



Ohio Revised Code

Section 3313.817 A la carte foods; determination of nutritional value; software.

Effective: October 3, 2023

Legislation: House Bill 33

(A) When the department of education and workforce is able to obtain free of charge computer software for assessing the nutritional value of foods that does all of the following, the department shall make that software available free of charge to each public and chartered nonpublic school:

(1) Rates the healthiness of foods based on nutrient density;

(2) Assesses the amount of calories, total fat, saturated fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, and vitamin C in each food item;

(3) Evaluates the nutritional value of foods based on the dietary guidelines for Americans jointly developed by the United States department of agriculture and United States department of health and human services as they pertain to children and adolescents.

(B) Each public and chartered nonpublic school shall use the software provided by the department under this section to determine the nutritional value of each a la carte food item available for sale at the school.

(C) When the department provides software under this section, each public and chartered nonpublic school shall comply with all of the following requirements:

(1) No a la carte food item shall be in the lowest rated category of foods designated by the software.

(2) In the first school year in which the school is subject to this section, at least twenty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in the highest rated category of foods designated by the software and in each school year thereafter, at least forty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in that category:



- (a) A school food service program;
 - (b) A vending machine located on school property;
 - (c) A store operated by the school, a student association, or other school-sponsored organization.
- (3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:
- (a) It contains at least five grams of protein.
 - (b) It contains at least ten per cent of the recommended daily value of fiber.
 - (c) It contains at least ten per cent of the recommended daily value of calcium.
 - (d) It contains at least ten per cent of the recommended daily value of iron.
 - (e) It contains at least ten per cent of the recommended daily value of vitamin A.
 - (f) It contains at least ten per cent of the recommended daily value of vitamin C.
- (D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items.