories	< 10% of total calories
<b>Trans fat</b>	Zero grams	0 grams
<b>Sugar (per item as packaged or served)</b>	≤ 35% of weight from total sugars in foods	≤ 35% of weight from total sugars in foods
<b>Sodium (per item as packaged or served)</b>	<p>≤ 230 mg of sodium for snack items (July 2014-June 30, 2016)</p> <p>≤ 200 mg of sodium for snack items (as of July 1, 2016)</p> <p>≤ 480 mg of sodium for entree items</p>	<p>≤ 230 mg of sodium for snack items</p> <p>≤ 480 mg of sodium for entree items</p>
<b>Other</b>	<p>NSLP and SBP entrees sold a la carte are exempt from the rule's nutrient standards if sold on the day that they are offered as part of a reimbursable meal, or sold on the following school day.</p> <p>Accompaniments, such as condiments or salad dressing, must be included in the nutrient profile as a part of the item served.</p>	<p>NSLP and SBP entrees sold a la carte are exempt from nutrient standards if sold on the day they are offered as part of a reimbursable meal, or sold on the next school day.</p>

Beverages		
	USDA interim final rule	Colorado standards
<b>General</b>	Elementary and middle schools may only sell low-fat or nonfat milk, 100 percent fruit and/or vegetable juice, and water per USDA's portion guidelines. High schools may sell additional beverages meeting calorie and serving size limits.	
<b>Juice</b>		
<b>Elementary</b>	100% fruit/vegetable juice ≤ 8 fl oz  100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz	100% fruit/vegetable juice ≤ 8 fl oz  <ul style="list-style-type: none"> <li>no added sweeteners<sup>1</sup></li> <li>≤ 120 calories per 8 oz<sup>2</sup></li> </ul>
<b>Middle</b>	100% fruit/vegetable juice ≤ 12 fl oz  100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	100% fruit/vegetable juice ≤ 10 fl oz  <ul style="list-style-type: none"> <li>no added sweeteners<sup>1</sup></li> <li>≤ 120 calories per 8 oz<sup>2</sup></li> </ul>
<b>High</b>	100% fruit/vegetable juice ≤ 12 fl oz  100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	100% fruit/vegetable juice ≤ 12 fl oz  <ul style="list-style-type: none"> <li>no added sweeteners<sup>1</sup></li> <li>≤ 120 calories per 8 oz<sup>2</sup></li> </ul>
<b>Milk and milk alternatives</b>		
<b>Elementary</b>	Low-fat milk, unflavored ≤ 8 fl oz  Nonfat milk, plain or flavored ≤ 8 fl oz  Nutritionally equivalent milk alternatives ≤ 8 fl oz	Low-fat milk, unflavored ≤ 8 fl oz, ≤ 150 calories per 8 oz <sup>1</sup>  Nonfat milk, plain or flavored ≤ 8 fl oz, ≤ 150 calories per 8 oz <sup>2</sup>  Nutritionally equivalent milk alternatives ≤ 8 fl oz
<b>Middle</b>	Low-fat milk, unflavored ≤ 12 fl oz  Nonfat milk, plain or flavored ≤ 12 fl oz  Nutritionally equivalent milk alternatives ≤ 12 fl oz	Low-fat milk, unflavored ≤ 10 fl oz, ≤ 150 calories per 8 oz <sup>1</sup>  Nonfat milk, plain or flavored ≤ 10 fl oz, ≤ 150 calories per 8 oz <sup>2</sup>  Nutritionally equivalent milk alternatives ≤ 10 fl oz
<b>High</b>	Low-fat milk, unflavored ≤ 12 fl oz  Nonfat milk, plain or flavored ≤ 12 fl oz  Nutritionally equivalent milk alternatives ≤ 12 fl oz	Low-fat milk, unflavored ≤ 12 fl oz, ≤ 150 calories per 8 oz <sup>1</sup>  Nonfat milk, plain or flavored ≤ 12 fl oz, ≤ 150 calories per 8 oz <sup>2</sup>  Nutritionally equivalent milk alternatives ≤ 12 fl oz
<b>Water</b>		
<b>All grades</b>	Potable water must be available at no charge during meal service where breakfast and lunches are served.  There is no ounce restriction on plain water for sale (carbonated or noncarbonated).	There is no ounce restriction on plain water for sale (carbonated or noncarbonated).

Beverages		
	USDA interim final rule	Colorado standards
<b>Other beverages</b>		
	<p>Other beverages allowed only in high school:</p> <p>Calorie-free, flavored and/or carbonated water and other calorie-free beverages that comply with the Food and Drug Administration's requirement of <math>\leq 5</math> calories per 8 fluid oz serving (or <math>\leq 10</math> calories per 20 fluid oz), in no more than 20 oz servings.</p> <p>Beverages <math>\leq 40</math> calories per 8 fluid oz serving (or <math>\leq 60</math> calories per 12 fluid oz serving) in no more than 12 oz servings are also allowed.</p>	<p>Other beverages allowed only in high schools (i.e. unsweetened or diet teas, low-calorie sports drinks, fitness waters, flavored waters, seltzers, and coffees):</p> <ul style="list-style-type: none"> <li>Calorie-free, flavored and/or carbonated water and other calorie-free beverages with <math>\leq 5</math> calories per 8-ounce serving (or <math>\leq 10</math> calories per 20 fluid ounces), in no more than 20-ounce servings.</li> <li>Lower-calorie flavored beverages and/or carbonated beverages <math>\leq 40</math> calories per 8-fluid-ounce serving (or <math>\leq 60</math> calories per 12-fluid-ounce serving)</li> </ul> <p>Diet soda prohibited<sup>1</sup>, but other caffeinated beverages allowed</p> <p>At least 50% of non-milk beverage options must be water and no- or low-calorie options<sup>2</sup></p>
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	Not allowed
<b>Middle</b>	Not allowed	Not allowed
<b>High</b>	Caffeinated beverages allowed	Caffeinated beverages allowed
<b>Artificial sweeteners</b>		
	No standard	No standard

Other		
	USDA interim final rule	Colorado standards
<b>Fundraisers</b>	<p>Exemptions allowed for infrequent school-sponsored fundraisers.</p> <p>Frequency to be defined by state agency.</p> <p>Exempted fundraiser foods or beverages may not be sold in competition with school meals in the food service area during the meal service.</p>	<p>Up to three fundraising exemptions per school building will be permitted for school year 2014-2015. The duration of each fundraiser will be determined by the local educational agencies. However, the duration must comply with the intent of the legislation to increase the consumption of healthy foods during the school day and create an environment that reinforces the development of healthy eating habits.</p> <p>Fundraisers not intended for student consumption on campus are exempt from standards.</p>
<b>Class parties/school celebrations</b>	No standard	No standard
<b>Food marketing</b>	No standard included in the USDA Smart Snacks interim final rule; however, USDA's proposed rule on Local Wellness Policies addresses this component.	No standard
<b>Positive nutritional value</b>	No standard	No standard
<b>Nutrition labeling requirements</b>	No standard	No standard
<b>Local Wellness Policy</b>	No standard included in the USDA Smart Snacks interim final rule; however, school districts are required by federal law to have a Local Wellness Policy.	No standard

Exemptions to food and beverage standards		
	USDA interim final rule	Colorado standards
<b>General</b>		
<b>General exemptions</b>	<p>Fresh, canned, and frozen fruit or vegetables with no added ingredients except water, or in the case of fruit, packed in 100 percent juice, extra light, or light syrup are exempt from the interim final rule's nutrient standards.</p> <p>Canned vegetables that contain a small amount of sugar to maintain the quality and structure of the vegetable are exempt from the rule's nutrient standards.</p> <p>Sugar-free chewing gum is exempt from competitive food standards and may be sold to students at the discretion of the local educational agency.</p> <p>"Paired exemptions" are items designated as exempt from one or more of the nutrient requirements individually and packaged together without any additional ingredients. These items retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold. "Paired exemptions" are required to meet the calorie and sodium limits for Smart Snacks.</p>	<p>Fresh, canned, and frozen fruit or vegetables with no added ingredients except water, or in the case of fruit, packed in 100 percent juice, extra light, or light syrup are exempt from the interim final rule's nutrient standards.</p> <p>Canned vegetables that contain a small amount of sugar for processing purposes, to maintain the quality and structure of the vegetable, are also exempt from the interim final rule's nutrient standards.</p> <p>Sugar-free chewing gum is exempt from the competitive food standards and may be sold to students at the discretion of the local educational agency.</p>
<b>Exemptions from total fat</b>	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and/or seeds, with no added nutritive<sup>†</sup> sweetener or fat</p> <p>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>	<p>The exemptions for the below products do not apply to combination foods:</p> <ul style="list-style-type: none"> <li>Nuts, seeds, nut/seed butters</li> <li>Reduced-fat and part-skim mozzarella cheeses</li> </ul> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweetener or fat</p> <p>Seafood with no added fat</p>
<b>Exemptions from saturated fat</b>	<p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and or seeds, with no added nutritive sweetener or fat</p> <p>Combination products are not exempt and must meet all nutrient standards.</p>	<p>The exemptions for the below products do not apply to combination foods:</p> <ul style="list-style-type: none"> <li>Nuts, seeds, nut/seed butters</li> <li>Reduced-fat and part-skim mozzarella cheeses</li> </ul> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweetener or fat</p>
<b>Exemptions from sugar (per item as packaged or served)</b>	<p>Dried whole fruit or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruit or vegetables with no added nutritive sweeteners</p> <p>Dried fruit with added nutritive sweeteners required for processing and/or palatability purposes</p> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweeteners or fat.</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 fruits with added nutritive sweeteners required for processing and/or palatability purposes.</p> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweeteners or fat.</p>

<sup>\*</sup> Components of the standards that are considered to be stronger than the USDA standards.

<sup>†</sup> Nutritive and non-nutritive sweeteners enhance the flavor and/or texture of food. Nutritive sweeteners provide the body with calories, whereas non-nutritive sweeteners are low in calories or contain none. They can be added to both food and beverages.

## References

Federal Register, 2013, 7 CFR Parts 210 and 220, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule*, U.S. Department of Agriculture, 78 (125) (June 28, 2013).

Federal Register, 2014, 7 CFR Parts 210 and 220, *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule*, U.S. Department of Agriculture, 79 (38) (February 26, 2014).

Colorado Department of Education (2008). "Rules for the Administration of the Healthy Beverages Policy," 1 CCR 301-79, <http://www.cde.state.co.us/sites/default/files/documents/cdenutritran/download/pdf/healthy%20beverage%20policy%20rules%20final.pdf>.

State of Colorado (2012). "A bill for an act concerning prohibiting the inclusion of industrially produced trans fats in foods made available to students by public schools," SB 12-068, [http://www.yaleruddcenter.org/resources/upload/docs/what/policy/legislation/CO\\_SB\\_68\\_Banning\\_use\\_of\\_trans\\_fats\\_in\\_foods\\_sold\\_in\\_schools\\_Guzman\\_12\\_13\\_12.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/policy/legislation/CO_SB_68_Banning_use_of_trans_fats_in_foods_sold_in_schools_Guzman_12_13_12.pdf).

Colorado Department of Education (1995), "Colorado Competitive Foodservice Policy," 2202-R-203.00, <http://www.cde.state.co.us/sites/default/files/Colorado%20Competitive%20Foodservice%20Policy.pdf>.

Colorado Department of Education, "Competitive Foods (Smart Snacks in Schools)," <http://www.cde.state.co.us/nutrition/nutricompetitivefoods> (accessed June 1, 2014).

Colorado Department of Education, Office of School Nutrition (2014). Memo: "Fundraiser Exemptions for All Foods Sold in School," [http://www.cde.state.co.us/sites/default/files/Fundraiser%20Exemptions%20for%20All%20Foods%20Sold%20in%20School\\_SFAs.pdf](http://www.cde.state.co.us/sites/default/files/Fundraiser%20Exemptions%20for%20All%20Foods%20Sold%20in%20School_SFAs.pdf).

**KIDS' SAFE &  
HEALTHFUL  
FOODS PROJECT**

  
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**The Kids' Safe and Healthful Foods Project**, a collaboration between The Pew Charitable Trusts and the Robert Wood Johnson Foundation, provides nonpartisan analysis and evidence-based recommendations to make sure that all foods and beverages sold in U.S. schools are safe and healthful.