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AB-95 Pupil nutrition: pupil meals. (2023-2024)

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Assembly Bill No. 95

CHAPTER 318

An act to amend Sections 49431 and 49431.2 of the Education Code, relating to pupil nutrition.

[Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 95, Hoover. Pupil nutrition: pupil meals.

Existing law requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide 2 school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service. The meals provided under this provision are required to be nutritiously adequate meals that qualify for federal reimbursement.

Existing law authorizes a school, from the midnight before to 30 minutes after the end of the official schoolday, to sell food other than meals reimbursed by specified federal nutrition programs, only if the food meets dietary guidelines, as specified, depending on grade level.

This bill would provide that nothing in those provisions are required to be construed to prohibit a school from selling to a pupil, after the pupil has been provided a school meal pursuant the provisions described above, the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 49431 of the Education Code is amended to read:

49431. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each elementary school, the only competitive foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meets the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph shall not apply to individually sold portions of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut

and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. This paragraph shall not apply to fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(b) An elementary school may permit the sale of food items that do not comply with subdivision (a) as part of a school fundraising event in either of the following circumstances:

(1) The sale of those items takes place off of and away from school premises.

(2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(c) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section and Section 49431.5.

(d) Nothing in this section shall be construed to prohibit a school from selling to a pupil, after the pupil has been provided a school meal pursuant to Section 49501.5, the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service.

SEC. 2. Section 49431.2 of the Education Code is amended to read:

49431.2. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, the only competitive snack foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meet all of the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph shall not apply to the sale of fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(b) (1) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu shall meet the following standards:

(A) Contains not more than 400 calories per entrée item.

(B) Not more than 35 percent of its total calories shall be from fat.

(C) Contains less than 0.5 grams trans fat per serving.

(D) Is offered in the same or smaller portion sizes as in the federal National School Lunch Program or federal School Breakfast Program.

(2) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department but not the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu, or a competitive entrée sold by any other entity, shall meet the following standards:

(A) Not more than 35 percent of its total calories shall be from fat.

(B) Less than 10 percent of its calories shall be from saturated fat.

(C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar.

(D) Contains less than 0.5 grams of trans fat per serving.

(E) Contains not more than 480 milligrams of sodium.

(F) Contains not more than 350 calories.

(c) A middle school or high school may permit the sale of food items that do not comply with subdivision (a) or (b) in any of the following circumstances:

(1) The sale of those items takes place off of and away from school premises.

(2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(d) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section.

(e) Nothing in this section shall be construed to prohibit a school from selling to a pupil, after the pupil has been provided a school meal pursuant to Section 49501.5, the entrée from an additional nutritiously adequate meal that qualifies for federal reimbursement, from the same meal service.