

BEVERAGE GUIDELINES

SB 677 adds EC 49431.5 which, effective July 1, 2004, defines beverage standards for elementary, middle, and junior high schools.

Highlights of the new law are as follows:

Definitions (EC 49430)

An elementary school includes kindergarten through grade six, but no grade higher than grade six.

A middle school includes grades seven or eight, but no grade higher than grade nine.

A high school includes grades ten to twelve.

Beverage Sales

1. Elementary Schools

The only beverages that may be sold to students in elementary schools during the school day are water, milk, 100 percent fruit juices, and fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweeteners. This does not preclude the sale of carbonated beverages that meet the above requirements.

Beverages that do not meet the above criteria may be sold for fundraising under the following circumstances:

Students sell the beverages off the school grounds or

Students sell the beverages on school grounds at least one-half hour after the end of the school day.

2. Middle and Junior High Schools

The only beverages that may be sold to students in middle and junior high schools are water; milk, including, but not limited to chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk; 100 percent fruit juices; fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweeteners; and electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving. This does not preclude the sale of carbonated beverages that meet the above requirements.

This law applies from one-half hour before the start of the school day to one-half hour after the end of the school day.

Beverages that do not meet the above criteria may be sold for fundraising under the following circumstances:

The sale occurs during and at the location of a school-sponsored event after the end of the school day or

The sale occurs via vending machines, student stores, and cafeterias no sooner than one-half hour after the end of the school day.

3. Vending Machine Policy

Elementary, middle, or junior high schools may use vending machines to offer beverages that comply with the above criteria at any time of day.

Middle or junior high schools may use vending machines to offer beverages that do not comply with the above criteria if they are made available no later than one-half hour before the start of the school day and no sooner than one-half hour after the end of the school day.

4. Definition of "Added Sweetener"

"Added sweetener" means any additive that enhances the sweetness of the beverage, including, but not limited to, added sugar, except the natural sugar or sugars that are contained within any fruit juice that is a component of the beverage.