

# Snack Foods and Beverages In Maryland Schools

A comparison of state policy with USDA's nutrition standards

The state Department of Education established policy for school food authorities on competitive foods and foods of minimal nutritional value through a Management and Operations Memorandum in 2005 (MOM 12). Maryland Education code Section 7-423 (2005) also requires vending machines in public schools to have and use a timing device to regulate access to machines selling foods of minimal nutritional value. At the June 27, 2014 meeting of the state Board of Education, board members unanimously voted to adopt a policy titled "Maryland Nutrition Standards for All Foods Sold in School," which replaces MOM 12, and brings the previous standards into alignment with the U.S. Department of Agriculture's Smart Snacks interim final rule.

Policy Applications		
	USDA interim final rule	Maryland 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 snack foods and beverages sold in elementary, middle, and high schools throughout the state.
<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.	School wellness committees and schools in Maryland local educational agencies may decide to implement policies that go beyond these federal and state policies.
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The school day is defined as the period from 12:01 a.m. until 30 minutes after the end of the instructional day. This policy does not apply to the extended school day, so after-school activities are not covered.
<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.	The school campus includes cafeteria a la carte items, vending machines, school stores, and fundraising activities.

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

Foods		
	USDA interim final rule	Maryland 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>Food, other than that served in the National School Lunch Program or School Breakfast Program must fall into one of these categories:</p> <ul style="list-style-type: none"> <li>Be whole-grain-rich (50% or more whole grain by weight, or whole grain listed as first ingredient); or</li> <li>First ingredient must be a fruit, vegetable, dairy product, or protein food; or</li> <li>Be a combination of food that consists of at least ¼ cup fruit and/or vegetable; or</li> <li>Contain at least 10% of the daily value of a nutrient of public health concern: calcium, potassium, vitamin D, or dietary fiber (this criterion will expire 7/1/16).</li> </ul> <p>The food must also meet the nutrient standards outlined in this chart.</p>
<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 snack/side dishes</p> <p>≤ 350 calories for entree items</p>
<b>Total fat</b>	≤ 35% of total calories	≤ 35 percent of calories
<b>Saturated fat</b>	≤ 10% of total calories	< 10 percent of 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 percent of total weight from sugar
<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 for snack/side dishes</p> <p>(after July 1, 2016, ≤ 200mg for snack/side dishes)</p> <p>≤ 480 mg 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>	

Beverages		
	USDA interim final rule	Maryland 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.	The sale of beverages in elementary and middle schools is limited to water, low-fat or nonfat milk, and 100 percent fruit or vegetable juice. Other beverages are allowed in high schools.
<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  100% fruit/vegetable juice, diluted with water, with no added sweeteners ≤ 8 fl oz
<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 ≤ 12 fl oz  100% fruit/vegetable juice, diluted with water, with no added sweeteners ≤ 12 fl oz
<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  100% fruit/vegetable juice, diluted with water, with no added sweeteners ≤ 12 fl oz
<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  Nonfat milk, flavored or unflavored ≤ 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 ≤ 12 fl oz  Nonfat milk, flavored or unflavored ≤ 12 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  Nonfat milk, flavored or unflavored ≤ 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).	Plain water or plain carbonated water allowed in any size.

Beverages		
	USDA interim final rule	Maryland 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>Allowed in high schools only:</p> <ul style="list-style-type: none"> <li>If <math>\leq 12</math> fl oz must be <math>\leq 40</math> calories per 8 oz, or <math>\leq 60</math> calories per 12 oz</li> <li>If <math>\leq 20</math> oz must be <math>\leq 5</math> calories per 8 oz or <math>\leq 10</math> calories per 20 oz</li> </ul> <p>No soda allowed'</p>
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	Not allowed
<b>Middle</b>	Not allowed	Not allowed
<b>High</b>	Caffeinated beverages allowed	Not allowed'
<b>Artificial sweeteners</b>		
	No standard	No standard

Other		
	USDA interim final rule	Maryland 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>	As of July 1, 2014, all fundraisers will be required to meet these standards; the Maryland Department of Education will not allow fundraising exemptions.
<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.	Local Wellness Policies should include nutrition standards for all food available to students on the school campus, not just for those items sold.
<b>Other</b>		Vending machines in public schools that sell Foods of Minimal Nutritional Value must use a timing device to automatically prohibit or allow access to vending machines in accordance with nutrition policies established by the county board.

Exemptions to food and beverage standards		
	USDA interim final rule	Maryland 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>	
<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>	Nuts and seeds
<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>	
<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>	Dried fruit with no added sugar

<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).

Maryland Department of Education (2014). Memo from the State Superintendent of Schools: "Maryland Nutrition Standards for All Foods Sold in School,"

<http://www.mabe.org/wp-content/uploads/2014/07/2014-Jun-St-Bd-Mtg-MD-Nutrition-Standards.pdf>.

Maryland Department of Education (2005). Management and Operations Memorandum: "Competitive Foods and Foods of Minimal Nutritional Value,"

<http://marylandpublicschools.org/NR/rdonlyres/C1ED4EE4-0BE6-4230-82A5-66D4E1C5FEE3/11687/MOM0120305.pdf>.

Maryland Education Code 7-423, (2005) "Timing controls on vending machines,"

<http://www.lexisnexis.com/hottopics/mdcode/>.

School Nutrition Association (2014). "Smart Snacks: State Agency Fundraising Exemptions,"

[http://schoolnutrition.org/uploadedFiles/News\\_and\\_Publications/News/SmartSnacksFundraisingExemption.pdf](http://schoolnutrition.org/uploadedFiles/News_and_Publications/News/SmartSnacksFundraisingExemption.pdf).

**KIDS' SAFE &  
HEALTHFUL  
FOODS PROJECT**

  
Robert Wood Johnson  
Foundation

 **THE  
PEW**  
CHARITABLE TRUSTS

---

**Contact:** Michelle Mendes, associate, communications    **Email:** [mmendes@pewtrusts.org](mailto:mmendes@pewtrusts.org)    **Project website:** [healthyschoolfoodsnow.org](http://healthyschoolfoodsnow.org)

---

**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.