



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** E – Support Services  
**POLICY TITLE:** Vending Machines  
**FILE NO.:** EFC  
**DATED:** November 8, 2023

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### **1. PURPOSE AND PHILOSOPHY**

- 1.1.** The Board of Education recognizes that students need adequate and nourishing food in order to learn effectively and maintain good health. The Board of Education also recognizes that vending machines in schools provide an opportunity for students and others to purchase food and beverages without the necessity of leaving the school campus.
- 1.2.** Food sold on campus is governed by federal regulations known as the Smart Snacks Rule adopted by the Department of Agriculture which implements the [Healthy, Hunger Free Kids Act of 2010](#) amendments to the [Child Nutrition Act of 1966](#) and the [Richard B. Russell National School Lunch Act](#) requiring the Department of Agriculture to regulate all foods and beverages made available for sale to students on school campuses during the school day. The nutrition requirements outlined in this policy for foods and beverages sold in vending machines are consistent with the Smart Snacks Rule as of the date of this policy, but the most current version of the regulations govern. All foods sold in vending machines accessible to students must comply with the Smart Snacks Rule as amended.
- 1.3.** This policy establishes parameters to govern the placement and contents of food and beverage Vending machines in the schools within Nebo School District. Its scope is limited to areas that are accessible to students and does not apply to faculty rooms or other areas in which student access is restricted.

### **2. DEFINITIONS**

- 2.1.** “**Combination Food**” means a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains.
- 2.2.** “**Vending Machine**” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses a unit serving of beverage or food in containers or packages.

### **3. CONTENTS OF VENDING MACHINES**

All foods and beverages made available for sale to students via vending machines must comply with the Smart Snacks Rule, and specifically the requirements found in [2 C.F.R. 7 § 210.11](#).

Should any part of this policy conflict with the Smart Snacks Rule, the Smart Snacks Rule, as updated and amended by the Department of Agriculture, shall be followed.

### 3.1. General Nutrition Standards

**3.1.1.** All foods and beverages in vending machines accessible to students must meet the following nutrition standards:

**3.1.1.1.** Be a grain product that contains 50 percent or more whole grains by weight or have as the first ingredient a whole grain; or

**3.1.1.2.** Have as the first ingredient one of the non-grain major food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or

**3.1.1.3.** Be a Combination Food that contains  $\frac{1}{4}$  cup of fruit and/or vegetable; and

**3.1.1.4.** If water is the first ingredient, the second ingredient must be one of the food items in paragraphs 3.1.1.1, 3.1.1.2, or 3.1.1.3 above.

**3.1.2.** Sugar-free chewing gum is exempt from the requirements of Section 3 and may be sold to students through vending machines.

**3.1.3.** Except where specifically exempted, in addition to the nutrition standards outlined in 3.1.1, all foods and beverages in vending machines accessible to students are subject to the following restrictions:

**3.1.3.1.** Total Fat, Saturated Fat, and Trans Fat

**3.1.3.1.1.** The total fat content must be not more than 35 percent of total calories from fat per item as packaged, except as specified in paragraph 3.1.3.1.4 below.

**3.1.3.1.2.** The saturated fat content must be less than 10 percent of total calories per item as packaged, except as specified in paragraph 3.1.3.1.4 below.

**3.1.3.1.3.** The trans fat content must be zero grams trans fat per portion as packaged or served (not more than 0.5 grams per portion).

**3.1.3.1.4.** Exemptions

**3.1.3.1.4.1.** Seafood with no added fat is exempt from the total fat requirement but subject to the saturated fat, trans fat, sugar, calorie, and sodium standards.

**3.1.3.1.4.2.** Reduced fat cheese and part skim mozzarella cheese are exempt from the total fat and saturated fat standards but subject to the trans fat, sugar, calorie, and sodium standards. This exemption does not apply to Combination Foods.

**3.1.3.1.4.3.** Nuts and seeds and nut/seed butters are exempt from the total fat and saturated fat standards but subject to the trans fat, sugar, calorie, and sodium standards. This exemption does not apply to combination products that

contain nuts, nut butters, seeds, or seed butters with other ingredients such as peanut butter and crackers, trail mix, chocolate covered peanuts, etc.

- 3.1.3.1.4.4.** Products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat are exempt from the total fat, saturated fat, and sugar standards but subject to the trans fat, calorie, and sodium standards.

**3.1.3.2. Total Sugars**

- 3.1.3.2.1.** Except as specified in Paragraph 3.1.3.2.2, the total sugar content must be not more than 35 percent of the weight per item as packaged.

**3.1.3.2.2. Exemptions**

- 3.1.3.2.2.1.** Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard but subject to the total fat, saturated fat, trans fat, calorie, and sodium standards. There is also an exemption from the sugar standard for dried fruits with nutritive sweeteners that are required for processing and/or palatability purposes.
- 3.1.3.2.2.2.** Products that consist of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat are exempt from the total fat, saturated fat, and sugar standards but subject to the calorie, trans fat, and sodium standards.

**3.1.3.3. Calorie and Sodium Content**

- 3.1.3.3.1.** Snack items and side dishes must have not more than 200 calories and 200 mg of sodium per item as packaged, including the calories and sodium contained in any added accompaniments such as butter, cream cheese, salad dressing, etc.
- 3.1.3.3.2.** Entrée items, as defined in [Nebo School District Policy EFA, Student Wellness](#), must have not more than 350 calories and 480 mg of sodium per item as packaged, including the calories and sodium contained in any added accompaniments such as butter, cream cheese, salad dressing, etc.

**3.2. Elementary Schools**

Food and beverage vending machines are not allowed in elementary schools in areas accessible to students.

**3.3. Junior High and Middle Schools**

- 3.3.1.** Food and beverage vending machines are allowed in junior high and middle schools in areas accessible to students. Foods and beverages in these vending machines must comply with the nutrition standards in Section 3.1 above.

- 3.3.2. Foods and beverages in junior high and middle school vending machines accessible to students must be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.
- 3.3.3. Beverages in junior high school vending machines accessible to students are limited to the following:
  - 3.3.3.1. Plain water or plain carbonated water (no size limit);
  - 3.3.3.2. Low fat milk, unflavored (no more than 12 fluid ounces);
  - 3.3.3.3. Nonfat milk, flavored or unflavored (no more than 12 fluid ounces);
  - 3.3.3.4. Nutritionally equivalent milk alternatives as permitted by [7 C.F.R. §210.10](#) and [§ 220.8](#) (no more than 12 fluid ounces); and
  - 3.3.3.5. 100 percent fruit/vegetable juice, and 100 percent fruit and/or vegetable juice diluted with water (with or without carbonation and with no added sweeteners) (no more than 12 fluid ounces).

#### 3.4. High Schools

- 3.4.1. Food and beverage vending machines are allowed in high schools in areas accessible to students. Foods and beverages in these vending machines must comply with the nutrition standards in Section 3.1 above.
- 3.4.2. Foods and beverages in high school vending machines accessible to students may contain no more than 5 mg caffeine per fluid ounce.
- 3.4.3. Beverages in high school vending machines accessible to students are limited to the following:
  - 3.4.3.1. Plain water or plain carbonated water (no size limit);
  - 3.4.3.2. Low fat milk, unflavored (no more than 12 fluid ounces);
  - 3.4.3.3. Nonfat milk, flavored or unflavored (no more than 12 fluid ounces);
  - 3.4.3.4. Nutritionally equivalent milk alternatives as permitted by [7 C.F.R. § 210.10](#) and [§ 220.8](#) (no more than 12 fluid ounces);
  - 3.4.3.5. 100 percent fruit/vegetable juice, and 100 percent fruit and/or vegetable juice diluted with water (with or without carbonation and with no added sweeteners) (no more than 12 fluid ounces);
  - 3.4.3.6. Calorie-free, flavored water, with or without carbonation (no more than 20 fluid ounces);
  - 3.4.3.7. Other beverages (up to 20 fluid ounces per container) that are labeled to contain less than 5 calories per 8 fluid ounces, or less than or equal to 10 calories per 20 fluid ounces; and
  - 3.4.3.8. Other beverages (up to 12 fluid ounces per container) that are labeled to contain no more than 40 calories per 8 fluid ounces or 60 calories per 12 fluid ounces.

## 4. THE ROLE OF THE CHILD NUTRITION DEPARTMENT

The Child Nutrition Department shall coordinate with each school to periodically inspect contents of the vending machines and report the findings to the principal and the District Health and Sex

Education Committee (as organized under [Nebo School District Policy IGAI, Health Instruction and Sex Education](#)). The principal will exercise general oversight over the vending machine program at each secondary school.

## 5. VENDING MACHINE CONTRACTS

All vending machine contracts must be in a form approved by the District's legal counsel and approved following the procedures outlined in [Nebo School District Policy DJC, Contracting Procedures and Authority](#) before being signed by the school principal. All contracts must contain language exempting the District of liability for damage to the machines, allowing the District to cancel the contract at any time, prohibiting any exclusive relationship with the owner of the machines, and any other provisions deemed appropriate.

## 6. USE OF VENDING MACHINE PROCEEDS AND ACCOUNTING

The proceeds from vending machines governed by this policy shall be used in support of school programs which benefit students. That use may include the purchase of books, supplies, equipment, assemblies, rewards, incentives, school-wide activities, activity supervision, campus clean-up, the promotion of healthy food choices, and the encouragement of appropriate disposal of litter. Proceeds may also be used to support teacher training. Vending machine receipts and expenditures shall be accounted for using generally accepted accounting procedures and in accordance with [Nebo School District Policy DJA, Accounting Procedures](#).

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### **EXHIBITS**

None

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### **REFERENCES**

[Healthy, Hunger Free Kids Act of 2010, Pub. L. No. 111-296; 124 Stat 3183 \(2010\)](#)  
[Richard B. Russell National School Lunch Act, 42 U.S.C. 1751, et seq.](#)  
[Child Nutrition Act of 1966, 42 U.S.C. 1771, et seq.](#)  
[7 C.F.R. § 210](#)  
[7 C.F.R. § 220](#)  
[UTAH ADMIN. CODE, R277-719](#)  
[Nebo School District Policy EFA, Student Wellness](#)  
[Nebo School District Policy DJA, Accounting Procedures](#)  
[Nebo School District Policy DJC, Contracting Procedures and Authority](#)  
[Nebo School District Policy IGAI, Health Instruction and Sex Education](#)

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### **FORMS**

None

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### **HISTORY**

**Revised – November 8, 2023.** Assigned former wellness specialist role to Child Nutrition Department with reports to District Health Instruction and Sex Education Committee rather than separate wellness committee; made technical changes.

**Revised – June 14, 2017.** Updated consistent with Smart Snacks Final Rule (2016).

**Revised – March 12, 2014.** Updated consistent with Healthy Hunger Free Kids Act (2010) and Smart Snacks Rule (2014).

**Revised – January 13, 2010.** Changed calorie amount in approved foods from 250 to 300.

**Revised – January 14, 2009.** Rewritten in new format with substantial changes.

**Revised or adopted December 8, 2004.**

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