

## EDUCATION CODE 39876

## SALE OF SPECIFIED FOOD ITEMS

Other than foods reimbursed under 42 U.S.C. 1751 et seq. and 42 U.S.C. 1771 et seq., a minimum of 50 percent of the items offered for sale each school day at any school site by any entity or organization during regular school hours shall be selected from the following list:

1. Milk and dairy products, including cheese, yogurt, frozen yogurt and ice cream
2. Full-strength fruit and vegetable juices and fruit drinks containing 50 percent or more full-strength fruit juice, and fruit nectars containing 35 percent or more full-strength fruit juice
3. Fresh, frozen, canned and dried fruits and vegetables
4. Nuts, seeds and nut butters
5. Nonconfection grain products, as defined by regulation of the United States Food and Drug Administration, including crackers, bread sticks, tortillas, pizza, pretzels, bagels, muffins and popcorn
6. Meat, poultry and fish, and their products, including beef jerky, tacos, meat turnovers, pizza, chili and sandwiches
7. Legumes and legume products, including bean burritos, chili beans, bean dip, roasted soy beans and soups
8. Any foods which would qualify as one of the required food components of the Type A lunch which is defined in and reimbursable under the National School Lunch Act (42 U.S.C. 1751 et seq.)

For the purposes of this section, "item" shall be defined as each separate kind of food offered for sale as a separate unit.

CODE OF FEDERAL REGULATIONS, TITLE 7  
APPENDIX B TO PART 210

Categories of Foods of Minimal Nutritional Value

1. Soda Water: A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
2. Water Ices: As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition
3. Chewing Gum: Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing
4. Certain Candies: Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
  - a. Hard Candy: A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops
  - b. Jellies and Gums: A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit- flavored slices
  - c. Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added
  - d. Fondant: A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution, such as candy corn or soft mints

- e. Licorice: A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root
- f. Spun Candy: A product that is made from sugar that has been boiled at high temperature and spun at a high speed on a special machine
- g. Candy Coated Popcorn: Popcorn which is coated with a mixture made predominantly from sugar and corn syrup

CODE OF REGULATIONS, TITLE 5  
FOOD SALES BY STUDENT ORGANIZATIONS

15500. Food Sales in Elementary Schools

- (a) Except as provided in subsection (b) and Section 15501, no school providing kindergarten or any grades one through eight shall permit the sale of food by pupil organizations if such school is participating in the National School Lunch, School Breakfast or Food Distribution program.
- (b) The Governing Board of a school district or a County Superintendent of Schools may permit a student organization to sell not more than one food item per sale when all of the following conditions are met:
  - (1) The specific nutritious food item is approved by the Governing Board.
  - (2) The food sales do not begin until after the close of the regularly scheduled midday food service period.
  - (3) The sales during the regular school day are not of food items prepared on the premises.
  - (4) There are no more than four such sales per year per school.
  - (5) The food item sold is a dessert type food, such as pastry, ice cream or fruit.
  - (6) The food item sold is not one sold in the food service program at that school during that school day.

15501. Sales in High Schools and Junior High Schools

The Governing Board of any district or a County Superintendent of Schools maintaining a high school or a junior high school may permit an organization consisting solely of pupils of such school to sell food items during or after the regular school day if the following conditions are met:

- (a) The specific nutritious food items are approved by the Governing Board.
- (b) A student organization or organizations may be approved to sell food anytime during the school day, including the regularly scheduled food service period(s), as provided in the following:
- (c) The sales during the regular school day are not of food prepared on the premises.

FOOD SALES BY STUDENT ORGANIZATIONS (continued)

- (d) The food items sold during the regular school day are not those sold by the district in the food service program at that school during that school day.