



Supplement to “F as in Fat: How Obesity Policies Are Failing in America, 2008” **Obesity-Related Legislation Action in States, Update**

*Supplement has been updated since its original release. (1/29/09)

States have primary responsibility for the health of their citizens.¹

For the past 5 years, Trust for America’s Health (TFAH) has examined the current status of each state’s obesity and related health profiles, and legislative actions aimed at obesity reduction. The overview of state policies is intended to help inform and begin to help evaluate those efforts that are having a positive impact. Successful policies hold the potential to improve the health of Americans and to help reduce obesity-related health care costs.

The following is an update to the obesity-related legislation tracking from the 2004, 2005, 2006 and 2007 versions of TFAH’s “F as in Fat” reports. The charts below include existing legislation from previous years as well as new laws that have been enacted from July 2007 to June 2008. **Only enacted legislation is included.** The charts do not include legislation that was introduced but was not passed into law, nor do they include resolutions or memorials.

Discussion about the policies and legislation can be found in “F as in Fat: How Obesity Policies Are Failing in America, 2008,” available on TFAH’s Web site at: www.healthyamericans.org. Longer descriptions of the definitions of the categories and how the data were assembled can be found at the end of this document.

Summary of the cumulative tracking of legislation

- Eighteen states set requirements for **school meals** to exceed **the nutrition standards** set by the federal U.S. Department of Agriculture (USDA) standards.
- Twenty-five states set **nutrition requirements on food sold in schools beyond the regular school meal programs**, such as in vending machines and school stores.
- Twenty-seven states **set limitations on when and where food can be sold in schools outside of the regular school meal programs**, such as restrictions on hours or locations.
- All states have school **physical education** requirements, however, these requirements are often limited or not enforced and many of the programs are inadequate with respect to quality.
- Seventeen states have passed **Body Mass Index (BMI) screening requirements in schools OR legislation requiring weight-related assessments other than BMI.**
- Forty-eight states and D.C. have school **health education** requirements, however, there is little ability to enforce these standards.
- Twenty-four states have passed legislation **limiting liability** for obesity or obesity related health problems.

OBESITY RELATED STANDARDS IN SCHOOLS -- 2008

	Nutritional Standards for School Meals	Nutritional Standards for Competitive Foods	Limited Access to Competitive Foods	Physical Education Requirements	BMI or Health Information Collected	Non-Invasive Screening for Diabetes	Health Education Requirements	Receives CDC School Health Grants
Alabama	✓	✓	✓	✓			✓	
Alaska				✓			✓	
Arizona	✓	✓	✓	✓			✓	✓
Arkansas	✓	✓	✓	✓	✓		✓	✓
California	✓	✓	✓	✓	✓	✓	✓	✓
Colorado	✓		✓	✓				✓
Connecticut	✓	✓	✓	✓			✓	✓
Delaware				✓	✓		✓	
DC				✓			✓	
Florida			✓	✓	✓		✓	
Georgia			✓	✓			✓	
Hawaii		✓	✓	✓			✓	
Idaho				✓			✓	✓
Illinois		✓	✓	✓	✓	✓	✓	
Indiana		✓	✓	✓			✓	
Iowa				✓	✓		✓	
Kansas				✓			✓	
Kentucky	✓	✓	✓	✓			✓	✓
Louisiana		✓	✓	✓	✓		✓	
Maine		✓	✓	✓	✓		✓	✓
Maryland		✓	✓	✓	✓		✓	
Massachusetts				✓	✓		✓	✓
Michigan				✓			✓	✓
Minnesota				✓			✓	✓
Mississippi	✓	✓	✓	✓			✓	✓
Missouri				✓	✓		✓	
Montana				✓			✓	
Nebraska			✓	✓			✓	
Nevada	✓	✓	✓	✓			✓	
New Hampshire				✓			✓	
New Jersey	✓	✓	✓	✓			✓	✓
New Mexico		✓	✓	✓			✓	
New York			✓	✓	✓		✓	✓
North Carolina	✓	✓	✓	✓			✓	✓
North Dakota				✓			✓	✓
Ohio				✓			✓	✓
Oklahoma	✓	✓	✓	✓				
Oregon		✓	✓	✓			✓	
Pennsylvania		✓		✓	✓		✓	
Rhode Island	✓	✓		✓	✓		✓	
South Carolina	✓	✓	✓	✓	✓		✓	✓
South Dakota	✓			✓			✓	✓
Tennessee	✓	✓		✓	✓		✓	
Texas	✓	✓	✓	✓	✓		✓	
Utah				✓			✓	
Vermont	✓			✓			✓	
Virginia				✓			✓	
Washington				✓			✓	✓
West Virginia		✓	✓	✓	✓		✓	✓
Wisconsin				✓			✓	✓
Wyoming				✓			✓	
# of States	18	25	27	50 + D.C.	19	2	48 + D.C.	22

Please Note: Checkmarks in chart above that are in **red type** represent new laws passed in 2007 or 2008.

	OBESITY RELATED STATE INITIATIVES -- 2008		
	Has a CDC State-Based Nutrition & Physical Activity Program	Receives STEPS Grant	Has Limited Liability Laws
Alabama		✓	
Alaska			
Arizona			✓
Arkansas	✓		
California	✓		
Colorado	✓		✓
Connecticut			
Delaware			
DC			
Florida			✓
Georgia	✓		✓
Hawaii			
Idaho			✓
Illinois			✓
Indiana	✓		✓
Iowa	✓		
Kansas			✓
Kentucky			✓
Louisiana			✓
Maine			✓
Maryland			
Massachusetts	✓		
Michigan	✓		✓
Minnesota	✓	✓	
Mississippi			
Missouri			✓
Montana	✓		
Nebraska	✓		
Nevada			
New Hampshire	✓		✓
New Jersey	✓		
New Mexico			
New York	✓		
North Carolina	✓		
North Dakota			✓
Ohio			✓
Oklahoma			
Oregon			✓
Pennsylvania		✓	
Rhode Island	✓		
South Carolina	✓		
South Dakota			✓
Tennessee	✓		✓
Texas	✓		✓
Utah	✓		✓
Vermont			
Virginia			
Washington	✓		✓
West Virginia	✓		
Wisconsin	✓		✓
Wyoming			✓
# of States	23	3	24

Please Note: Checkmarks in chart above that are in **red type** represent new laws passed in 2007 or 2008.

Table of Laws

Following are tables of each of the law categories described above. Laws originally published in TFAH's 2004, 2005, 2006 and 2007 *F as in Fat* reports are listed in black type. **Those included for the 2007-2008 legislative sessions are in red.**

Summaries in the following tables reflect the wording of the laws as passed in order to maintain the meaning of the laws.

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
Alabama	<p>According to Alabama’s Healthy Snack Standards, which were adopted by the State Board of Education in July 2005, schools should focus on improving food quality in the school meal programs by increasing the whole grain options, having one percent or less fat milk as the standard beverage, and increasing fruit and vegetables preferably using freshly grown, Alabama produce. Preparation of foods in the cafeteria should use cooking techniques to provide fiber and reduce fat, sugar, and sodium in school meals. School districts should reduce the number of fried foods and pre-prepared items planned and served each week to comply with the federal guidance for healthy children. Fried potato products (fries, tater tots, etc.) should be limited to a 3 ounce portion size. Baked potato products, that have not been pre-fried, flash fried, or deep fat-fried in any way, are the product of choice and may be served more frequently replacing the fried potato products. Food flash-fried by the manufacturer may be served but should be prepared by a food preparation other than fried.</p> <p>Frying as a method of on-site preparation for foods served as part of school meals, ala carte, snack lines, and school stores should be limited with the intention of elimination. Alternative methods of cooking (baking, broiling, and steaming) should be implemented instead of frying. (Deep fat frying equipment may not be purchased with Child Nutrition Program funds after July 1, 2006.)²</p>
Arizona	<p>Additional legislation in 2006 specifically applies the standards below to high schools (HB2557, 2006).</p> <p>Requires the Department of Education to establish nutritional standards for foods and beverages sold or served on school grounds during the normal school day. Standards must meet or exceed federal guidelines for portion sizes, minimum nutrient values, and listing of contents (HB 2544, 2005).³</p>
Arkansas	<p>Enhances the authority of school district Nutrition and Physical Activity Committees, including the authority to set nutritional standards for school lunch programs (SB 965, 2005).</p> <p>In an effort to reduce the fat content of foods offered to students, and increase the consumption of fruits and vegetables, USDA reimbursable meals and all a la carte food items will meet the following requirements:</p> <ul style="list-style-type: none"> • All food items sold or offered to students can contain no more than twenty (23) grams of fat per serving. • Schools must offer 1 percent or fat-free milk within the variety of milk offered at all points of service. Flavored milks may contain no more than 30 grams total sugar per 8 ounce serving. • Fruits and/or vegetables should be offered daily at all points of service. Fruits and vegetables should be fresh whenever possible. Frozen and canned fruits should be packed in natural juice, water or light syrup. • When possible, school food service should procure flash fried foods that can be oven baked instead of deep fat fried or pan-fried. • French fries/fried potato products are limited by portion size and frequency served per week.

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
	<ul style="list-style-type: none"> ○ Elementary Schools: a maximum of ¾ cup of deep fat fried potato products can be sold only one time per week ○ Middle/Junior High Schools: a maximum of 1 cup of deep fat fried potato products can be sold (restricted to a ratio of one to six menu items) <p>High Schools: a maximum of 1 ½ cups of deep fat fried potato products can be sold (restricted to a ratio of one to six menu items)⁴</p>
California	<p>As a condition to receiving funds from special grants for child nutrition in schools, commencing in 2007-2008 fiscal year, school districts and schools shall be in compliance with USDA guidelines or the menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network) (SB 80 related bill) and prohibited from selling or serving any food item that has in any way been deep fried, par fried, or flash fried or sell or serve a food item containing artificial trans fat. (SB 132, 2008).⁵</p> <p>The Fresh Start Pilot Program encourages public schools to provide fruits and vegetables that have not been deep-fried, for free when appropriate, to pupils in grades 1 through 12, in order to promote consumption of such foods by school-age children (SB 281, 2005).⁶</p>
Colorado	<p>Child Nutrition School Lunch Protection Program to ensure that each student in a Colorado public school has access to a healthy lunch at school. One objective includes increasing students' consumption of whole grains, fruits and vegetables, vitamins, calcium, protein, fiber, and iron; and reduce the consumption of sodium, cholesterol, sugar and calories. (SB08-123, 2008).⁷</p> <p>Subject to the availability of funds, creates the Fresh Fruits and Vegetables Pilot Program for the 2006-07 and 2007-08 school years. The pilot program shall be modeled after the United States Department of Agriculture's Fruit and Vegetable Pilot Program to make free fruits and vegetables available to students throughout the school day in one or more places designated by a participating school. Requires that not less than 75 percent of the students participating in the pilot program are from school districts which not less than 50 percent of the enrolled students are eligible for free or reduced-cost lunch under the federal "National School Lunch Act" (SB 127, Chapter 242, 2006).⁸</p>
Connecticut	Establishes a farm-to-school program which promotes the sale of Connecticut-grown farm products to schools (HB 5847, 2006).
Kentucky	Limits the sale of retail fast food in cafeterias to one day per week; prohibits deep-fried foods in schools; and requires school menus to include nutritional information starting in the 2006-07 school year (SB 172, 2005).
Mississippi	SB 2369, SECTION 3. (1) The State Board of Education shall adopt regulations as provided in this section not later than March 1, 2008, which shall be effective for compliance by school districts beginning with the 2008-2009 school year, for the Child Nutrition School Breakfast and Lunch Programs that are not in conflict with the regulations of the United States Department of Agriculture (USDA). The regulations shall take into account the most recent and advanced scientific principles regarding good human health and fitness, and the effect of the regulations must be that the good health, well-being and

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	<p>fitness of Mississippi school children shall be advanced. The regulations shall include, but not be limited to, the following areas:</p> <ul style="list-style-type: none"> • Healthy food and beverage choices; • Healthy food preparation; • Marketing of healthy food choices to students and staff; • Food preparation ingredients and products; • Minimum and maximum time allotment for students and staff lunch and breakfast periods; • The availability of food items during the lunch and breakfast periods of the Child Nutrition School Breakfast and Lunch Programs; and • Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs. <p>To assist the State Board of Education in developing the regulations required by this section, the State Superintendent of Public Education shall appoint an advisory committee. The advisory committee shall make its recommendations to the State Board of Education on the regulations required by this section not later than October 15, 2007 (SB 2369, 2007).^{9,10}</p>
Nevada	<p>Effective July 2005, each local education agency shall establish a “school wellness policy” that at a minimum shall include food choices that are low in saturated fat and cholesterol while being moderate in total fat.</p> <ul style="list-style-type: none"> • Saturated fats shall be limited to 10 percent of the total calories in the food product. • Total fats shall be limited to 30 percent of the total calories in the food product. Nuts, seeds, fluid milk products containing 2 percent or less fat, and cheese or yogurt made from reduced-fat, low-fat, or fat-free milk are exempt from this standard. <p>Additionally, in a positive progression to a healthier school environment, food selections on all campuses shall incorporate the following guidelines:</p> <ul style="list-style-type: none"> • Sodium shall be limited to no more than 600 mg of sodium per serving. <p>Sugars shall be limited to no more than 35 percent sugar by weight per serving. This percentage does not include sugars from fruits and vegetables when used as additives¹¹ (SB 197, 2005).</p>
New Jersey	<p>Permits boards of education to establish prepaid school lunch programs so that parents can prepay for more nutritious lunches served in school cafeterias rather than give lunch money to their children and then learn it was used to purchase unhealthy foods in vending machines (AB 370, Chapter 14, 2006).</p>
North Carolina	<p>Requires that public schools participate in the National School Lunch Program and that cooking oils do not contain trans-fatty acids. In addition, schools are not allowed to sell processed foods that contain trans fatty acids that formed during commercial processing (SB 961, 2005).¹²</p> <p>Directs the State Board of Education to establish statewide nutritional standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program. The standards promote the gradual increase of fruits,</p>

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
	vegetables and whole grain products, and the decrease of foods high in fat and sugar (HB 855, 2005). ¹³ (Related Appropriations Bill HB 1473, 2008). ¹⁴
Oklahoma	<p>Requires the State Department of Education in consultation with the State Department of Health to make available to schools information and technical assistance for use in establishing healthy school nutrition environments and the prevention of diet-related chronic diseases. Encourages the Healthy and Fit School Advisory Committees to utilize the Centers for Disease Control and Prevention’s School Health Index or the Oklahoma Healthy and Fit Schools Scorecard (SB 1459, 2006).¹⁵</p> <p>Creates the Oklahoma Farm to School Program within the Oklahoma Department of Agriculture, Food, and Forestry to link schools and Oklahoma farms in order to provide schools with fresh and minimally processed farm commodities for inclusion in school meals and snacks, and to help children develop healthy eating habits (HB 2655, 2006).¹⁶</p>
Rhode Island	<p>Requires all elementary, middle, and junior high schools to offer healthier beverages and snacks by January 1, 2007 and January 1, 2008, respectively. Healthier beverages are defined as:</p> <ul style="list-style-type: none"> • Water, including carbonated water, flavored or sweetened with 100 percent fruit juice and containing no added sweetener; • Two percent fat milk, one percent fat milk, nonfat milk, and dairy alternatives, such as fortified soy beverages, plain or flavored, with a sugar content of not more than four grams per ounce; • One hundred percent fruit juice or fruit based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener; and • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. <p>Healthier snacks are defined as:</p> <ul style="list-style-type: none"> • Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes; • Individually sold portions of low fat yogurt with not more than four grams of total carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or low fat cheese packaged for individual sale; and • Individually sold enriched or fortified grain or grain products or whole grain foods that contain no more than 30 percent calories from fat, no more than 10 percent total calories from saturated fat, and no more than seven grams of total sugar per ounce. (HB 5050, 2007).¹⁷
South Carolina	South Carolina’s State Board of Education implemented nutrition standards for school food service meals in elementary schools Effective, June 23, 2006, elementary schools must offer a low-fat meal choice (30 percent or less of calories from fat) at every meal; provide low-fat and nonfat salad dressings; provide information on calories, percentages of fat, and serving sizes of school meal items to help children select appropriate food portions; offer a minimum of four choices of fruits and vegetables daily, including fresh fruits and vegetables in season; and offer whole-grain foods in all programs in elementary

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
	<p>schools, whenever possible, to meet bread and cereal requirements. (R43-168, 2006).</p> <p>Requires the state Board of Education to establish statewide requirements for elementary school food service meals and competitive foods (HB 3499, 2005).</p>
South Dakota	<p>Sets additional standards for sodium,¹⁸ cholesterol and fiber.</p> <ol style="list-style-type: none"> 1. For breakfast (all grades), the following standards apply: Sodium must be no more than 800 mg, cholesterol no more than 75 mg, and fiber no less than 4.5 mg. 2. For lunch (all grades), the following standards apply: Sodium must be no more than 1300 mg, and cholesterol no more than 75 mg. Fiber standards differ by grade level. <p>Standards for fat, saturated fat, and weight follow federal guidelines.</p>
Tennessee	<p>Requires each local school board to submit to the commissioner a plan for compliance with this part sixty (60) days prior to the beginning of the school year. For each subsequent school year, require each local school board to submit modifications to the plan sixty (60) days prior to the beginning of the school year. Such plan for compliance shall:</p> <ul style="list-style-type: none"> • Require that availability of local agriculture products, freshness and transportation cost be considered; • Allow flexible bidding processes to assist farmers to bid competitively on portions of a given nutrition plan, rather than an entire nutrition plan; and • Require that all food provided for public school use meet or exceed food safety standards for commercial food operations. <p>This act shall take effect July 1, 2008. (SB 3341, 2008).¹⁹</p> <p>Requires the state Board of Education to develop rules that establish minimum nutritional standards for individual food items sold or offered for sale to pupils in grades P-K-8 through vending machines or other sources, including school nutrition programs (HB 2783).²⁰</p>
Texas	<p>Related to reducing the amount of trans fat in schools. (a) Not later than December 1, 2008, the department shall prepare and submit a report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature containing information on the department's and the United States Department of Agriculture's steps to reduce trans-fatty acids from all school meals and nutrition programs. The report shall detail all initiatives, proposals, and programs that the department and the United States Department of Agriculture are then currently conducting or planning to conduct and include the department's recommendations for legislative action to assist in reducing trans-fatty acids from school meals. (HB 4062, 2007).²¹</p> <p>The Texas Public School Nutrition Policy sets nutrition and portion size standards for food and beverage items sold as school meals or à la carte, and those offered as a nutritious classroom snack.^{22,23} Portion restrictions are not placed on federal school meals offered to students.</p> <ul style="list-style-type: none"> • Schools and other vendors may not serve food items containing more

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
	<p>than 28 grams of fat per serving size more than twice per week.</p> <ul style="list-style-type: none"> • French fries and other fried potato products must not exceed three ounces per serving and may not be offered more than once per week in elementary schools and three times per week in middle and junior high schools. Students may only purchase one serving at a time. <p>Requires that fruits and vegetables be offered daily at all points of service.</p>
Vermont	<p>Creates a local foods mini-grant program in the agency of agriculture, food and markets to help Vermont schools develop relationships with local farmers and producers. The intent of the legislation is to encourage local school districts to serve food to Vermont students that is as fresh and as nutritious as possible and to increase school meal participation by increasing the selection of foods available to students. A school, a school district, a consortium of schools, or a consortium of school districts may apply for a mini-grant award to purchase equipment, resources, and materials that will help to increase use of local foods in the school food service program (HB 456, Act 145, 2006).²⁴</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
Alabama	<p>In July 2005, the Alabama State Board of Education adopted Healthy Snack Standards for foods and beverages sold in vending machines, school stores and a la carte. Under the standards, snacks (in single servings) must meet the following nutrient content guidelines: low or moderate in fat (10 percent or less Daily Value of total fat); have less than 30 grams of carbohydrate (10 percent or less Daily Value of total carbohydrate); have less than 360 mg of sodium; and contains 5 percent Daily Value or more (10 percent is the healthiest) of at least one Vitamin A, Vitamin C, iron, calcium, or fiber (5 percent Daily Value).</p> <p>Snacks and desserts that meet the standards above may be served in single-serving portion sizes or in a package that does not exceed the following serving size limits: baked chips, popcorn, rice cakes, puffed snacks, crackers, hard pretzels, pita chips, snack mix, peanut butter- and cheese filled crackers, trail mix, nuts, seeds, soy nuts, and cereals – 1.25 ounces; low-fat cookies, animal crackers, graham crackers, cereal bars, and granola bars – 1.33 ounces; bakery items – 2 ounces; low-fat frozen desserts, low-fat ice cream and pudding, fruit bowls – 4 ounces; low-fat yogurt – 8 ounces; and smoothies made with low-fat yogurt or other low-fat dairy alternatives and/or fruit/juice – 12 ounces.</p> <p>According to the standards, schools must make quality fruits and vegetables available at any place snack items are sold. For example, dried fruit in vending machines, fresh fruit such as pineapple slices or melon cubes or fresh vegetables such as baby carrots in a la carte lines and school stores. (“Quality” means fruits and vegetables prepared and packaged without added fat, sugar, or sodium.) Fruits and vegetables must contain no more than 10 percent of daily value calories from fat and no more than 10 percent daily value or 30 grams maximum of carbohydrates per serving. Fruit and vegetable portion sizes allowed include: ½ cup minimum for quality fruits and vegetables; ½ cup maximum for vegetables or fruits with added fat; and 1.25 ounces maximum for dried fruit.</p> <p>Acceptable beverages under the standards include:</p> <ul style="list-style-type: none"> • Milk – should be reduced fat milk (1 percent or less). No more than 10 percent of the Daily Value may come from fat. Flavored milks may contain no more than 30 grams total sugar per 8 ounce serving. Milk may not contain artificial sweeteners. • Dairy Alternatives – such as soy milk and rice milk. No more than 30 grams total sugar per 8 ounce serving. No more than 10 percent of the Daily Value may come from fat. Dairy alternatives may not contain artificial sweeteners. • Fruit or Vegetable Juice (100 percent juice or low sugar fruit smoothies) – 100 percent juice is exempt from the sugar standard. • Water – includes plain (in any size container) and flavored waters without added sugar or caffeine. <p>Portion sizes of all beverages (except water) may not exceed 12 ounces. Milk container sizes may not exceed 16 ounces.²⁵</p>
Arizona	<p>Arizona’s Department of Education released the final Arizona Nutrition Standards in January 2006. They officially became effective on July 1, 2006. Foods and beverages sold in vending machines, snack bars, a la carte,</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>fundraisers, and at school events during the normal school day must meet the following standards:</p> <ul style="list-style-type: none"> • <u>Foods</u>: 35 percent or less of total calories from fat; 10 percent or less of total calories from saturated and trans fatty acids (combined); no more than 35 percent total sugar by weight; must contain at least 1 gram of fiber; maximum 400 calories per serving and 800 mg of sodium for entrée items sold as a la carte; and maximum 300 calories per serving and 600 mg of sodium for all other snack items. Finally, all deep-fat fried chips and crackers and deep-fat fried final preparation methods are prohibited. • <u>Beverages</u>: water may contain natural or non-caloric sweeteners but cannot contain caffeine or caffeine derivative; juice must contain 100 percent fruit and/or vegetable juice for elementary schools and must contain no less than 50 percent fruit and/or vegetable juice, no sugar added, with nutrient values equal to 100 percent juice for middle and junior high schools; fruit smoothies (yogurt or ice based), which cannot exceed 400 calories, must contain 100 percent fruit juice for elementary schools and must contain no less than 50 percent fruit juice for middle and junior high schools; allowable milk and milk alternative products include fat free, low fat (1 percent milk fat), and reduced fat milk (2 percent fat milk), reduced fat enriched rice, nut or soy milk, and flavored milk that contains no more than 4 grams of sugar per ounce; and sports drinks and electrolyte-replacement drinks may only be served in middle and junior high schools (ARS 15-242, 2006).²⁶ <p>Additional legislation in 2006 specifically applies the standards to high schools (HB2557, 2006).</p> <p>Requires the Department of Education to develop minimum nutritional standards consistent with federal guidelines for all food and beverage products sold on school grounds during the school day, including items sold à la carte and in vending machines. The guidelines may include restrictions on portion sizes, minimum nutrient values, and listing of contents. Beginning August 1, 2005, all contracts for food or beverages, shall expressly prohibit the sale of sugared, carbonated beverages, and all other foods of minimal nutritional value. Food advertising on school grounds or affiliated with the school (partnerships, etc.) must be for food complying with these requirements (HB 2544, 2005).</p>
Arkansas	<p>New or renewed vending contracts for carbonated and sweetened non-carbonated beverages will be restricted to no more than 12 ounces per vended container. This requirement does not apply to contracts with an effective date on or before August 8, 2005.</p> <p>All FMNV or competitive food beverages sold to students will be restricted to no more than 12 ounces per vended container. The only exceptions for a larger portion size will be an unlimited portion size for unsweetened unflavored water and a maximum of 16 ounces for fat free (skim) and low fat (1 percent) milk.</p> <p>A choice of two fruits and/or 100 percent fruit juices must be offered for sale at the same time and place whenever competitive foods are sold. Fruits should be</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>fresh whenever possible. Frozen and canned fruits should be packed in natural juice, water, or light syrup.</p> <p>At the point of choice, at least 50 percent of beverages-selections in vending machines, school stores and other sales venues shall be 100 percent fruit juice, low-fat or fat-free milk, and unflavored unsweetened water.</p> <p>The maximum portion sizes for competitive foods sold in middle, junior high, and high schools include: chips (regular) – 1.25 ounces; chips (baked or no more than 7.5 grams of fat per ounce), crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, pretzels, and cookies – 1.5 ounces; cereal bars – 2.5 ounces; bakery items (this excludes items that count as two bread components served/sold only at breakfast) – 3 ounces; frozen desserts and ice cream (no more than 10 grams of fat) – 4 ounces; and yogurt – 8 ounces.</p> <p>Portion restrictions for French fries/fried potato products sold in schools include:</p> <ul style="list-style-type: none"> • Elementary Schools: a maximum of ¾ cup of deep fat fried potato products can be sold only one time per week • Middle/Junior High Schools: a maximum of 1 cup of deep fat fried potato products can be sold (restricted to a ratio of one to six menu items) <p>High Schools: a maximum of 1 ½ cups of deep fat fried potato products can be sold (restricted to a ratio of one to six menu items).²⁷</p>
California	<p>Commencing July 1, 2009, schools or school districts are prohibited, through a vending machine or school food service establishment during school hours and up to ½ hour before and after school hours, from making available to elementary or middle school pupils a food containing artificial trans fat and would prohibit the use of artificial trans fat in the preparation of a food item served to those pupils. (SB 490, 2007).²⁸</p> <p>Commencing July 1, 2007, at each elementary school, the only food that may be sold to a pupil during the school day are full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. An individually sold dairy or whole grain food item may be sold to pupils at an elementary school, except food sold as part of a USDA meal program, if it meets all of the following standards:</p> <ul style="list-style-type: none"> • Not more than 35 percent of its total calories shall be from fat. • Not more than 10 percent of its total calories shall be from saturated fat. • Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. • Not more than 175 calories per individual food item (Education Code §49431). <p>Commencing July 1, 2007, snacks sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall meet all of the following standards:</p> <ul style="list-style-type: none"> • 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, eggs, cheese packaged for individual sale, fruits, vegetables that have not been

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	<p>deep fried, or legumes.</p> <ul style="list-style-type: none"> • Not more than 10 percent of its total calories shall be from saturated fat. This subparagraph does not apply to eggs or cheese packaged for individual sale. • Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph does not apply to the sale of fruits or vegetables that have not been deep fried. • No more than 250 calories per individual food item (Education Code §49431.2). <p>Commencing July 1, 2007, entree items sold to a pupil in middle, junior, or high school, except food served as part of a USDA meal program, shall contain no more than 400 calories per entree, shall contain no more than 4 grams of fat per 100 calories contained in each entree, and shall be categorized as entree items in the School Breakfast Program or National School Lunch Program (Education Code §49431.2).</p> <p>Regardless of the time of day, only the following beverages may be sold to a pupil at an elementary school:</p> <ul style="list-style-type: none"> • Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener. • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. • Drinking water with no added sweetener. • Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk (Education Code §49431.5). <p>From one-half hour before the start of the school day to one-half hour after the end of the school day, only the following beverages may be sold to a pupil at a middle or junior high school:</p> <ul style="list-style-type: none"> • Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener. • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. • Drinking water with no added sweetener. • Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk. • An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving (Education Code §49431.5). <p>Commencing July 1, 2007, no less than 50 percent of all beverages sold to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those enumerated below. Commencing July 1, 2009, all beverages sold to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those enumerated below.</p> <ul style="list-style-type: none"> • Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener. • Vegetable-based drinks that are composed of no less than 50 percent

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	<p>vegetable juice and have no added sweetener.</p> <ul style="list-style-type: none"> • Drinking water with no added sweetener. • Two-percent-fat milk, one-percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk. • An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving (Education Code §49431.5). <p>Middle and high schools may also elect to participate in a pilot program that implements nutritional standards for all foods and beverages sold outside the federal meal program (Education Codes §49433.7 and §49433.9).</p>
Connecticut	<p>Effective July 1, 2006, each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy shall permit at schools under its jurisdiction the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on the school premises, whether or not school sponsored:</p> <ul style="list-style-type: none"> • Milk that may be flavored but contain no artificial sweeteners and no more than four grams of sugar per ounce; • Nondairy milks such as soy or rice milk, which may be flavored but contain no artificial sweeteners, no more than four grams of sugar per ounce, no more than thirty-five percent of calories from fat per portion and no more than ten percent of calories from saturated fat per portion; • One hundred percent fruit juice, vegetable juice or combination of such juices, containing no added sugars, sweeteners or artificial sweeteners; • Beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners, or artificial sweeteners; • Water, which may be flavored but contain no added sugars, sweeteners, artificial sweeteners or caffeine. <p>Portion sizes of beverages listed above (other than water) that are offered for sale shall not exceed twelve ounces.</p> <p>Each school board of education or governing authority may permit at schools under its jurisdiction, the sale to students of beverages that are not listed above provided (1) such sale is in connection with an event occurring after the end of the regular school day or on the weekend, (2) such sale is at the location of such event, and (3) such beverages are not sold from a vending machine or school store.</p> <p>No later than August 1, 2006, and January first of each year thereafter, the Department of Education shall publish a set of nutrition standards for food items offered for sale to students at schools. Such standards shall not apply to food sold as part of the National School Lunch Program and School Breakfast Program unless such items are purchased separately from a school lunch or breakfast that is reimbursable under such program.</p> <p>Each local and regional board of education and governing authority for each state charter school, interdistrict magnet school and endowed academy shall make available in the schools under its jurisdiction for purchase by students</p>

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	<p>nutritious and low-fat foods and drinks, which shall include, but shall not be limited to, low-fat milk, 100 percent natural fruit juices and water at all times when drink is available for purchase by students and low-fat dairy products and fresh or dried fruit at all times when food is available for purchase by students during the regular school day (SB 373, Public Act 06-03, 2006).²⁹</p>
Hawaii	<p>Places the following nutritional requirements on supplementary food and beverage items that can be sold during the meal periods in secondary schools:</p> <ul style="list-style-type: none"> • Maximum calories from fat: 25 percent of total calories. • Maximum calories from saturated fat: 10 percent of total calories. • Maximum percent of sugar: 25 percent of total calories with the exception of fruits and vegetables. <p>Eighty percent of beverage selections from each vending machine in schools shall be "healthy beverages," defined as milk, flavored milk, water, and fruit juice containing at least 50 percent juice, or other choices deemed appropriate by the Department of Education. The School Community Council and principal will determine the combination of beverages to be sold, including the remaining 20 percent of beverage selections, and shall have the discretion to ban caffeinated products. No alcoholic beverages, coffee, or coffee-based beverages may be dispensed.</p>
Illinois	<p>Restricts the types of beverages sold to students in 8th grade and below during the regular school day (23 Illinois Administrative Code Ch. 1, Section 305.15). Beverages shall include only (1) flavored, or plain whole, reduced fat (2 percent), low-fat (1 percent), or nonfat milk, (2) reduced fat and alternative dairy beverages (i.e., rice, nut or soy milk or any other USDA-approved alternative beverage), (3) fruit and vegetable drinks containing 50 percent or more juice, (4) non-flavored, non-carbonated water, (5) yogurt or ice based fruit smoothie that contains less than 400 calories and no added sugars and is made from fresh or frozen fruit or fruit drinks containing at least 50 percent fruit juice, (5) any beverage exempted from USDA's list of Foods of Minimal Nutritional Value. Illinois also established guidelines for food sold to students outside of food service areas or within food service areas other than during meal periods. These foods can include only the following: (1) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products or (2) any food item whose total calories from fat do not exceed 35 percent, calories from saturated fat do not exceed 10 percent, total amount of sugar by weight does not exceed 35 percent and calories do not exceed 200 (23 Illinois Administrative Code Ch. 1, Section 305.15).</p>
Indiana	<p>Requires that vending machines in elementary schools that sell food or beverage items not be accessible to students. At least 50 percent of food and beverage choices for sale on school grounds must be "better food choices," defined as:</p> <ul style="list-style-type: none"> • Fruit or vegetable drinks that are at least 50 percent juice and do not contain additional caloric sweeteners; • Water that does not contain added caloric sweeteners; • Low and fat-free milk; • Isotonic beverages; and • Foods that contain not more than 30 percent of total calories from fat, not more than 10 percent of total calories from saturated and trans fat, and

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	<p>not more than 35 percent of their weight from sugars not naturally occurring in fruits, vegetables, or dairy products.</p> <p>In addition, food items that contain more than 210 calories may not exceed the following portion sizes:</p> <ul style="list-style-type: none"> • 1.75 ounces for chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruits, and jerky; • 2 ounces for cookies and cereal bars; • 3 ounces for bakery items; • 3 fluid ounces for frozen desserts; and • 8 ounces for non-frozen yogurt. <p>Entrée and side dish items may not exceed the portion size of the same item as is served as part of the school lunch program or school breakfast program. A beverage item may not exceed 20 ounces (SB 111, 2006; IAC 20-26-9-19).³⁰</p>
Kentucky	<p>Kentucky administrative regulation (720 KAR 6:090) requires that during the period of time beginning 30 minutes after the last lunch period until the end of the last instructional period, food and beverages offered for sale through a vending machine, school store, canteen, or fundraiser on school property must meet the following nutritional standards (effective February 3, 2006):</p> <ul style="list-style-type: none"> • Beverages must be fluid unflavored or flavored milk that is no more than one percent milk fat; plain or flavored, noncaloric, noncarbonated water; 100 percent fruit or vegetable juice or any combination of both totaling 100 percent; and any other beverage that contains no more than 10 grams of sugar per serving (limit does not apply to juices containing 100 percent fruit and/or vegetable juice). Except for water, beverages shall not exceed 17 ounces in elementary schools and 20 ounces in middle or high schools. • Food calories from fat shall not exceed 30 percent (excluding reduced fat cheese, nuts, seeds, and nut butters); calories from saturated fat shall not exceed 10 percent; calories from sugar shall not exceed 32 percent by weight; chips, cereals, crackers, baked goods and other snack items shall not contain more than 300 milligrams of sodium per serving; pastas, meats and soups shall not contain more than 450 milligrams of sodium per serving; and pizzas, sandwiches and main dishes shall not contain more than 600 milligrams of sodium per serving. Portion sizes for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, or jerky shall not exceed two ounces; portion sizes for cookies shall not exceed one ounce; portion sizes for cereal bars, granola bars, and bakery-type items shall not exceed two ounces; portion sizes for non-frozen yogurt shall not exceed eight ounces; and portion sizes for frozen dessert items shall not exceed four ounces. <p>Requires the Board of Education to issue regulations that set minimum nutritional standards for all food and beverage programs sold outside of the formal breakfast and lunch programs. Only water, 100 percent fruit juice, low-fat milk, and other beverages containing no more than 10 grams of sugar per serving may be sold in elementary school vending machines, school stores, or fundraisers during the school day.</p>

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Louisiana	<p>Sets nutritional standards for competitive foods and beverages available in public elementary and secondary schools. The law also limits the time of day when certain competitive foods may be sold (SB 146, 2005).³¹</p> <p>Except for beverages sold as part of the school food program, only the following types of beverages which, except for milk and water, may not exceed sixteen ounces in size, may be sold to students at public elementary and secondary schools or on the grounds of such schools at any time during a period beginning one-half hour before the start of the school day and ending one-half hour after the end of the school day:</p> <ul style="list-style-type: none"> • Fruit juices or drinks that are composed of one hundred percent fruit juice or vegetable juice and that do not contain added natural or artificial sweeteners. • Unsweetened flavored drinking water or unflavored drinking water. • Low-fat milk, skim milk, flavored milk, and non-dairy milk (Revised Statute 17:197.1). <p>Except for items sold as part of the school food program, food items which meet any of the following criteria shall not be sold to students at public elementary and secondary schools or on the grounds of public elementary and secondary schools at any time during a period beginning one-half hour before the start of the school day and ending one-half hour after the end of the school day:</p> <ul style="list-style-type: none"> • Food of minimal nutritional value. <p>Snacks or desserts that exceed one hundred fifty calories per serving, have more than thirty-five percent of their calories from fat, or have more than thirty grams of sugar per serving, except for unsweetened or uncoated seeds or nuts (Revised Statute 17:197.1).</p>
Maine	<p>Requires foods and beverages sold on school grounds that are not part of school meal programs adhere to “healthy foods and beverages” standards. “Healthy foods and beverages” must not:</p> <ul style="list-style-type: none"> • Contain more than 30 percent of its calories from fat or more than 10 percent of its calories from saturated fat, excluding seeds and nuts; • Contain more than 35 percent of its weight in refined sugars, excluding fruits, vegetables, and low-fat dairy products; • Contain more than 360 milligrams of sodium per serving; and • Contain more than 480 milligrams of sodium per meal. <p>In addition, foods must adhere to single serving standards established by the FDA. Carbonated soft drinks of any kind or candy cannot be sold. Milk must be 1% fat or less. Juices must contain 100% fruit or vegetable juice (LD 796, 2005).³²</p>
Maryland	<p>Requires the Board of Education in each county to establish nutritional policies for all foods and beverages available to students during the school day, to be implemented by the start of the 2006-07 school year.</p> <p>In elementary and middle schools, all other food sold (typically food sold a la carte), including packaged snacks, should be offered only in single-serving portions. The unit sold, regardless of the number of portions in the package, should contain: no more than 9 grams of total fat, excluding packaged nuts and</p>

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	<p>seeds; no more than 2 grams of saturated fat; and no more than 15 grams of sugar, excluding dried fruit with no added sugar.</p> <p>The sale of beverages in all schools during the standard school day is limited to the following: water; non-carbonated, flavored water with fewer than 20 calories per serving; unflavored milk or soy milk; flavored milk or soy milk (no more than 30 grams of total sugar per 8 ounce serving); 100 percent fruit/vegetable juice, not to exceed 12 ounces; fruit/vegetable juice beverages with at least 10% fruit/vegetable juice and 100% vitamin C, not to exceed 12 ounces; and isotonic beverages, not to exceed 16 ounces.³³</p>
Mississippi	<p>State Board of Education Vending Regulations apply to all Mississippi school campuses during the school day, defined as the hours between 7:00 am and 6:00 pm. To protect the integrity of the Child Nutrition Programs and to ensure that children do not have to choose between the School Lunch/Breakfast programs and vended items:</p> <ul style="list-style-type: none"> • No food items will be sold on the school campus for one (1) hour before the start of any meal service period through the end of the meal service period. • During meal service, with the exception of fluid milk, a student may purchase individual components of the meal only if the full meal unit is also being purchased. <p>Food and beverage sales outside of Child Nutrition Programs, including vending machines, student stores, snacks bars, and other fundraising programs, are available in Mississippi schools <u>at the discretion of the school district</u>. When schools decide to offer vending, they shall provide a selection of healthful food and beverage options to students, with the following overall goals:</p> <ol style="list-style-type: none"> 1. Minimize excessive intake of calories, especially empty calories from fat and sugar. 2. Increase intake of water and nutrients for optimal growth, development, and brain functioning, especially from nutrient-rich, minimally processed foods like whole grains, fruits, vegetables, nuts, seeds, lean meats, and dairy foods. 3. Develop marketing and nutrition education strategies to promote healthful options to all students, families, and school staff. <p>Detailed regulations are available online.³⁴</p> <p>To allow for improved availability of food products, these regulations will be phased-in on the following schedule:</p> <p>School year 2006-07:</p> <ul style="list-style-type: none"> • For each vending location, at least 50% of all vended foods offered must meet the standards. <p>School year 2007-08:</p> <ul style="list-style-type: none"> • For each vending location, at least 75% of all vended foods offered must meet the standards. <p>School year 2008-09:</p> <ul style="list-style-type: none"> • All vended foods offered must meet the standards.
Nevada	<p>Effective July 2005, servings will not exceed the following portion sizes:</p> <ul style="list-style-type: none"> • <u>Elementary Schools</u>: chips (regular) – 1 ounce; chips (baked or no more

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	<p>than 5 grams of fat per ounce), crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, and pretzels – 1.5 ounces; cookies/cereal bars (plain) – 2 ounces; cookies/cereal bars (with nuts, raisins, chocolate pieces and/or fruit purees) – 2.2 ounces; bakery items – 3 ounces; frozen desserts – 4 ounces; water – no limit; and fruit drinks and frozen slushes (must contain a minimum of 50 percent fruit juice) – 16 ounces.</p> <p><u>Middle/Junior/High Schools:</u> chips (regular) – 1.25 ounces; chips (baked or no more than 5 grams of fat per ounce), crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, and pretzels – 1.5 ounces; cookies/cereal bars – 2 ounces; cookies/cereal bars (with nuts, raisins, chocolate pieces and/or fruit purees) – 2.2 ounces; bakery items – 3 ounces; frozen desserts – 4 ounces; water – no limit; electrolyte replacement beverages – 12 ounces; and fruit drinks and frozen slushes (must contain a minimum of 50 percent fruit juice) – 16 ounces.³⁵</p>
New Jersey	<p>As of September 2007, all snack and beverage items, sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers, or served in the reimbursable After School Snack Program, shall meet the following standards:</p> <ul style="list-style-type: none"> • Based on manufacturers’ nutritional data or nutrient fact labels, no more than eight grams of total fat per serving, with the exception of nuts and seeds, and no more than two grams of saturated fat per serving; • All beverages, other than milk containing two percent or less fat, or water, shall not exceed a 12-ounce portion size; and whole milk may not exceed an eight-ounce portion; • In elementary schools, beverages shall be limited to milk, water or 100 percent fruit or vegetable juices; • In middle and high schools, at least 60 percent of all beverages offered, other than milk or water, must be 100 percent fruit or vegetable juice; and • In middle and high schools, no more than 40 percent of all ice cream and frozen desserts shall be allowed to exceed the above standards for sugar, fat and saturated fat. <p>Food and beverages served during special school celebrations or during curriculum-related activities shall be exempt from the provisions above, with the exception of foods of minimal nutritional value as defined by the United States Department of Agriculture.</p> <p>Schools shall reduce the purchase of any products containing trans fats beginning September 1, 2007 (SB 1218, Chapter 45, 2007).³⁶</p>
New Mexico	<p>New Mexico administrative code (6.12.5) establishes the following requirements for competitive foods and beverages sold in vending machines and a la carte to students in elementary, middle and high schools:</p> <ul style="list-style-type: none"> • <u>Elementary schools:</u> Beverages shall only include milk with a fat content of 2 percent or less, soy milk, and water. • <u>Middle schools:</u> Beverages shall only include milk with a fat content of 2 percent or less, soy milk, water, and 100 percent fruit juice that has no added sweeteners and no more than 125 calories per container and serving size not to exceed 20 ounces. Food products other than nuts, seeds, cheese, yogurt, and fruit sold in vending machines shall

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	<p>contain no more than 200 calories, no more than 8 grams of fat, no more than 2 grams of fat from saturated and trans-fats, and no more than 15 grams of sugar per package or serving.</p> <ul style="list-style-type: none"> • <u>High schools</u>: Beverages shall only include milk with a fat content of 2 percent or less, soy milk, water, and juice that is at least 50 percent fruit and that has no added sweeteners and a serving size not to exceed 20 ounces. Beverages sold in vending machines to high school students after the last lunch period is completed shall only include carbonated soft drinks that are both sugar free and caffeine free, non-carbonated flavored water with no added sweeteners, and sports drinks. Food products other than nuts, seeds, cheese, yogurt, and fruit sold in vending machines shall contain no more than 200 calories, no more than 8 grams of fat, no more than 2 grams of fat from saturated and trans-fats, and no more than 15 grams of sugar per package or serving. • Food products other than nuts, seeds, cheese, yogurt, and fruit sold in a la carte offerings in elementary, middle and high schools shall contain no more than 400 calories, no more than 16 grams of fat (of which no more than 2 grams can come from saturated and trans fats combined), and no more than 30 grams of total sugar per package or serving. <p>Requires the Department of Education to establish nutritional standards for foods and beverages sold outside of public school meal programs. The department will collaborate with local school districts, dieticians, and other interested parties in drafting the standards (HB 61, 2005).</p>
North Carolina	<p>Sets forth a wellness pilot for state employees as well as directs the Board of Education to establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction and child nutrition programs of local school administrative units. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. To start in elementary schools followed by middle and high schools. (HB 1473, 2007).³⁷</p> <p>Mandates the following vending machine standards:</p> <ul style="list-style-type: none"> • Soft drinks are not to be sold during breakfast or lunch, at elementary schools, or in contradiction with the National School Lunch Program; • Sugared carbonated drinks (excluding diet carbonated drinks) are not to be sold in middle schools; • No more than 50 percent of products available to high school students are sugared carbonated drinks and bottled water must be available in every vending machine. <p>In addition, by the 2006-2007 school year, no snack vending will be available to elementary school students and at least 75% of snacks in middle/high school vending machines must contain no more than 200 calories per portion (SB 961, 2005).³⁸</p>

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Oklahoma	<p>Mandates each school district board to ensure that the following requirements are met :</p> <ul style="list-style-type: none"> • Elementary school students do not have access to foods of minimal nutritional value, except on special occasions; • Middle and junior high school students do not have access to foods of minimal nutritional value, with the exception of diet sodas with less than 10 calories per serving, except after school, at evening events, and on special occasions; and <p>High school students must have access to healthy food choices in addition to foods of minimal nutritional value. Incentives such as lower prices should be provided to encourage selection of healthy food choices (SB 265, 2005).</p>
Oregon	<p>(2) Except as provided in subsection (6) of this section, all food and beverage items sold in a public K-12 grade school must at a minimum meet the standards required by this section.</p> <p>(3) The following shall apply to all food sold in a school during the times described in subsection (5)(a) of this section:</p> <p>(a) A snack item may be sold only in a single-serving size and:</p> <p>(A) May not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, eggs, nonfried vegetables and cheese.</p> <p>(B) May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, eggs and cheese.</p> <p>(C) May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables.</p> <p>(D) May not contain more than 0.5 grams of trans fat per serving.</p> <p>(E) May not contain more than 150 total calories if sold in a school in which the highest grade level in the school is grade 5 or less.</p> <p>(F) May not contain more than 180 total calories if sold in a school in which the highest grade level in the school is grade 6, 7 or 8.</p> <p>(G) May not contain more than 200 total calories if sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12.</p> <p>(b) An entree item that is sold individually:</p> <p>(A) May not contain more than four grams of fat per 100 calories.</p> <p>(B) May not contain more than 450 total calories.</p> <p>(4) The following shall apply to all beverages sold in a school during the times described in subsection (5)(a) of this section:</p> <p>(a) If the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may be only:</p> <p>(A) Water.</p> <p>(B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.</p> <p>(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.</p> <p>(b) If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may be only:</p> <p>(A) Water.</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>(B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.</p> <p>(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.</p> <p>(c) If the beverage is sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12, the beverage may be only:</p> <p>(A) Water.</p> <p>(B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.</p> <p>(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.</p> <p>(D) A no-calorie or low-calorie beverage if the beverage contains no more than 10 calories per eight ounces.</p> <p>(E) A beverage that is not more than 12 ounces and contains no more than 66 calories per eight ounces.</p> <p>(5)(a) The standards required by this section apply to food and beverage items sold in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals or child care programs.</p> <p>(b) The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items 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>(6) The standards required by this section do not apply to food and beverage items sold in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.</p> <p>(7) A school district board may adopt standards that are more restrictive than the standards specified by this section.</p> <p>(8) Each school year, a school district board shall determine whether the school district is in compliance with the standards required by this section and report the results of that determination to the Department of Education. The department may monitor whether school districts are in compliance with the standards required by this section. (H.B. 2650, 2007; Chapter 455 Oregon Laws 2007).³⁹</p>
Pennsylvania	<p>The law enacted on July 20, 2007 directs the Department of Education to establish a School Nutrition Incentive Program. The program shall provide a supplemental school lunch and breakfast reimbursement to any school in a local education agency that has adopted and implemented the Pennsylvania Department of Education's Nutrition Standards for Competitive Foods.⁴⁰ Year One of the standards must be implemented in the 2007-2008 School Year and Year Two of the standards must be implemented on or before the 2008-2009</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>School Year and each year after that. The standards also include an optional “Best Practice” standard, although this is not required for the School Nutrition Incentive Reimbursement. The standards apply to food, snacks, and beverages sold a la carte, in vending machines, at fundraisers, at school stores, and those served in classroom parties and holiday celebrations. (H.B. 842, 2007).⁴¹</p>
Rhode Island	<p>Requires all elementary, middle, and junior high schools to offer healthier beverages and snacks by January 1, 2007 and January 1, 2008, respectively. Healthier beverages are defined as:</p> <ul style="list-style-type: none"> • Water, including carbonated water, flavored or sweetened with 100 percent fruit juice and containing no added sweetener; • Two percent fat milk, one percent fat milk, nonfat milk, and dairy alternatives, such as fortified soy beverages, plain or flavored, with a sugar content of not more than four grams per ounce; • One hundred percent fruit juice or fruit based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener; and • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. <p>Healthier snacks are defined as:</p> <ul style="list-style-type: none"> • Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes; • Individually sold portions of low fat yogurt with not more than four grams of total carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or low fat cheese packaged for individual sale; and <p>Individually sold enriched or fortified grain or grain products or whole grain foods that contain no more than 30 percent calories from fat, no more than 10 percent total calories from saturated fat, and no more than seven grams of total sugar per ounce.</p>
South Carolina	<p>South Carolina’s State Board of Education implemented nutrition standards for competitive foods in elementary schools. Effective June 23, 2006, elementary schools must ensure that one serving of snacks, sweets, and side dishes has no more than 30 percent of calories from fat, less than 10 percent of calories from saturated fat, no more than 1 percent of calories from trans fatty acids, and no more than 35 percent of added sugar by weight (nuts, seeds and some cheeses are exceptions). Single-serving food items must be limited to the following portion sizes: 1.25 ounces for snacks; 2 ounces for cookies or cereal bars; 3 ounces for other bakery items; 4 ounces for frozen desserts, including ice cream; 8 ounces for yogurt (non frozen); and ½ cup for fried potatoes or other fried vegetables. Beverages, except water or nonfat, low-fat, or reduced-fat milk, cannot exceed 12 ounces. Low-fat, nonfat, and 2 percent milk, water, and 100 percent juices that do not contain added sugars and sweeteners must be available to all students (R43-168).</p> <p>Requires the state Board of Education to establish statewide requirements for “elementary school food service meals and competitive foods” (HB 3499, 2005). School fundraisers are exempt from these requirements.</p>
Tennessee	<p>The following standards are developed for foods and beverages sold or offered</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>for sale during the school day in schools that include students in grades Pre-kindergarten through 8. The standards apply to food items sold or offered for sale during the school day including but not limited to school stores items, fund raising items, a la carte items, vending machine items, snack bars items, etc. These standards do not apply to foods served as a federally reimbursable meal to pupils. However, it is strongly recommended that schools meet these standards in federally reimbursable meals (Rule 0520-1-6-.04).</p> <ul style="list-style-type: none"> • Beverages that can be offered for sale in schools include the following: <ul style="list-style-type: none"> ○ Fluid milk that is flavored or unflavored; is reduced fat, low fat, or skim/non-fat; and meets state and local standards for pasteurized fluid milk and/or USDA approved alternative dairy beverages; ○ Beverages that are 100 percent fruit and vegetable juices; ○ Water that is non-flavored, non-sweetened, and non-carbonated; and ○ Low calorie beverages (includes flavored, sweetened, and non-caffeinated water) that are flavored, non-carbonated beverages, containing no additional caloric sweeteners and no more than 15 calories per serving. • A food item that can be sold individually includes food that meets the following standards: <ul style="list-style-type: none"> ○ Calories from total fat must be at or below 35 percent, excluding nuts, seeds, and nut butters. ○ Calories from saturated fat must be at or below 10 percent. ○ Calories from sugar must be at or below 35 percent by weight. This limit does not include fruits and vegetables as defined below. ○ Chips, cereals, crackers, French fries, baked goods, and other snack items may contain no more than 230 mg of sodium per serving; pastas, meats, and soups may contain no more than 480 mg of sodium per serving; and pizza, sandwiches, and main dishes may contain no more than 600 mg of sodium. • Fruits and non-Fried vegetables that can be sold individually include the following: <ul style="list-style-type: none"> ○ Fruits and vegetables may be fresh, frozen, canned or dried, and they must be found in the Food Buying Guide for Child Nutrition Programs. (http://schoolmeals.nal.usda.gov/FBG/2003FBG/%20Section%202.pdf). ○ Examples of products that cannot be sold as a fruit or vegetable include: snack-type foods made from vegetables or fruits, such as potato chips and banana chips; pickle relish, jam, and jelly; and tomato catsup and chili sauce. ○ Fruits and non-fried vegetables are exempt from portion-size limits. • Limit on portion sizes of foods and beverages sold individually are the following: one and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky; one ounce for cookies; two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items; four fluid ounces for frozen desserts,

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>including, but not limited to, low-fat or fat-free ice cream; one ounce pure cheese that is low-fat or fat free containing 3.5 grams or less of fat; eight ounces for non-frozen yogurt; and eight fluid ounces for beverages, excluding non-flavored water.</p> <ul style="list-style-type: none"> • The portion size of a la carte entrees and side dishes, including potatoes, shall not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits. <p>Requires the state Board of Education to develop rules that establish minimum nutritional standards for individual food items for sale through vending machines or other sources, including school nutrition programs, to pupils in grades Pre-kindergarten to eighth (HB 2783, 2004).</p>
Texas	<p>A 2005 amendment prevents restrictions on foods provided by parents or grandparents for birthday or school-function celebrations (SB 42, 2005).</p> <p>Places restrictions on portion size for the following items: Chips, baked chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, pretzels, cookies/cereal bars, bakery items, frozen desserts, yogurt, ice cream, pudding, gelatin desserts, and beverage items.</p> <p>Maximum calories from fat: Schools and other vendors may not serve food items containing more than 28 grams of fat per serving size more than twice per week. French fries and other fried potato products may not exceed three ounces per serving or be offered more than once per week, and students may only purchase one serving at a time. Schools serving potato chips should, when possible, use baked varieties or reduced fat chips with no more than five grams of fat per ounce.</p> <p>Beverages may contain no more than 30 grams total sugar per eight-ounce serving. Frozen fruit slushes must contain a minimum of 50 percent fruit juice. In high school, the sale of sugared, carbonated beverages in containers larger than 12 ounces is prohibited.</p> <p>There are also portion restrictions on candy bars and packaged candies for secondary schools.</p> <p>Elementary school classrooms may allow one nutritious snack per day, but not at the same time as the regular meal period for that class. The snack must comply with the fat and sugar limits of the Public School Nutrition Policy and may not contain foods of minimal nutritional value or consist of candy or dessert-type items.</p>
West Virginia	<p>Prohibits the sale of soft drinks through vending machines, school stores, or on-site fundraisers during the school day in elementary, middle and junior high schools. These schools are only permitted to sell “healthy beverages.” High schools may allow the sale of soft drinks, but “healthy beverages” must account for at least 50 percent of the total beverages ordered and must be located near the vending machines containing soft drinks (HB 2816, 2005).</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
	<p>Only meal components may be sold as à la carte items for breakfast, and only fluid milk, milkshakes, and bottled water may be sold as à la carte items for lunch. All “other foods” (including those sold in vending machines, at fundraisers during the school day, and at school functions) must reflect the Dietary Guidelines or meet USDA standards for a lunch component.</p> <ul style="list-style-type: none"> • Maximum calories from fat: no more than eight fat grams per one-ounce serving or meet USDA standards for a lunch component. • Maximum percent from sugar: 40 percent. <p>Any juice or juice product sold or served must contain a minimum of 20 percent fruit juice.</p>

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
Alabama	<p>According to Alabama’s Healthy Snack Standards, which were adopted by the State Board of Education in July 2005, schools must comply with the following restrictions on beverage sales in elementary, middle and high schools:</p> <ul style="list-style-type: none"> • <u>Elementary Schools</u>: Effective with the 2005-2006 school year, no carbonated soft drinks shall be available for sale to students at any time during the school day. No vending machine display front may display any product that is not water or 100 percent fruit juice. Items that may be sold include non carbonated flavored and unflavored water, 100 percent fruit juices, milk, tea, and sports drinks. No sales of any items may occur during meal service times. • <u>Middle Schools</u>: Effective with the 2005-2006 school year, at a minimum 70 percent of the selections available in vending machines or for sale in school stores are to be non-carbonated flavored or unflavored water, 100 percent fruit juices, milk, tea, or sports drinks. At a maximum, 30 percent of the selections can be carbonated soft drinks, but at least 50 percent of those selections must be no/low calorie selections. Only 15 percent of the selections may be regular soft drinks. No carbonated beverages of any kind or other competing food/beverage sales are to be available to students during the meal service time. Beginning with the 2006-2007 school year no vending machine display front may display any product that is not water or 100% fruit juice. • <u>High Schools</u>: Effective with the 2005-2006 school year, at a minimum 50% of the selections available in vending machines or for sale in school stores are to be non-carbonated flavored or unflavored water, 100% fruit juices, milk, tea, or sports drinks. At a maximum, 50% of the selections can be carbonated soft drinks, but at least 50% of those selections must be no/low calorie selections. Only 25% of the selections may be regular soft drinks. No carbonated beverages of any kind or other competing food/beverages sales are to be available to students during meal service times.⁴²
Arizona	<p>Requires the Department of Education to develop minimum nutritional standards consistent with federal guidelines that may include portion sizes, minimum nutrient values, and listing of contents. Requires that food or beverages sold on school grounds during the school day meet these requirements, including items sold à la carte and in vending machines. Beginning August 1, 2005, all contracts for food or beverages shall expressly prohibit the sale of sugared, carbonated beverages and all other foods of minimal nutritional value. Any advertising on school grounds or affiliated with the school (partnerships, etc.) must be for products complying with these requirements (HB 2544, 2005).</p>
Arkansas	<p>In elementary schools, the Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables, and/or an extra meal meeting the same requirements of the reimbursable meal. School food service departments shall not sell or give extra servings of desserts, french fries and/or ice cream. In addition, elementary students will not have access to vended food and beverages anytime, anywhere on school premises during the declared school day.</p> <p>Effective July 1, 2005, during the declared school day, an elementary school site may not serve, provide access to, through direct or indirect sales, or use as a reward, any FMNV or competitive food. This includes FMNV and competitive foods given, sold, or provided by school administrators, or staff (principals, coaches, teachers, club sponsors, etc.) students or student groups, parents or parent groups, or any other person, company or organization</p>

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
	<p>associated with the school site.</p> <p>Effective July 1, 2005, during the declared school day, at middle, junior high and high school sites, schools shall not serve, provide access to, through direct or indirect sales, or use as a reward, any FMNV or competitive food to students anywhere on school premises until 30 minutes after the last lunch period has ended. This includes FMNV and competitive foods given, sold or provided by school administrators, or staff (principals, coaches, teachers, club sponsors, etc.) students or student groups, parents or parent groups, or any other person, company or organization associated with the school site.</p> <p>In middle, junior high, and high schools, the Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables, unsweetened unflavored water, other food/beverage items that meet standards of maximum portion size and/or an extra meal meeting the same requirements of the reimbursable meal.⁴³</p> <p>A la carte food items are only available at middle, junior high, and high schools.⁴⁴</p>
California	<p>Commencing July 1, 2009, schools or school district are prohibited, through a vending machine or school food service establishment during school hours and up to 1/2 hour before and after school hours, from making available to elementary or middle school pupils a food containing artificial trans fat and would prohibit the use of artificial trans fat in the preparation of a food item served to those pupils. (SB 490, 2007).⁴⁵</p> <p>Requires all food sold to pupils in elementary school during breakfast and lunch periods be sold as full meals. Does not prohibit the sale of fruit, non-fried vegetables, legumes, beverages, dairy products, or grain products if they meet the state's nutritional standards. Individual items that meet the state's nutritional standards may be sold during morning or afternoon breaks. Middle and high schools may participate in pilot programs that place limits on competitive food availability.</p>
Colorado	<p>Mandates that competitive foods not be sold within 30 minutes before or after regularly scheduled school lunch and/or breakfast periods. Requests school districts to work with contractors to increase the nutritional value of foods in vending machines. By 2006-07, district school boards must adopt policies implementing a requirement that 50 percent of offerings in vending machines be healthy (SB 103, 2004).</p>
Connecticut	<p>Prohibits school food authorities from permitting the sale or dispensing to students of extra food items (defined as tea, coffee, soft drinks, or candy) anywhere on the school premises from 30 minutes prior to the start of any state or federally subsidized milk or food service program, until 30 minutes after such program. During the 2004 state legislative session, a law was enacted requiring each local and regional board of education to make nutritious, low-fat foods and beverages available for purchase. Beverages should include, but are not limited to, low-fat milk, 100 percent natural fruit juices, and water when drinks are available for purchase. Low-fat dairy products and fresh or dried fruits should be made available for purchase at all times when food is available for purchase (HB 5344, 2004)</p>
Florida	<p>Food and beverage items in competition with the district approved food service program, including those classified as foods of minimal nutritional value (FMNV), may be sold in secondary schools only one hour following the close of the last lunch period (Administrative Rule 6A-7-.0411). The state Board of Education also requires school district food service programs to adopt policies that control the sale of FMNV.</p>

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
Georgia	Prohibits the sale of FMNV in elementary schools from the beginning of the day until the end of the last lunch period.
Hawaii	Limits the sale of food in all elementary and secondary schools to the School Breakfast Program and School Lunch Program, plus milk, water, and fruit and vegetable juices containing at least 50 percent juice.
Illinois	<p>Illinois Administrative Code (23 IAC Ch. 1, Section 305.15) requires all schools participating in the free lunch and breakfast programs in which grades five and below are operating to prohibit the sale of all confections, candy and potato chips to students during meal periods (effective the first day of the 2006-2007 school year).</p> <p>Authorizes local school officials to regulate the sale of competitive foods to students during the regular breakfast and lunch periods in junior and senior high schools, if so desired.</p>
Indiana	Indiana Administrative Code (IC 20-26-9-19) states that a vending machine at an elementary school that dispenses food or beverage items may not be accessible to students.
Kentucky	Prohibits the sale or serving of any food or beverage item in competition with the School Breakfast Program or the National School Lunch Program, on the school campus during the school day until 30 minutes after the close of the last lunch serving period.
Louisiana	Prohibits a la carte meal service, but some food items may be sold as extra sale items to those who have completed a meal. Extra sale items must be from the menu that day. Exceptions to the extra sale items include milkshakes, yogurt, frozen yogurt, ice cream, ice milk, and unflavored, non-carbonated water. Reimbursement for lunch, special milk, or breakfast may be withheld from schools if concessions, canteens, snack bars, or vending machines are operated on a profit basis before the end of the last lunch period. Concessions/canteens may be open at the end of lunch for grades 7-12.
Maine	Requires any food or beverage sold during the school day at a school participating in the National School Lunch or Breakfast Programs to be a planned part of the total food service program. Only items that contribute to both the nutritional needs of children and the development of desired food habits may be sold.
Maryland	<p>Requires all vending machines in public schools to have and use a timing device to automatically prohibit or allow access in accordance with nutrition policies established by local county boards of education by August 1, 2006 (SB 473, 2005).⁴⁶</p> <p>The sale of foods of minimal nutritional value is prohibited from 12:01 a.m. until the end of the last lunch period. School Food Authorities are strongly encouraged to extend this restriction on the sale of these foods until the end of the standard school day.⁴⁷</p>
Mississippi	Permits school food services to sell only those foods that are components of the approved federal meal pattern being served, with the exception of milk. A student may only purchase individual components of a meal if a full meal is also purchased. The state policy is a minimum requirement, and local school boards may choose to adopt more restrictive policies. ⁴⁸ State policy also indicates that no food be sold on campus for one hour before breakfast or one hour before lunch and until the end of either serving period.
Nebraska	Nebraska's Department of Education clarified its Competitive Food Policy for schools participating in the National School Lunch Program in June 2006. ⁴⁹ According to the clarification, no food or beverages can be sold to children anywhere on school premises beginning one half hour before breakfast and/or lunch service until one half hour after meal service unless all proceeds earned during these time periods go to the school nutrition program. No foods of minimal nutritional value (FMNV) can be sold in the food service areas beginning one half hour before breakfast and/or lunch service until one half hour after

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
	<p>meal service under any circumstances.</p> <p>Prohibits the sale of any foods in competition with the National School Lunch and School Breakfast Program anywhere on school/institution premises, beginning 30 minutes prior to the serving period for breakfast and/or lunch and lasting until 30 minutes after the serving period for breakfast and/or lunch.</p>
Nevada	<p>Foods of minimal nutritional value will not be given away, sold, or used as incentives for students or student activities during the school day. In addition, each school's wellness policy shall include guidelines for student incentives and rewards that are not based on the provision of foods of minimal nutritional value or foods that do not meet the food policy guidelines outlined in the Department of Education's Statewide School Wellness Policy, which became effective in July 2005.⁵⁰</p>
New Jersey	<p>As of September 2007, the following items shall not be served, sold or given away as a free promotion anywhere on school property at any time before the end of the school day, including items served in reimbursable After School Snack Program:</p> <ul style="list-style-type: none"> • Foods of minimal nutritional value, as defined by the United States Department of Agriculture; • All food and beverage items listing sugar, in any form, as the first ingredient; and • All forms of candy as defined by the New Jersey Department of Agriculture. <p>Food and beverages served during special school celebrations or during curriculum-related activities shall be exempt from the provisions above, with the exception of foods of minimal nutritional value as defined by the United States Department of Agriculture (SB 1218, Chapter 45, 2007).⁵¹</p>
New Mexico	<p>New Mexico administrative code (6.12.5) restricts carbonated beverages and competitive food products from being sold in vending machines to students in elementary schools. Carbonated beverages also shall not be sold in vending machines to students in middle schools. Food products other than nuts, seeds, cheese, yogurt, and fruit sold in vending machines in middle schools shall only be sold after the last lunch period is completed. Carbonated beverages or soft drinks, non-carbonated flavored water and sports drinks shall not be sold in a la carte offerings in elementary, middle and high schools.</p>
New York	<p>Prohibits sweetened soda water, chewing gum, candies including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn, and water ices, except for those that contain fruit or fruit juices, from being sold in any public school from the beginning of the school day until the end of the last scheduled meal period.</p>
North Carolina	<p>Mandates the following vending machine standards:</p> <ul style="list-style-type: none"> • Soft drinks are not sold during breakfast or lunch, at elementary schools, or in contradiction with the National School Lunch Program; • Sugared carbonated drinks (excluding diet carbonated drinks) are not sold in middle schools; • No more than 50 percent of products available to high school students are sugared carbonated drinks; and bottled water is available in every vending machine. <p>In addition, by the 2006-2007 school year, no snack vending will be available to elementary school students and at least 75% of snacks in middle/high school vending machines must contain no more than 200 calories per portion (SB 961 2005).⁵²</p>

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
	Prohibits soft drinks from being sold to students in elementary schools. In middle and high schools, soft drinks may not be sold until after the last lunch period, and with the approval of the local school board. The State Department of Public Instruction also developed Eat Smart school standard recommendations.
Oklahoma	Prohibits access to foods with minimal nutritional value in elementary, middle, and junior high schools, with the exception of diet soda. Schools are also required to offer healthy snack and beverage options (SB 265, 2005).
Oregon	All food and beverage items sold in a public kindergarten through grade 12 schools must at minimum meet nutrition standards. Those standards apply to food and beverage items sold in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals or child care programs. The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during or after the event, such as a sporting event or another interscholastic activity, a play or a band or choir concert. (H.B. 2650, 2007; Chapter 455 Oregon Laws 2007.) ⁵³
South Carolina	South Carolina's State Board of Education restricted access to competitive foods in elementary schools (R43-168). Effective June 23, 2006, elementary schools cannot sell or serve the following beverages to students until after the last regularly scheduled class: soda, soft drinks, sports drinks, punches, iced teas and coffees, and fruit-based drinks that contain less than 100 percent real fruit juice or that contain added sweeteners.
Texas	Prohibits elementary schools from serving competitive foods or foods of minimal nutritional value to students anywhere on school premises until the end of the last scheduled class (does not pertain to food items made available by the school food service program). Middle schools are prohibited from serving or providing access to candy and other FMNV on school premises until after the last lunch period.
West Virginia	Prohibits candy, soft drinks (exception for high school), chewing gum, or flavored ice bars from being sold or served during the school day. If soft drinks are sold in high school, they may not be offered during the breakfast or lunch periods.

*While not passing legislation, New Jersey's Department of Agriculture administratively mandated the adoption of model school nutrition policies that ban foods with minimal nutritional value, foods and beverages with sugar as the first ingredient, and all candy from being sold during the school day.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
Alabama	The <i>Alabama Course of Study: Physical Education</i> , which was adopted by the Alabama State Board of Education in 2003, requires a minimum daily instructional period of at least 30 minutes in grades K-8 and recommends at least 50 minutes in grades 7-8. One credit is required for high school graduation.	No exceptions in elementary or middle school, unless student attends a church school as defined by law. No exceptions for high school.
Alaska	Alaska Administrative Code (4 AAC 06.075) requires one unit of credit of health or physical education for high school graduation.	
Arizona	<p>Establishes a two-year physical education pilot program in schools for students in grades 1 through 12. Students must participate in physical education for at least 150 minutes per week beginning in FY 2006-07 through FY 2007-08. During physical education class, students must participate in moderate to vigorous physical activity for 50 percent of classroom time. Physical education required under this act may consist of a combination of physical education programs and additional physical activities (e.g., activity breaks in between instruction time, recess, etc.) (HB 2140, Chapter 326, 2006).⁵⁴</p> <p>Established a task force to create a uniform physical education policy for grades K-8 (HB 2111, 2005).</p> <p>According to Arizona Administrative Code (R7-2-301), the minimum course of study and competency goals for students includes health/physical education.</p>	Parents can withdraw a child if they object to any activity or learning material.
Arkansas	<p>K-6th grade physical activity set at a) 60 minutes per week of physical education and b) 90 minutes of physical activity per week, which may include daily recess, physical education instruction. Grades 5-8 requires 60 minutes of physical education with no added requirement for physical activity; and for 9-12 grades, ½ unit of physical education as required for graduation, no additional requirement for physical activity. (HB1039, 2007).⁵⁵</p>	Student may be excused for medical or religious reasons. The local school board must then "encourage" a student who has been granted a waiver to have appropriate instruction in health education or other lifestyle modification as an alternative to physical education.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	Requires one hour per week in elementary and middle school. Also required in high school, although frequency and duration are not specified. One-half credit is required for high school graduation.	
California	Requires 200 minutes every 10 days for elementary school and 400 minutes every 10 days for grades 7-8. Two physical education courses are required for high school graduation, unless exempted.	<p>Clarifies that a pupil may be granted exemption from courses in physical education if the pupil has met at least 5 of the 6 standards of the physical performance test. (SB 602, 2008)</p> <p>School district may grant temporary exemption if a student (1) is ill or injured and a modified program cannot be provided, or (2) is enrolled for one-half, or less, of the coursework normally required of full-time pupils. Students can be exempt for two years if they have passed the physical performance test administered in ninth grade. Permanent exemption from physical education is available for students 16 or older who are enrolled as a postgraduate pupil, or enrolled in a juvenile home, ranch, camp or forestry camp.</p>
Colorado	<p>Includes the addition of school district wellness programs. (HB 1224, 2008).⁵⁶</p> <p>Encourages school districts to provide students access to daily physical activity (SB 81, 2005).</p>	
Connecticut	<p>In 2006, Connecticut passed legislation that requires the Department of Education to (1) develop guidelines for addressing the physical health needs of students in a comprehensive manner that coordinates services, including services provided by municipal parks and recreation departments and (2) make available to each local and regional board of education a copy of the guidelines by no later than January 1, 2007. The guidelines shall not be deemed to be regulations by local and regional boards of education (SB 204, Public Act 06-44, 2006).⁵⁷</p> <p>Required in elementary, middle and high school; duration and frequency not</p>	Student may be excused for medical reasons. Credit for physical education may be fulfilled by an elective.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	specified. Requires one credit for high school graduation.	
Delaware	<p>Authorizes the creation of a statewide Health Advisory Council to provide advice and guidance to the Department of Education regarding current and future physical education and physical activity programs in Delaware public schools. Responsibilities of the Council will include: monitoring and evaluating current physical education and activity programs; providing guidance for gradually incorporating and codifying an increase, based on national standards, in physical education and activity in all grades; acting as a clearing house for best practices in physical education and activity programs; and publishing an annual strategic plan and report on fitness and childhood obesity in Delaware (SB 289, 2006).⁵⁸</p> <p>For the 2006-07 school year, requires the establishment of a physical education/physical activity pilot program in at least six of Delaware's public elementary, middle or high schools to determine the potential for future expanded use to all of Delaware's public schools. Each school in the pilot shall be required to provide at least 150 minutes per week of a combination of physical education and physical activity for each student (HB 471, 2006).⁵⁹</p> <p>Requires the Department of Education to develop a regulation requiring each local school district and charter school to assess the physical fitness of each student at least once at the elementary, middle and high school level and outlining the grades at which the assessment will be given. The assessment results are to be provided to the parent, guardian or relative caregiver. The intent is to provide baseline and periodic updates for each student and his or her parent, guardian or relative caregiver sharing in the knowledge of obesity and other chronic illnesses (HB 372, 2006).</p>	Student may be excused for medical or religious reasons.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	Required in elementary, middle and high school, although duration and frequency are not specified. One credit is required for high school graduation.	
D.C.	Requires 1 ½ credits for high school graduation.	The high school graduation requirement is waived for students participating in an evening high school diploma program.
Florida	<p>Mandating 30 minutes of physical education per day for grades 6-8 (changed from encouraged). Each district board shall provide 150 minutes of physical education each week for students in grades K-5. (SB 608: Chapter 2008-94, 2008).⁶⁰</p> <p>Updates the contents of a school district's written physical education policy to add details concerning the benefits of physical education, and the availability of one-on-one counseling concerning such benefits. Provides for the conduction of at least 30 consecutive minutes of physical education for students in K-6 and requires a one class period per day of physical education for one semester for students in grades 6 through 8. Also provides waivers (SB 610, 2008).⁶¹</p> <p>Each district board shall provide 150 minutes of physical education each week for students in grades K-5. Each district school board is encouraged to provide 225 minutes of physical education each week for students in grades 6-8 (HB 967, Chapter 2007-28, 2007).⁶²</p> <p>Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. All physical education programs and curricula must be reviewed by a certified physical education instructor. Encourages each district school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and 225 minutes each week for students in grades 6 through 8 (SB 772, Chapter 2006-301, 2006).⁶³</p>	Students may be excused if they participate in an interscholastic sport at the junior varsity or varsity level. Two full seasons satisfy the one-credit high school graduation requirement if the student passes a competency test on personal fitness with a score of C or better. One-half credit is satisfied if a student completes one semester with a grade of C or better in (1) a marching band class or in a physical activity class that requires participation in marching band activities, or (2) Reserve Officer Training Corps class.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>No current physical education requirement for elementary and middle school. One credit is required for high school graduation. By December 1, 2004, each district school board must adopt a physical education policy. Any district that does not adopt an education policy by December 1, 2005, must provide a minimum of 30 minutes of physical education three days per week for grades K-5. Statutes require each district school board to provide courses designed to ensure that students meet the Sunshine State Standards for Health and Physical Fitness.</p>	
Georgia	<p>Requires 90 hours at each grade level in elementary school and the completion of one unit (140 hours) for high school graduation.</p>	<p>Not identified through statute or code.</p>
Hawaii	<p>Requires one credit for high school graduation (per Board of Education Policy #4540).</p>	
Idaho	<p>Required in elementary, middle and high school, although duration and frequency are not specified. One credit is required for high school graduation.</p>	<p>Not identified through statute or code.</p>
Illinois	<p>Required daily in grades K-12. Duration is not specified.</p>	<p>Amends the School Code and provides that an approved waiver or modification to a physical education mandate remain in effect for no longer than 2 school years (instead of 5). The waiver can be renewed, but no more twice (previously there was no limit on the number of renewals). The approved waiver or modification may be changed within the 2-year period by the board regional superintendent of schools. The new provision will require school systems to periodically review the waivers put into place, as opposed to allowing them to continue without review. (HB 1839, 2007).⁶⁴</p> <p>Allows a school board to excuse pupils in grades 9-12 from engaging in physical education courses if they must utilize the time set aside for physical education to receive special education support and services (SB 0211, 2005).⁶⁵</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
		<p>Schools that operate on a block schedule are exempted from mandatory daily physical education (SB 88, 2005).⁶⁶</p> <p>Student may be excused for medical reasons. School board is authorized to excuse students enrolled in grades 11-12 if they: (1) participate in an interscholastic athletic program, or (2) are required to take an academic class necessary to enroll in college, or (3) are required to enroll in an academic class needed to graduate from high school. Students in grades 9-12 may be excused if they enroll in a marching band or ROTC program. A vocational or technical course may be substituted for physical education in grades 9-12.</p>
Indiana	<p>Recess may be counted towards mandatory daily physical activity (SB 111, 2006).⁶⁷</p> <p>Beginning in the 2006-07 school year, the governing body of each school corporation shall provide daily physical activity, which may include recess, for students in elementary school (IC 20-30-5-7.5). For a student who enters high school in the 2006-2007 school year or subsequent school year, two credits of physical education are required (511 IAC 6-7.1).⁶⁸</p> <p>Required in elementary, middle and high school. Recommended duration and frequency are: 105 minutes of motor skills development for grades 1-3; 75 minutes of weekly physical education for grades 4-6; and 100 minutes of physical education weekly for middle school. Two semesters are recommended in high school, and one credit is required for graduation.</p>	<p>Students may be excused only when they have a medical condition that precludes participation in daily physical activity.⁶⁹</p>
Iowa	<p>All physically able students in grades 9-12 shall be required to participate in physical education activities during each semester they are enrolled in school. A minimum of one-eighth unit each semester is required (Code 256.11).</p>	<p>Twelfth graders may be excused from the physical education requirement by the school principal if: (1) the student is enrolled in a work-study or other educational program that requires the student to be off school premises during the day, or (2) the student is enrolled in an academic class not otherwise available,</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	Required in elementary, middle and high school (281 IAC 12.5).	or (3) the student participates in an athletic program that requires at least as much time as the physical education requirement. Students in grades 9-12 may be excused if requested by a parent or guardian. These students must then participate in an athletic program that requires at least as much time as the physical education requirement.
Kansas	Required in elementary, middle and high school, although duration and frequency are not specified. One unit of physical education, of which one-half unit may include health education, is required for high school graduation.	High school graduation requirement may be waived for medical or religious reasons.
Kentucky	<p>Requires school councils to implement a wellness policy that includes moderate to vigorous activity each day, and may allow physical activity up to 30 minutes per day or 150 minutes per week as part of the instructional day for grades K-5 (SB 172, 2005).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One-half credit (60 hours) is required for high school graduation.</p>	Students may be excused with a physician's note.
Louisiana	<p>The Department of Education shall employ a health and physical education coordinator. (Act No.180, SB 362, 2007).⁷⁰</p> <p>Requires 30 minutes daily in elementary school (RS 17:17.1), and 150 minutes weekly in middle school. One and one-half credits are required for high school graduation. (These requirements were reenacted in 2005).</p>	For elementary school, adapted physical activity shall be provided for students with special needs that prevent them from participating in regular physical education classes. No exception identified through statute or code for middle or high school.
Maine	<p>Requires elementary and middle school students to participate in 150 minutes of physical activity per week in addition to recess, and high school students to participate in 220 minutes of physical activity per week (LD 796, 2005).⁷¹</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	Not identified through statute or code.
Maryland	Establishes a task force on student physical	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>fitness in State Public Schools. (SB 955, 2008)⁷²</p> <p>Requires county boards of education to ensure that students with disabilities have opportunities in specified physical education and athletic programs. (HB 1411, 2008)⁷³</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One-half credit is required for high school graduation.</p>	
Massachusetts	Required in elementary, middle and high school, although duration and frequency are not specified.	Students may be excused for medical or religious reasons.
Michigan	Required in elementary, middle and high school, although duration and frequency are not specified.	School districts may credit a student's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement.
Minnesota	Required in elementary, middle and high school, although duration and frequency are not specified.	Students may be excused for medical or religious reasons. Local school districts are given the authority to exempt students for athletic purposes.
Mississippi	<p>In 2007, Mississippi passed legislation that requires 150 minutes per week of physical activity-based instruction for grades K-8 and for grades 9-12 ½ Carnegie unit of physical education or physical activity for high school graduation (SB 2369, Code 37-13-134, 2007)</p> <p>Beginning with the 2006-2007 school year, each local school board shall, consistent with regulations adopted by the State Board of Education, adopt a school wellness plan which shall promote a healthy lifestyle for Mississippi's school children and staff. Beginning with the 2008-2009 school year, the school wellness plan shall also promote increased physical activity, healthy eating habits and abstinence from the use of tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas which may be developed in partnership with the Institute for America's Health (SB 2369, 2007).</p>	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>In 2006, Mississippi passed legislation that recommends the following guidelines for school district physical education and fitness classes: 30 minutes per day for grades K-6 and 2 hours per week for grades 7-9. In addition, the act directs the State Department of Education to employ a physical activity coordinator that shall present a state physical activity plan each year to the Governor’s Commission on Physical Fitness and Sports, the Mississippi Council on Obesity Prevention and Management, the Task Force on Heart Disease and Stroke Prevention, and the Mississippi Alliance for School Health. The physical activity coordinator shall also monitor the districts for adherence to current Mississippi school accountability standards and for implementation of the physical education curriculum on file with the State Department of Education. Finally, the legislation requires the local school board of each school district to establish a local school health council for each school. The local school health council’s duties may include recommending age appropriate curriculum and the number hours of instruction to be provided in health and physical education (HB 319, Chapter 401, 2006).⁷⁴</p> <p>Required in elementary and middle school, although duration and frequency are not specified. Not required in high school.</p>	
Missouri	Requires 50 minutes per week in elementary school, with 25 minutes required weekly for half-day kindergarten students. Three thousand minutes are required per year in middle school. No requirements for frequency or duration are specified in high school; however, one unit is required for graduation.	Students may be excused for medical or religious reasons.
Montana	Required in elementary and middle school, although duration and frequency are not specified. One-half unit each year is required in middle school. In high school,	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	one unit total (135 hours) is required for graduation, in increments of half units for two years.	
Nebraska	Required in elementary and middle school, although duration and frequency are not specified. Daily physical education is required for two years in high school.	Not identified through statute or code.
Nevada	<p>Physical education must be taught as applicable for grade levels and to the extent practicable in all public schools (NRS 389.018).</p> <p>Developed performance standards for physical education that are benchmarked for grades 2, 3, 5, 8, and 12. Standards are designed to help districts develop and implement their own curriculum. Two credits are required for high school graduation.</p>	Not identified through statute or code.
New Hampshire	<p>Created an Advisory Committee to develop a policy for physical education requirements for schools.</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	Not identified through statute or code.
New Jersey	Requires 150 minutes of health, safety and physical education each week in elementary (except kindergarten), middle, and high school. 3 ¾ credits are required in health, safety and physical education for each year of attendance in high school.	Determined by local school boards. Schools are required to provide alternatives in order for students to meet the physical education core standards.
New Mexico	<p>Appropriates \$8 million to provide elementary physical education in grades K-6 (HB 208, 2007).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	The high school graduation requirement may be waived because of a medical condition.
New York	Requires 120 minutes per week in elementary school, daily in grades K-3 and three times per week in grades 4-6. In middle and high school, 120 minutes are required weekly, three times per week in	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	one semester and at least two times a week in the other semester. Two credits are required for high school graduation.	
North Carolina	<p>Requires at least 30 minutes of moderate to vigorous physical activity daily for students in grades K-8. The requirement can be achieved through a regular physical education class and/or through activities such as recess, dance, classroom energizers, or other curriculum-based physical activity programs (State Board of Education Policy HSP-S-000).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	Not identified through statute or code.
North Dakota	<p>Each public and nonpublic high school shall make available to each student one-half unit of physical education during the school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness (SB 2354, 2007).⁷⁵</p> <p>Encourages schools to provide mid-morning and mid-afternoon recess of at least 10 minutes in grades K-6 (HB 3034, 2005).</p> <p>Beginning with the 2008-09 school year, no student may graduate from a high school unless the student completes one unit of physical education, which may include up to one-half unit of health (15.1-21-02.2).</p> <p>Requires a minimum of 90 minutes per week in grades 1-3 (30 minutes of supervised recess may be counted as part of the 90 minutes of physical education for grades 1-3). Requires a minimum of 90 minutes per week for grades 4-6 and a minimum of 80 minutes per week in grades 7-8 (Administrative Rules 67-19-01-34 and 67-19-01-35).</p>	Not identified through statute or code.
Ohio	Required in elementary, middle and high school, although duration and frequency are	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	not specified. One-half credit (60 hours) is required for graduation from high school.	
Oklahoma	<p>Increases P.E. requirement in elementary schools from 60 minutes to 120 minutes each week, beginning with 2008-2009 school year. (SB 1186, 2008).⁷⁶</p> <p>Requires the State Department of Education in consultation with the State Department of Health to make available to schools information and technical assistance for use in the development of quality physical education and activity programs. Encourages the Healthy and Fit School Advisory Committees to utilize the Centers for Disease Control and Prevention’s School Health Index or the Oklahoma Healthy and Fit Schools Scorecard (SB 1459, 2006).⁷⁷</p> <p>Requires physical education or exercise programs for at least 60 minutes per week for all students in full-day kindergarten and grades 1-5, beginning in the 2006-07 school year. School districts are also encouraged to provide physical education instruction to students in grades 6-12. Recess is prohibited from counting towards physical education requirement. (Statute §70-11-103.9).</p>	Not identified through statute or code.
Oregon	<p>Every public school student in kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate in physical education for at least 150 minutes during each school week. Students in grades 6 through 8 shall participate in physical education for at least 225 minutes during each school week.(HB 3141, 2007)⁷⁸</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit of credit of physical education is required for high school graduation (OAR 581-022-1130).</p>	The school district may excuse students from a state required program or learning activity, where necessary, to accommodate students’ disabilities or religious beliefs (OAR 581-022-1910).
Pennsylvania	Requires the establishment of an interagency coordinating council for child	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>health, nutrition and physical education that shall offer recommendations on physical education curriculum (HB 185, Act 114, 2006).⁷⁹</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified.</p>	
Rhode Island	Requires an average of 20 minutes of health and physical education daily in elementary, middle and high school.	Not identified through statute or code.
South Carolina	<p>Beginning in the 2006-07 school year, students in kindergarten through fifth grade must be provided a minimum of 150 minutes a week of physical education and physical activity. In 2006-07, a minimum of 60 minutes a week must be provided in physical education, and as Section 59-10-20 (see below) is phased in, the minimum time for physical education must be increased to 90 minutes a week. The certified physical education teacher to student ratio is designed to provide students in kindergarten through fifth grade with scheduled physical education either every day or on alternate days throughout the school year and must be based on the South Carolina Physical Education Curriculum Standards. The student to teacher ratio in a physical education class may not exceed the average student to teacher ratio of 28 to 1 (Code 59-10-10).</p> <p>According to Code 59-10-20, beginning with the 2006-07 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 700 to 1; beginning with the 2007-08 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 600 to 1; and beginning with the 2008-09 school year, the student to certified physical education teacher ratio in the elementary schools of the State must be 500 to 1.</p> <p>Required in elementary, middle and high school. One unit is required for high school</p>	One Junior ROTC credit may be taken instead of physical education. Students who are physically or mentally unable to take physical education must complete a suitably modified course.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	graduation.	
South Dakota	<p>Effective Fall 2006, ½ unit of physical education or health is required for high school graduation.⁸⁰</p> <p>No requirements at the state level.</p>	
Tennessee	<p>It shall be the duty of each local education agency to integrate a minimum of 90 minutes of physical activity per week into the instructional school day for elementary and secondary school students. Opportunities to engage in physical activity may include walking, jumping rope, playing volleyball, or other forms of physical activities that promote fitness and well-being (HB 3750, Chapter 1001, 2006).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	<p>Credit earned in two years of Junior ROTC may be substituted; participation in marching band or interscholastic athletics may <u>not</u> be substituted.</p>
Texas	<p>Students below sixth grade are required to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district’s physical education curriculum or through structured activity during recess. Beginning with the 2008-09 school year, students in grades six through eight will be required to participate in daily physical activity for at least 30 minutes for at least four semesters during those grade levels. If a school district determines, for any particular grade level below sixth grade, that this requirement is impractical due to scheduling concerns or other factors, students in that grade level may participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Districts that use block scheduling may as an alternative require students to participate in moderate or vigorous physical activity for at least 225 minutes during each two-week school period. (SB 530, 2007).⁸¹</p> <p>Requires schools to include an emphasis on the importance of proper exercise (SB 42, 2005).</p>	<p>School districts may allow a student to substitute certain physical activities for credit towards the high school graduation requirement. Waivers may be granted for credit to individual students for private or commercially sponsored programs in Olympic-level physical training.</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>Requires 135 minutes per week in elementary school. Physical education is required in middle and high school, although duration and frequency are not specified. 1 ½ units are required for high school graduation.</p>	
Utah	<p>Required in elementary, middle and high school. One unit of credit of physical education is required in grades 7-8. For high school graduation, two units of credit of physical and health education are required and must be composed of ½ credit of health; ½ credit of participation skills; ½ credit of fitness for life; and ½ credit of individualized lifetime activities or team sport/athletic participation (Administrative Code R277-700).</p>	Not identified through statute or code.
Vermont	<p>The commissioner of education shall collaborate with the secretary of human services and the secretary of agriculture, foods and markets to write a model school fitness and nutrition policy. (HB 272, 2004).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified; 1 ½ years of physical education are required for high school graduation.</p>	Not identified through statute or code.
Virginia	<p>Act requires local school boards to provide a physical fitness program with a goal of 150 minutes per week for all students. (HB 242, 2008).⁸²</p> <p>Incorporates physical and health education as part of elementary school curriculum, in addition to including health and physical education as components of programs of instruction for grades K through 12 (SB 795, 2007).</p> <p>Requires physical education, including cardio, muscle building, and stretching exercises (SB 1130, 2005; amends 22.1-200 of the Code of Virginia).</p> <p>Required in elementary, middle and high</p>	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>school, although duration and frequency are not specified. Two credits of health and physical education are required for high school graduation.</p>	
Washington	<p>Released model policy in 2004. The law mandates local school districts to establish school physical education policies by August 1, 2005 (SB 5436, 2004. Amends 28.A235 RCW).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. Two credits (300 hours) of health and fitness education are required for high school graduation.</p>	<p>Students may be excused on account of physical disability, employment or religious beliefs, participation in athletics or military science and tactics, or for other good cause.</p>
West Virginia	<p>Each school should create an environment focused on student learning and one where students know they are valued, respected and safe. Furthermore, the school should incorporate programs and processes that instill healthy, safe and responsible behaviors and prepare students for interactions with individuals of diverse racial, ethnic and social backgrounds. School and district processes should include a focus on developing ethical and responsible character, personal dispositions that promote personal wellness through planned daily physical activity and healthy eating habits consistent with high nutritional guidelines and multicultural experiences that develop an appreciation of and respect for diversity (SB 595, 2008).⁸³</p> <p>Requires not less than 30 minutes of physical education for not less than three days a week for elementary school grades; and not less than one full period of physical education each school day for one semester of the school year for middle school grades. Requires not less than one full course credit of physical education for high school graduation and the opportunity to enroll in an elective lifetime physical education course (SB 785, 2006, §18-2-7a).⁸⁴</p> <p>Requires 30 minutes at least three days per week in grades K-5; a full period of</p>	<p>Not identified through statute or code.</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
	<p>physical education daily for one semester in grades 6-8; and one full course during high school in grades 9-12 (HB 2816, 2005; Amends CWV 18-2-7a).</p> <p>Required in elementary, middle, and high school. One credit is required for high school graduation.</p>	
Wisconsin	<p>According to the Department of Public Instruction's school district standards and Statute 121.02, physical education is required at least three times per week for grades K-6 and weekly for middle school.⁸⁵</p> <p>For high school graduation, 1.5 credits of physical education, which incorporate instruction in the effects of exercise on the human body, health-related physical fitness, and activities for lifetime use, are required (Administrative Code PI 18.03).</p>	Not identified through statute or code.
Wyoming	Required in elementary, middle, and high school, although duration and frequency are not specified.	Not identified through statute or code.

STATE	BODY MASS INDEX OR HEALTH INFORMATION COLLECTED
Arkansas	<p>Every school district shall, beginning with kindergarten and then in even numbered grades, require schools to include as a part of a student health report to parents a body mass index percentile by age for each student. Permits any parent to refuse to have their child's body mass index percentile for age assessed and reported, by providing a written refusal to the school. Students in grades eleven through twelve are exempt from any policy or requirement of a public school or the state for measuring or reporting body mass index (HB 1173, 2007, Amends §20-7-135).⁸⁶</p> <p>In 2003, as part of a statewide multifaceted legislative initiative, Arkansas required every public school student to have an annual BMI assessment performed and reported confidentially to parents. The legislation also required schools to provide parents with an explanation of the possible health effects of BMI, poor nutrition, and physical inactivity. The goal is to provide parents with information regarding the health risks that their child could develop as a result of being overweight or underweight.⁸⁷</p>
California	Individual student BMI is reported to parents via confidential letter as part of a non-invasive diabetes screening pilot program for 7th and 8th graders. California Education Code § 49452.6
Delaware	Requires the Department of Education to develop a regulation requiring each local school district and charter school to assess the physical fitness of each student at least once at the elementary, middle and high school level and outlining the grades at which the assessment will be given. The assessment results are to be provided to the parent, guardian or relative caregiver. The intent is to provide baseline and periodic updates for each student and his or her parent, guardian or relative caregiver sharing in the knowledge of obesity and other chronic illnesses. Includes measuring body mass index as part of the testing in some local school districts (HB 372, 2006).
Florida	Florida Statute § 381.0056(5) requires school health services programs administered jointly by the Department of Health and the Department of Education to administer growth and development screening for students. BMI is encouraged as part of these screenings for all students in 1st, 3rd, 6th and, optionally, 9th grades
Illinois	Enacted legislation allowing the Department of Public Health to collect data relating to obesity as part of students' mandatory health examinations for entrance into public schools and to report on BMI. (This amends the School Code and the Illinois Health Statistics Act). (SB2940, 2003-2004, Public Act 93-0966, 2004)
Iowa	Bill establishes a pilot grant program (in six communities) to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age. Grant requirements include the measurement, reporting and tracking of the height and weight of students in participating elementary schools (SB 2124, 2006).
Louisiana	Act establishes a three-year pilot program involving nutrition and physical activity interventions for no more than eight schools from each of the eight regional service districts. Requirements of the program include an assessment of the changes in weight status of students in participating schools who are receiving the interventions (SB 871, Act 734, 2004).
Maine	Established that the school board must require all public school students in grades 1, 3, 5, 7, and 9 to have their BMI measured. All data is to be analyzed by an epidemiologist or statistician in the Department of Health and Human Services. Parents will be given a confidential report concerning their child's BMI, an explanation of BMI as a screening tool, and references to local community programs for physical activity and nutrition resources (LD796, 2005; SP 263). ⁸⁸

STATE	BODY MASS INDEX OR HEALTH INFORMATION COLLECTED
Massachusetts	Department of Public Health Code (105 CMR 200.500, 1994) requires each student's height and weight to be measured annually.
Missouri	Requires the department of elementary and secondary education to establish a "Model School Wellness Program," which will create school-based pilot programs (for grades K-5) that will promote balanced dietary patterns and physical activity to prevent becoming overweight or obese, and will include discussion of serious and chronic medical conditions that are associated with being overweight. Following completion of the 2005-06 school year, requires department to the evaluate the effectiveness of the model school wellness program through various measures, including changes in BMI (Chapter 167, Section 167.229). ⁸⁹
New York	<p>Addresses BMI assessment through health certificates in schools as directed by Commissioner of Health. Parents may refuse to be included in survey. Each school district shall provide commissioner of Health with any information for purposes of obesity report. (SB 2108, 2007, Education Law § 903, Title 1, Article 19).⁹⁰</p> <p>Requires the development of a BMI-for-age screening program for children ages two to 18; parents will be notified of child's BMI measurement with an explanation of the measurement and any health recommendations (SB 3668).</p>
Pennsylvania	<p>The state's health department requires school nurses to compute body mass index - height-to-weight ratio - for students in grades one through eight during annual growth screenings. BMI measurement will be required for students in all grades in the 2007-2008 school year. Parents receive letters about the BMI results that encourage them to share the information with their family physician.</p> <p>The Pennsylvania Department of Health administratively mandated the measurement of children's height and weight in order to compute BMI. Referred to as the "Growth Screening Program," in the 2005-2006 school year, all children in kindergarten through grade four were screened. The program will expand to include three additional grades each year until screenings are taking place in all 12 grades.</p>
Rhode Island	<p>The new law establishes the state's healthy weight pilot program to be implemented in several cities and towns. The program will incorporate a combination of physical activity and nutrition plans that aim to encourage healthy weight and weight management in children. Funding for the program will come from federal grants, funds allocated to the state for the purpose of combating obesity and other sources deemed appropriate by the legislature. (HB 5900, 2007).⁹¹</p>
South Carolina	The Student Health and Fitness Act requires all K-12 schools in the state to participate in the South Carolina Physical Education Assessment and requires that an individual's fitness status must be reported to his parent or guardian during a student's fifth grade, eighth grade, and high school physical education courses (HB 3499, 2005).
Tennessee	<p>Requires that parents be provided with a confidential health report card for their children, including BMI levels. Schools with high aggregate BMI levels are encouraged to improve nutritional and physical activity programs (HB 445, 2005, P.C. 194).</p> <p>Also enacted legislation to authorize local education agencies to implement a program that identifies public school children who are at risk for obesity (SB 247, 2005).</p>
Texas	<p>The new law includes the following provisions:</p> <ul style="list-style-type: none"> Each school district must assess the physical fitness levels of all students in grades 3 through 12.

STATE	BODY MASS INDEX OR HEALTH INFORMATION COLLECTED
	<ul style="list-style-type: none"> • Students with a disability or other exemption by rule are excluded. • The assessment instrument used will be based on aerobic capacity, body composition and muscular strength, endurance and flexibility. The assessment will be indexed according to student age, gender and physical fitness required for good health. • Each school district must compile the results and provide summary results aggregated by grade level and any other appropriate category to the commissioner of education. The summary results are not to include the names of students or teachers. • The individual results of the testing are confidential and may be released only in accordance with state and federal law. The state will review the results by school district and analyze the results with regard to student academic achievement levels, student attendance levels, student obesity, student discipline problems and school meal programs. <p>Not later than September 1 of each year, the education commission shall report the findings of the analysis to the school health advisory committee to assess the effectiveness of the coordinated health programs in school districts and to develop recommendations for modifications to coordinated health programs. (SB 530, 2007).⁹²</p>
West Virginia	<p>Changes the state's current BMI measurement policy (listed below) by requiring BMI testing for only a scientifically drawn sample of students. Requires data to be collected and reported in a manner that protects student confidentiality. Data is to be reported to the Department of Education and in aggregate to the Governor, the State Board of Education, the Healthy Lifestyles Coalition and the Legislative Oversight Commission on Health and Human Resources Accountability (SB 785, 2006, §18-2-7a).⁹³</p> <p>Requires BMI testing for students in kindergarten, grades 4-8, and those enrolled in high school physical education programs (Amends C.W.V. 18-2-7a).</p>

STATE	HEALTH EDUCATION REQUIREMENTS
Alabama	<p>According to Alabama Code 16-35-5, health education shall be taught in every elementary school in the state.</p> <p>Required for students in grades K-8. Recommended frequency and duration: 60 minutes per week for grades 1-6. One-half credit is required for high school graduation.⁹⁴</p>
Alaska	<p>One credit (two semesters) of health or physical education is required for high school graduation (4 AAC 06.075).</p>
Arizona	<p>Arizona Administrative Code (R7-2-301) establishes the minimum course of study and competency goals for students, which includes health/physical education. The code does not specify grade levels or amount of instruction. Health education is not a requirement for high school graduation.</p>
Arkansas	<p>Required each year in elementary and middle school. One-half credit of health and safety education is required for high school graduation.⁹⁵</p>
California	<p>Education Code §51210 requires health education in grades 1-6. Health education is not one of the requirements for high school graduation listed in Education Code §51225.3.</p>
Colorado	<p>Encourages school districts to include nutrition education goals (CO BS 81).</p> <p>No state requirement. A voluntary health education program exists.</p>
Connecticut	<p>Statute Chapter 164 Sec. 10-16b requires public schools to offer various courses, including health and safety education. The statute does not specify grades.</p>
Delaware	<p>Requires 30 hours per year in grades K-4, 35 hours per year in grades 5-6, and 60 hours per year in grades 7-8. In high school, one-half credit is required for graduation.</p>
D.C.	<p>Requires 1 ½ credits of health education for high school graduation.</p>
Florida	<p>Each district school board shall provide 150 minutes of physical education each week for students in kindergarten through grade 5. Each district school board is encouraged 225 minutes of physical education each week for students in grades 6 through 8. (HB 967, 2007).⁹⁶</p> <p>In high school, one-half credit is required for graduation.</p>
Georgia	<p>Requires 90 hours of health and physical education in elementary school. There are no health education requirements for middle school, but schools must offer health education. One unit (140 hours) of health education is required for high school graduation.</p>
Hawaii	<p>State Board of Education (BOE) Policy #2100 requires the Department of Education to provide an academic program that includes health education. The policy does not specify grade levels or amounts of instruction. BOE Policy #4540 requires ½ credit of health education for high school graduation.</p>
Idaho	<p>Required in elementary and middle school. One credit is required for high school graduation. The state Board of Education developed health education content standards that are a minimum requirement for schools.</p>
Illinois	<p>The Critical Health Problems and Comprehensive Health Education Act (105 ILCS 110/3) requires all elementary and secondary schools to provide health education. Illinois Administrative Code (Title 23, Chapter 1, Section 420) does not specify a time requirement for health education for grades K-6; however, health education shall be part of the formal regular instructional program at each grade level. According to the Code, at least one semester must be taught in middle and high school.</p>
Indiana	<p>Indiana Code §20-30-5-7 mandates that each school corporation (local school district) shall include in its curriculum health education. One credit of health education is required for high school graduation.</p>

STATE	HEALTH EDUCATION REQUIREMENTS
Iowa	Iowa Code 256.11 requires elementary and middle schools to teach health education in order to receive accreditation. One unit must be taught in high school for school to receive accreditation.
Kansas	Statute 72-1101 includes health and hygiene as a required subject in accredited elementary schools. Each local board of education shall adopt a written policy specifying that pupils are eligible for high school graduation only upon completion of at least one unit of physical education, which shall include health and which may include safety, first aid, or physiology (KAR 91-31-35).
Kentucky	Required in elementary and middle school. One-half credit (60 hours) is required for high school graduation.
Louisiana	According to the Louisiana Health Education Content Standards, which were adopted by the Louisiana State Board of Elementary and Secondary Education, 150 minutes per week are required in health and physical education for grades 1-6. In grades seven and eight, “health and physical education, elective, exploratory studies” is set at a minimum of 275 minutes per week for students on a six-period day option or 250 minutes per week for a seven-period day schedule. In order to graduate from high school, public school students must earn one-half unit in health education. ⁹⁷
Maine	Required in elementary and middle school. One-half unit is required for high school graduation.
Maryland	Requires health education instruction developed by each county’s Board of Education to include the importance of physical activity (SB 473, 2005). ⁹⁸ Required in elementary and middle school. One-half credit is required for high school graduation.
Massachusetts	General Law 71.1 requires that schools give instruction and training in health education, which shall include, but shall not be limited to: consumer health, ecology, community health, body structure and function, safety, nutrition, fitness and body dynamics, dental health, emotional development, and training in the administration of first aid, including cardiopulmonary resuscitation. Grade levels are not specified.
Michigan	The Michigan Department of Education developed Grade Level Content Expectations (GLCE) in Health Education for K-8. The GLCEs were approved by the Michigan State Board of Education on February 13, 2007. ⁹⁹ MCL §380.1502 states that health and physical education for pupils of both sexes shall be established and provided in all public schools of the state.
Minnesota	Instruction must be provided in health and physical education (Statute 120A.22.9). Grade levels are not specified in the statute. Statute 120B.024 does not specify that health education is a requirement for high school graduation. Health and physical education, for which locally developed academic standards apply, are required for statewide accountability (Statute 120B.021). Each Minnesota school district is required to develop local standards in health education and physical education. ¹⁰⁰
Mississippi	In 2007, Mississippi passed legislation (SB 2369, Code 37-13-134) that requires 45 minutes per week of health education instruction in grades K-8. Required in elementary and middle school. One-half credit (70 hours) is required for high school graduation. Mississippi developed the Comprehensive Health Framework, and the

STATE	HEALTH EDUCATION REQUIREMENTS
	competencies contained in the Framework are required for all grade levels.
Missouri	<p>According to the Missouri Department of Elementary and Secondary Education's (MDESE's) Graduation Requirements that are effective through the class of 2009, health education is not a required course for high school graduation. However, effective with the class of 2010, ½ unit of credit of health education will be required for graduation.¹⁰¹</p> <p>According to the Missouri Department of Elementary and Secondary Education, each elementary student is required to receive regular instruction in comprehensive health. Health and safety education must be taught to all middle school students for a minimum of 1,500 minutes each year.¹⁰²</p>
Montana	Required in elementary and middle school. One unit (135 hours) is required for high school graduation.
Nebraska	Required in elementary and middle school. Twenty instructional units or two years of daily classes in personal health and physical fitness are required for high school graduation (92 NAC 10-004).
Nevada	<p>Health education must be taught as applicable for grade levels and to the extent practicable in all public schools (NRS 389.018).</p> <p>Required in elementary and middle school. One-half credit (60 hours) is required for high school graduation.</p>
New Hampshire	Required in elementary and middle school. One-half credit is required for high school graduation.
New Jersey	<p>Statute 18A:35-5 states that each board of education shall conduct as part of the instruction in the public schools courses in health, safety, and physical education. Requires 150 minutes of health, safety and physical education each week in schools (18A:35-8).</p> <p>Local high school graduation requirements include 3 ¾ credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week (Administrative Code 6A:8-5.1).</p>
New Mexico	<p>Requires health education for grades 1-12 that meets academic content and performance standards (HB 84, 2005, §22-13-1).¹⁰³</p> <p>Not required.</p>
New York	Required in elementary school. In middle school, a half-unit course is required. One-half credit is required for high school graduation.
North Carolina	Required in elementary and middle school. One credit is required for high school graduation.
North Dakota	<p>In order to be approved by the superintendent of public instruction, each public and nonpublic elementary and middle school shall provide to students instruction in health (Code 15.1-21-01). Requires a minimum of 40 minutes per week for grades 1-3; a minimum of 80 minutes per week for grades 4-6; and a minimum of 50 minutes per week for grades 7-8 (Administrative Rules 67-19-01-34 and 67-19-01-35).¹⁰⁴</p> <p>Beginning with the 2008-09 school year, one unit of physical education, which may include up to one-half unit of health, is required for high school graduation (Code 15.1-21-02.2).</p>
Ohio	<p>Revised Code 3313.60 requires schools to offer a curriculum that includes health education. However, there are no specifics about grade levels or amounts of instruction.</p> <p>One-half unit of health is required for high school graduation (Revised Code 3313.603).</p>

STATE	HEALTH EDUCATION REQUIREMENTS
Oklahoma	<p>Mandates the formation of a committee in each school to address nutrition and health (SB 1445).</p> <p>Health education not required. Although, Statute §70-11-103.6 states that school districts shall strongly encourage students to complete two units or sets of competencies of health education. The Priority Academic Student Skills for Health and Safety (PASS) describe what students should know about health and safety by grade level.</p>
Oregon	<p>Required in elementary and middle school. One credit of health education is required for high school graduation.</p>
Pennsylvania	<p>Required each year in elementary school. Health education is also required in middle and high school, although frequency and duration are not mandated by the state.</p>
Rhode Island	<p>Requires an average of 20 minutes of health and physical education daily each year in elementary, middle, and high school.</p>
South Carolina	<p>Health curriculum for students in kindergarten through fifth grade must include a weekly nutrition component (Code of Laws 59-10-360).</p> <p>The Department of Education shall develop or adopt an assessment program to evaluate district and school health education programs. At a minimum, the assessment must be designed to determine program effectiveness and adherence to South Carolina Health and Safety Education Curriculum Standards. The State Department of Education shall begin piloting health education assessments in the 2006-07 school year with implementation in the 2008-09 school year (Code of Laws 59-10-320).</p> <p>Required subjects for grades 1-5 include health and safety (Code of Regulations 43-231). Required subjects for grades 6-8 include health (Code of Regulations 43-232).</p> <p>At least one time during the four years of grades 9-12, each student shall receive instruction in comprehensive health education, including at least 750 minutes of reproductive health education and pregnancy prevention education. Health education time requirements are 75 minutes weekly for elementary school and 250 minutes per week for nine weeks for middle school (Code of Laws 59-32-30).</p>
South Dakota	<p>Effective Fall 2006, ½ unit of physical education or health is required for high school graduation.¹⁰⁵</p> <p>Not required. The state developed the South Dakota Health Education Standards, but schools are not required to follow these.</p>
Tennessee	<p>Required in elementary and middle school each year (Rule 0520-1-3-.05). One unit of Wellness is required for high school graduation (Rule 0520-1-3-.06).</p>
Texas	<p>A school district that offers K-12 must offer health, with emphasis on the importance of proper nutrition and exercise, as part of its required curriculum (TAC 19-2-74.1). 1 ½ credits are required for high school graduation.¹⁰⁶</p>
Utah	<p>Required in grades 3-6. One-half credit is required to advance to high school. In high school, one-half credit is required for graduation.</p>
Vermont	<p>In public schools, learning experiences shall be provided for pupils in comprehensive health education (Title 16, Chapter 23, §906). The statute does not include specifics on grades or amounts of instruction.</p> <p>Comprehensive health education means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based</p>

STATE	HEALTH EDUCATION REQUIREMENTS
	upon knowledge of the human organism as it functions within its environment, including a study of personal health habits and nutrition (Title 16, Chapter 1, §131).
Virginia	<p>Incorporates physical and health education as part of elementary school curriculum, in addition to including health and physical education as components of programs of instruction for grades K through 12 (SB 795, 2007).</p> <p>Required in elementary and middle school. Two credits (140 hours) of health and physical education are required for high school graduation.</p>
Washington	<p>By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in health and fitness (RCW 28A.230.095).</p> <p>The goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to know and apply the core concepts and principles of health and fitness (RCW 28A.150.210). The statute does not include specifics on grades or amounts or instruction. Two credits (300 hours) of health and fitness education are required for graduation.</p>
West Virginia	<p>Requires the state Board of Education to mandate health education classes for grades 6-12, teaching the importance of healthy eating and physical activity (HB 2816, 2005).</p> <p>The Board of Education requires health education in K-4. Health education must be taught as a separate subject in grades 5-8. Students shall be enrolled in health for a minimum of 18 weeks cumulative across grades 6-8. One credit of health is required for high school graduation (Board Policy #2510).¹⁰⁷</p>
Wisconsin	Required in elementary school. For grades 7-12, students must complete one-half credit for high school graduation.
Wyoming	<p>According to Statute §21-9-101, each school district within the state shall provide educational programs sufficient to meet uniform student content and performance standards at the level established by the state board of education in a common core of knowledge and skills, including health and safety.</p> <p>While not listed as a high school graduation requirement, students must demonstrate proficient performance in core knowledge and skills, including health education.¹⁰⁸</p>

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS
Arizona	April 2004. Law states that there is no duty to warn a consumer that a non-defective food product may cause health problems if consumed excessively and provides an affirmative defense.
Colorado	May 2004. Protects a manufacturer, packer, distributor, carrier, holder, or seller of any food or beverage from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other injury caused by, or resulting from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of a composition, branding or labeling standard set by state or federal law.
Florida	May 2004. Protects a manufacturer, distributor, or seller of any food or nonalcoholic beverage from civil liability for personal injury or wrongful death associated with weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim if the aforementioned entities failed to provide nutritional content information as required by state or federal law or has provided materially false or misleading information.
Georgia	<p>In 2005, Georgia enacted a supplement to 2004 legislation (HB 1519, 2004) clarifying that cognizable claims already existing in state law are not affected (HB 186, 2005).</p> <p>May 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.</p>
Idaho	April 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
Illinois	July 2004. Protects a seller of a food from civil liability resulting from weight gain, obesity, or a health condition associated with weight gain or obesity. The limitation of civil liability shall not bar a claim if the seller violated federal or state statutes applicable to marketing, distribution, advertisement, labeling, or sale of the product. The limitation shall also not bar a claim for breach of contract or express warranty in connection with the product, or an action of adulteration.
Indiana	Grants immunity from civil liability for certain persons in the food and beverage industry, including advertisers, marketers, and advertising media, as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by, or allegedly likely to result from, the long term consumption of food or beverages (HB 1113). ¹⁰⁹
Kansas	April 2005. A manufacturer, producer, packer, distributor, carrier, holder, seller, marketer, or advertiser of a food, or an association of one or more such entities, shall not be subject to civil liability for any claim arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known conditions allegedly caused by, or allegedly likely to result from, long-term consumption of food.

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS
Kentucky	Limits liability for obesity-related lawsuits (SB 103, 2005).
Louisiana	June 2003. Protects a manufacturer, distributor, or seller of any food or nonalcoholic beverage from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food.
Maine	June 2005. A person or business entity that serves food is not liable for the obesity or excessive weight gain of a customer as a result of the customer's long-term consumption of food from that person or entity.
Michigan	Michigan enacted a bill limiting liability for obesity-related lawsuits (HB 5809, 2004).
Missouri	June 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, retailer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
New Hampshire	Protects manufacturers, sellers and distributors of food and beverages from liability regarding weight gain, obesity, or related health conditions due to long-term consumption of a food or beverage (SB 408, 2004). ¹¹⁰
North Dakota	March 2005. Provides for limited liability for a food producer, processor, manufacturer, packer, distributor, carrier, holder, seller, marketer, trade association, or advertiser for a claim of injury resulting from weight gain, obesity, or any health condition related to weight gain.
Ohio	January 2005. Precludes any manufacturer, seller, or supplier of a qualified product and any trade association from being liable for injury, death, or loss to person or property for damages, from being subject to an action for declaratory judgment, injunctive, or declaratory relief, or from being responsible for restitution, damages, or other relief arising out of, resulting from, or related to cumulative consumption, weight gain, obesity, or any health condition that is related to cumulative consumption, weight gain, or obesity.
Oregon	Prohibits a person from maintaining action for a claim or injury or death caused by a food-related condition against a person involved in the selling of food, unless food is adulterated, misbranded, or violates the Federal Food, Drug, and Cosmetic Act (HB 2591, 2005). ¹¹¹
South Dakota	March 2004. Protects a manufacturer, seller, trade association, livestock producer, or retailer of any food or beverage from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity, resulting from the long-term consumption of food.
Tennessee	April 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
Texas	June 2005. Prohibits actions alleging injury relating to an individual's weight gain, obesity, or any health condition associated with weight gain or obesity.
Utah	March 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS
Washington	March 2004. Protects a manufacturer, packer, distributor, carrier, holder, marketer, seller, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity, resulting from the long-term consumption of food.
Wisconsin	Protects food manufacturers, marketers, packers, advertisers, distributors, and sellers from civil liability claims resulting from weight gain, obesity, or health conditions related to weight gain or obesity, caused by the consumption of food (SB 161, 2006). ¹¹²
Wyoming	Limits liability for obesity-related lawsuits (HB 170, 2005).

Definitions of Categories

Nutritional Standards for School Meals and Snacks that Go Beyond Existing U.S.

Department of Agriculture (USDA) Requirements: Federal standards are set by the USDA Food and Nutrition Service (FNS) regarding foods sold in school-based food programs. Under the *National School Lunch Program (NSLP)*, meals must meet one-third of the recommended daily allowance for calories, protein, vitamin A, vitamin C, calcium, and iron. Under the *School Breakfast Program (SBP)*, meals must meet one-fourth of these recommended daily allowances. In addition, under both NSLP and SBP, the maximum level of calories allowed from fat is less than or equal to 30 percent of total calories. Saturated fat must be less than 10 percent of total calories. FNS requires schools to use the Dietary Guidelines for Americans in determining fiber, cholesterol, and sodium levels. States included under this category are those that have implemented nutritional standards beyond these USDA requirements.

Nutritional Standards for Competitive Foods and Restrictions on Competitive Food

Availability beyond Federal Requirements: USDA regulations restrict only a small subset of competitive foods from being sold during meal times in cafeterias. Additional regulation of competitive foods is therefore left up to the states. The subset of competitive foods that the USDA does regulate are “foods of minimal nutritional value (FMNV),” such as carbonated beverages, water ices, chewing gum, hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn. USDA regulations do not prohibit selling FMNV outside of the cafeteria areas at any time throughout the day. States included under this category are those that have general standards for competitive foods and those that have implemented FMNV restrictions beyond USDA regulations.

Physical Education Requirement Set by the State and Policy for Being Excused From

Physical Education: These categories include information on frequency and duration of physical education programs, and whether physical education is a high school graduation requirement, as well as information on permissible student exemptions or waivers from physical education requirements. These data do not distinguish between what schools must offer and what students are required to take (unless noted as such).

Body Mass Index (BMI) or Health Information Collected: This category lists those states that have enacted BMI screening programs and weight-related assessments other than BMI.

Health Education Requirements: This category includes information on frequency and duration of programs, and whether health education is a high school graduation requirement. Again, the data do not distinguish between what schools must offer and what students are required to take (unless noted as such).

Laws that Limit Liability for Obesity and Obesity-Related Health Problems: States that generally protect manufacturers and sellers of food products from litigation that seeks damages for injury due to weight gain, obesity, and health conditions associated with obesity as a result of consuming food products are listed here. When defining food, states usually refer to Section 201 (f) of the Federal Food Drug and Cosmetic Act [21 U.S.C. 321 (f)].

Compilation of State Laws Enacted Relating to Obesity

Trust for America’s Health (TFAH) *F as in Fat: How Obesity Policies are Failing in America* reports released in 2004 and 2005 included compilations of state laws regarding a variety of topics ranging from school lunch to BMI screening to limited liability. The 2006 report offers a

summary of laws, including substantive additions and those identified in previous editions of *F as in Fat*.

In 2004, TFAH contracted with the Health Policy Tracking Service (HPTS) at NETSCAN iPublishing (formerly of the National Conference of State Legislatures) to collect information on state laws. Only information on *enacted* legislation is included in the update.

The 2005 analysis was done by TFAH researchers with the assistance of attorneys at the law firm Arent Fox, PLLC.

Additions for 2006 and 2007 were compiled by TFAH researchers from a variety of sources, including:

- The Centers for Disease Control and Prevention’s Nutrition and Physical Activity Database, <http://apps.nccd.cdc.gov/DNPAleg>;
- The National Conference of State Legislature’s Childhood Obesity Update and Overview of State Policy Options [Last updated 30 April 2007] <http://www.ncsl.org/programs/health/ChildhoodObesity-2006.htm>;
- The National Restaurant Association, http://www.restaurant.org/government/state/nutrition/bills_lawsuits.cfm; and
- The Health Policy Tracking Service’s report, *State Actions to Promote Nutrition, Increase Physical Activity and Prevent Obesity: A Mid-Year Overview*
- National Association of State Boards of Education’s State Level School Health Policies Database [Last updated 1 May 2007], http://www.nasbe.org/healthy_schools/state_policy.htm.

The 2008 analysis was done by researchers at the Department of Health Policy, The George Washington University Medical Center School of Public Health and Health Services and TFAH .

Data sources included the following:

1. Lexis Nexis: searching “State Capital Files” (full text bills and proposed regulations, 50 state survey and codes for all 50 states). Lexis searches included using all the key words of each Supplement category (e.g. “soft drink, tax, liability, common sense consumption law, nutrition, physical education, BMI, health education, obesity, etc.)
2. Westlaw: searching the same key words for current statutes and regulations for each state.
3. State Government Legislative websites for each state.
4. Robert Wood Johnson Foundation reports.
5. Various advocacy organizations.

ENDNOTES

¹ Scutchfield, Douglas F. and Keck, William C., Principles of Public Health Practice. (Albany, New York: Delmar Publishing, 1997).

² Alabama State Department of Education, “Alabama’s Healthy Snack Standards for Food and Beverages at School,” 2005, <<http://cnp.alsde.edu/NutritionPolicy/AlaHealthySnackStandards.pdf>> 10 August 2007.

³ <<http://www.azleg.gov/legtext/47leg/1r/bills/hb2544s.pdf>> 7 July 2006.

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