

# Snack Foods and Beverages In Oregon Schools

A comparison of state policy with USDA's nutrition standards

The Healthy Schools for Healthy Students Act, or HB 2650, set nutrition standards for food sold outside of the school meal programs when it was signed into law in 2007. The law (ORS 336.423) went into full effect in July 2009. In June 2014, the Oregon Department of Education released updated guidance—Oregon Smart Snacks—to align state policy with the U.S. Department of Agriculture's Smart Snacks interim final rule.

Policy Applications		
	USDA interim final rule	Oregon 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.	The law applies statewide to food and beverages sold outside of the National School Lunch Program or School Breakfast Program, on the school campus, during the school day 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.	A school district board may adopt standards that are more restrictive than those specified by the state.
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	This policy applies to the extended school day, defined as the period from 12:01 a.m. through extended school hours for activities such as clubs, yearbook, athletic practice, band, and drama rehearsals. <sup>1</sup>
<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 property under the jurisdiction of the school that are accessible to students during the school day.  The nutrition standards apply to all food and beverages sold in these settings: <ul style="list-style-type: none"> <li>▪ A la carte</li> <li>▪ In school stores/snack bars</li> <li>▪ Impromptu or infrequent fundraising</li> <li>▪ Vending machines</li> </ul>

<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	Oregon 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 sold in competition with the National School Breakfast or Lunch Programs shall not be allowed during the breakfast and/or lunch periods unless the funds accrue to the nonprofit food service program, the school, or student organizations as may be defined by the district school board.</p> <p>Oregon School Nutrition Standards require foods sold to adults during the school day also to be in compliance.*</p> <p>Snack items may be sold only in a single serving size; accompaniments must be included within nutrition analysis.</p> <p>Requirements for food items sold as snacks:</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, a 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 one of the nutrients of public health concern in the 2010 <i>Dietary Guidelines for Americans</i> (calcium, potassium, vitamin D, or dietary fiber). This criterion applies only through June 30, 2016.</li> </ul> <p>Entree items include items consisting of:</p> <ul style="list-style-type: none"> <li>• a combination of meat or meat alternates and whole- grain rich food or</li> <li>• a combination of fruit or vegetable and meat or meat alternate or</li> <li>• a meat or meat alternate alone (except for yogurt, low-fat or reduced-fat cheese, nuts, seeds and nut or seed butters, and meat snacks such as beef jerky) or</li> <li>• a whole-grain-rich food alone, if an entree in the School Breakfast Program.</li> </ul> <p>Requirements for food items sold as entrees:</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, dairy product, or protein food; or</li> <li>• be a combination food that contains at least ¼ cup of fruit and/or vegetable.</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>Snacks:</p> <ul style="list-style-type: none"> <li>• Elementary schools: ≤ 150 calories for snacks*</li> <li>• Middle schools: ≤ 180 calories for snacks*</li> <li>• High schools: ≤ 200 calories for snacks</li> </ul> <p>Entrees: ≤ 350 calories for all entree items</p> <ul style="list-style-type: none"> <li>• See exceptions to this calorie standard below</li> </ul>

Foods		
	USDA interim final rule	Oregon standards
<b>Total fat</b>	≤ 35% of total calories	≤ 35% total calories
<b>Saturated fat</b>	≤ 10% of total calories	< 10% 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>	≤ 230 mg of sodium for snack items (July 2014-June 30, 2016) ≤ 200 mg of sodium for snack items (as of July 1, 2016) ≤ 480 mg of sodium for entree items	Snacks: ≤ 230 mg Entrees: ≤ 480 mg
<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>Oregon statute does not allow entree items sold as part of the National School Lunch or Breakfast programs to receive an exemption from meeting standards the day of service or the day after. On days where the federal Smart Snacks standards would allow for this exemption, the Department of Education will apply the Oregon School Nutrition Standards for entree items: ≤ 450 calories and ≤ 36% of total calories from fat. On all other days, school districts must adhere to the calorie and nutrient limits as outlined above.</p>

Beverages		
	USDA interim final rule	Oregon 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.	In elementary and middle schools, only milk, water, and 100% juice may be sold.  Additional 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 with no added sweeteners and not diluted with water, ≤ 8 fl oz*  and ≤ 120 calories (15 per 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 with no added sweeteners and not diluted with water, ≤ 10 fl oz*  and ≤ 150 calories (15 per 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, no added sugar and not diluted with water, ≤ 12 fl oz*  and ≤ 180 calories (15 per 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 (1 percent), unflavored or fat-free, unflavored or flavored milk, ≤ 8 fl oz, and ≤ 150 calories (18.8 per oz)*  Including nutritionally equivalent milk alternatives as permitted by the school meal requirements.
<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 (1 percent), unflavored or fat-free, unflavored or flavored milk, ≤ 10 fl oz, and ≤ 190 calories (19 per oz)*  Including nutritionally equivalent milk alternatives as permitted by the school meal requirements.
<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 (1 percent), unflavored or fat-free, unflavored or flavored milk, ≤ 12 fl oz, and ≤ 225 calories (18.8 per oz)*  Including nutritionally equivalent milk alternatives as permitted by the school meal requirements.
<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 is allowed (no size limit)

Beverages		
	USDA interim final rule	Oregon 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 school:</p> <ul style="list-style-type: none"> <li>Low-calorie or no-calorie beverages, with or without carbonation <math>\leq 20</math> fl oz, labeled to contain <math>\leq 5</math> calories per 8 fl oz, or <math>\leq 10</math> calories per 20 fl oz</li> <li>Other beverages, with or without carbonation <math>\leq 12</math> fl oz, labeled to contain <math>\leq 40</math> calories per 8 fl oz, or <math>\leq 60</math> calories per 12 fl oz</li> </ul>
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	Must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances
<b>Middle</b>	Not allowed	Must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances
<b>High</b>	Caffeinated beverages allowed	Caffeinated beverages allowed
<b>Artificial sweeteners</b>		
	No standard	No standard

Other		
	USDA interim final rule	Oregon 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>The nutrition standards do not apply when the school is being used for school-related events or non-school-related events for which parents and other adults are a significant part of an audience, or they are selling food or beverages before, during, or after the event, such as a sporting event or another interscholastic activity, a play, or a band or choir concert.</p> <p>Beginning July 1, 2014, all fundraisers conducted on campus during the school day will be required to meet USDA's Smart Snacks in Schools nutrition 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
<b>Other</b>		Each school year, a school district board shall determine whether the district is in compliance with the standards and report the results of that determination to the Department of Education.

Exemptions to food and beverage standards		
	USDA interim final rule	Oregon 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>Foods exempt from Oregon Smart Snacks nutrition standards:</p> <ul style="list-style-type: none"> <li>• Sugar-free chewing gum</li> <li>• Fresh, frozen, and canned fruit and vegetables with no added ingredients except water or, in the case of fruit, packed in 100% fruit juice or light syrup or extra light syrup,</li> <li>• Canned vegetables that contain a small amount of sugar for processing purposes, to maintain the quality and structure of the vegetable</li> </ul>
<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>Total calories from fat limit does not apply to reduced-fat cheese, part-skim mozzarella cheese, nuts, nut butters, seeds, products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat, and seafood with no added fat when not part of a combination food.</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>Saturated-fat limit does not apply to reduced-fat cheese, part-skim mozzarella cheese, nuts, and products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat, when not part of a combination food.</p> <p>Oregon School Nutrition Standards do not allow an exemption for seeds and nut butters from the saturated-fat standard.<sup>*</sup></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>Sugar limit does not apply to products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat, dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners and dried fruits with nutritive sweeteners that are required for processing and/or palatability.</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).

ORS 336.423 (2007). Retrieved from: <http://www.oregonlaws.org/ors/336.423>.

HB 2650 (2007). Retrieved from: <http://www.ophi.org/download/PDF/hb2650.entire.pdf>.

Oregon Public Health Institute. "Healthier Food Options for Students," accessed August 27, 2014, <http://www.ophi.org/download/PDF/overview%20of%20HB%202650.pdf>.

Oregon Administrative Rule 581-051-0100 (2004). Retrieved from: [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_581/581\\_051.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_051.html).

Oregon Department of Education (2014). "Oregon Smart Snacks," Retrieved from: <http://www.ode.state.or.us/wma/nutrition/snp/oregon-smart-snack-3-28-14-for-web-rev-06-12-2014.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.