158.854 Administrative regulation specifying minimum nutritional standards for foods sold outside school lunch programs -- Restrictions upon sale of certain foods and beverages -- Waiver -- Definitions -- Exceptions.

(1) The Kentucky Board of Education shall promulgate an administrative regulation in accordance with KRS Chapter 13A to specify the minimum nutritional standards for all foods and beverages that are sold outside the National School Breakfast and National School Lunch programs, whether in vending machines, school stores, canteens, or a la carte cafeteria sales. Minimum nutritional standards shall be based on the most recent edition of the United States Department of Agriculture's Dietary Guidelines for Americans. The administrative regulation shall address serving size, sugar, and fat content of the foods and beverages. School districts may impose more stringent standards than the standards implemented under the administrative regulation. A school shall follow the minimum standards specified in the administrative regulation unless a waiver has been requested by the school district for the school from the Kentucky Board of Education. Any waiver approved by the Board of Education shall be reviewed on an annual basis.

(2) As used in this section:

(a) "Competitive food" means any food or beverage item sold in competition with the National School Breakfast and National School Lunch programs. The term does not include any food or beverage sold a la carte in the cafeteria;

(b) "School day" means the period of time between the arrival of the first student at the school building and the end of the last instructional period; and

(c) "School-day-approved beverage" means water, one hundred percent (100%) fruit juice, lowfat milk, and any beverage that contains no more than ten (10) grams of sugar per serving.

(3) No school may sell competitive foods or beverages from the time of the arrival of the first student at the school building until thirty (30) minutes after the last lunch period.

(4) Only school-day-approved beverages shall be sold in elementary schools during the school day in vending machines, school stores, canteens, or fundraisers that sell beverages by students, teachers, or groups.

(5) Nothing in this section or KRS 158.850 shall be construed to limit the sale of any foods or beverages by fundraisers off school property.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 84, sec. 4, effective June 20, 2005.