

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 12       PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY**  
**PART 5            NUTRITION: IMPLEMENTATION OF FEDERAL REQUIREMENTS FOR**  
**COMPETITIVE FOODS**

**6.12.5.1            ISSUING AGENCY:** Public Education Department.  
[6.12.5.1 NMAC - Rp, 6.12.5.1 NMAC, 12-30-14]

**6.12.5.2            SCOPE:** This rule applies to New Mexico schools that participate in programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 unless otherwise expressly limited.  
[6.12.5.2 NMAC - Rp, 6.12.5.2 NMAC, 12-30-14]

**6.12.5.3            STATUTORY AUTHORITY:** This rule is adopted pursuant to Sections 22-2-1 and 9-24-8, NMSA 1978.  
[6.12.5.3 NMAC - Rp, 6.12.5.3 NMAC, 12-30-14]

**6.12.5.4            DURATION:** Permanent.  
[6.12.5.4 NMAC - Rp, 6.12.5.4 NMAC, 12-30-14]

**6.12.5.5            EFFECTIVE DATE:** December 30, 2014, unless a later date is cited at the end of a section.  
[6.12.5.5 NMAC - Rp, 6.12.5.5 NMAC, 12-30-14]

**6.12.5.6            OBJECTIVE:** This rule addresses the sale of competitive food sold to children attending New Mexico schools that participate in a United States department of agriculture school meal program.  
[6.12.5.6 NMAC - Rp, 6.12.5.6 NMAC, 12-30-14]

**6.12.5.7            DEFINITIONS: [RESERVED]**  
[6.12.5.7 NMAC - Rp, 6.12.5.7 NMAC, 12-30-14]

**6.12.5.8            IMPLEMENTATION OF FEDERAL REQUIREMENTS FOR COMPETITIVE FOODS**

A.            Terms defined by federal laws and regulations. Terms defined in United States agriculture department competitive foods rules at 7 CFR 210.11 and 7 CFR 210.11a implementing the all foods sold in schools and smart snacks provisions of the Healthy, Hunger-Free Kids Act of 2010, the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 are incorporated for purposes of these rules.

B.            Federal law, rule and guidance limitations regarding beverages and foods sold in schools shall govern the participation in and implementation of New Mexico school meal programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966, except that the public education department shall set a limit on the number of fundraisers permitted on a school campus during each school term. A fundraiser is a sale on a school campus to benefit a school or school organization of beverage or food products limited by a United States department of agriculture school meal program for use, consumption or sale during the school day. No fundraiser may be conducted in competition with school meals in the food service area during meal service. A fundraiser may be conducted only for up to one school day on two occasions per semester or trimester term in a school that participates in United States department of agriculture school meal programs.

C.            A wellness policy created pursuant to requirements of 6.12.6 NMAC shall incorporate the limitations stated in Subsection B of this section in annual assurances by a school district or a charter school to the New Mexico public education department. Such assurances shall be reviewed in conjunction with the administrative review of a school food authority.

[6.12.5.8 NMAC - Rp, 6.12.5.8 NMAC, 12-30-14]

**HISTORY OF 6.12.5 NMAC:**

**History of Repealed Material:**

6.12.5 NMAC, Nutrition: Competitive Food Sales (filed 02-14-2006) repealed 12-30-14.