



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210, 215, 220 and 226

FNS-2026-0067

RIN 0584-AF28

Expanding Fluid Milk Options in Child Nutrition Programs AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule with comment period.

SUMMARY: This final rule with comment period (“final rule”) expands fluid milk options by allowing schools and child and adult care providers participating in Child Nutrition Programs to offer whole and reduced-fat milk to participants two years and older. This rule codifies milkfat requirements following enactment of the Whole Milk for Healthy Kids Act and supports the statutory requirements for meals to align with the goals of the Dietary Guidelines for Americans. By removing previous fluid milkfat-content restrictions, this deregulatory rule restores flexibility to Program operators, allowing them to offer a greater variety of fluid milk options, including whole and reduced-fat milk, to meet the nutrition needs and preferences of the children and adults they serve.

DATES: *Effective date:* This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comment date: To be assured of consideration, comments on this final rule must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this final rule. Comments may be submitted in writing by one of the following methods:

- Online (preferred): Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Mail: Send comments to School Meals Policy Division, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314.

All written comments submitted in response to this final rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the written comments publicly available on the Internet via <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: School Meals Policy Division – 4th floor, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314; telephone: 703-305-2054.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

CACFP—Child and Adult Care Food Program
CNP — Child Nutrition Programs
FNS—Food and Nutrition Service
NSLA—National School Lunch Act
NSLP—National School Lunch Program
SBP—School Breakfast Program
SFA—School Food Authority
SMP—Special Milk Program
USDA—United States Department of Agriculture
WMFHKA—Whole Milk for Healthy Kids Act

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Section 1: Background

On January 7, 2026, the U.S. Department of Health and Human Services and U.S. Department of Agriculture (USDA) jointly released the *Dietary Guidelines for Americans, 2025–2030*¹ (*Dietary Guidelines*). The *Dietary Guidelines* state that “dairy is an excellent source of protein, healthy fats, vitamins, and minerals” and recommends including full-fat dairy as a part of a healthy diet. Specifically, the *Scientific Foundation for the Dietary Guidelines* highlight the importance of full-fat dairy to help children meet energy needs and support brain development during early and middle childhood.²

Additionally, the Whole Milk for Healthy Kids Act of 2025³ (WMFHKA) (P.L. 119-69), enacted on January 14, 2026, amended the National School Lunch Act⁴ (NSLA) by expanding the fluid milk options that may be offered to meet the requirements for fluid milk provided in the National School Lunch Program (NSLP) (42 U.S.C. 1758(a)(2)(A)). The WMFHKA specifically allows schools to offer whole and reduced-fat (2 percent) milk in addition to low-fat (1 percent) and fat-free options at school lunch. It also allows school food authorities (SFA) to exclude the saturated fat from fluid milk when calculating the weekly average saturated fat requirement at lunch. Additional provisions of this law are addressed in FNS guidance⁵ and will be codified in future rulemaking.

Through this rulemaking, USDA is updating Program regulations to allow whole and reduced-fat milk to be offered to Child Nutrition Program (CNP) participants ages two and up in the NSLP, School Breakfast Program (SBP), Child and Adult Care Food

¹ U.S. Departments of Agriculture and Health and Human Services, *Dietary Guidelines for Americans, 2025-2030*. Available at: https://cdn.realfood.gov/DGA_508.pdf

² U.S. Departments of Agriculture and Health and Human Services, *The Scientific Foundation for the Dietary Guidelines for Americans, 2025–2030*. Available at: https://cdn.realfood.gov/Scientific%20Report_508.pdf

³ Whole Milk for Healthy Kids Act of 2025 (Public Law 119–69). Available at: <https://www.congress.gov/119/plaws/publ69/PLAW-119publ69.pdf>

⁴ Richard B. Russell National School Lunch Act. Available at: <https://www.govinfo.gov/content/pkg/COMPS-10333/pdf/COMPS-10333.pdf>

⁵ U.S. Department of Agriculture Food and Nutrition Service, *Whole Milk for Healthy Kids Act of 2025 – Implementation Requirements for the National School Lunch Program*, January 14, 2026. Available at: <https://www.fns.usda.gov/nslp/wmfhka-implementation>

Program (CACFP), and Special Milk Program (SMP). This rule extends the saturated fat exclusion from weekly dietary specifications⁶ in NSLP to the SBP. Additionally, this rule expands the option to offer whole and reduced-fat milk in the NSLP afterschool snack service (NSLP afterschool snacks) and the preschool meal pattern for NSLP and SBP and clarifies that whole and reduced-fat milk may now be sold as a compliant beverage for competitive foods, commonly known as Smart Snacks in School (Smart Snacks).⁷

Section 2: Milkfat Requirements for Child Nutrition Programs

Current Requirements

Under section 9 of the NSLA, schools are required to offer students a variety of fluid milk at lunches served under the NSLP (42 U.S.C. 1758(a)(2)(A)). Under section 4 of the Child Nutrition Act of 1966,⁸ meals served as part of the SBP must meet the “minimum nutritional requirements prescribed by the Secretary”(42 U.S.C. 1773(e)(1)(A)).

Additionally, section 9 of the NSLA requires that breakfasts served are “consistent with the goals of the most recent *Dietary Guidelines for Americans*” (42 U.S.C. 1758(f)(1)).

Under section 17 of the NSLA, the CACFP must “provide milk in accordance with the most recent version of the *Dietary Guidelines*” (42 U.S.C. 1766(g)(4)(A)). There is no statutory language regarding the fat content of milk offered in the SMP.

Current regulations for the NSLP (7 CFR 210.10(d)(1)(i)), SBP (7 CFR 220.8(d)), CACFP (7 CFR 226.20(a)(1)), and SMP (7 CFR 215.7a(a)), state that whole and reduced-fat milk are not creditable for children 2 years and older and adult participants.

Fluid milk requirements are as follows:

⁶ Average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories (7 CFR 210.10(b)(2)(ii) and 220.8(b)(2)(ii)).

⁷ The Summer Food Service Program does not have limits for fat content for fluid milk and current requirements allow whole and reduced-fat milk. The Seamless Summer Option does not have meal pattern requirements in regulations but FNS guidance (SP 09-2017) states that this meal service aligns with the meal pattern established for NSLP and SBP, thus the updated requirements allow whole and reduced-fat milk.

⁸ Child Nutrition Act of 1966. Available at: <https://www.govinfo.gov/content/pkg/COMPS-10328/pdf/COMPS-10328.pdf>

- Children 1 year old must be served unflavored whole milk.
- Children 2 through 5 years old must be served unflavored low-fat or unflavored fat-free milk.⁹
- Children 6 years old and older and adults must be served unflavored or flavored,¹⁰ low-fat or fat-free milk.

For NSLP (7 CFR 210.10(b)(2)(ii)) and SBP (7 CFR 220.8(b)(2)(ii)), current regulations require that the average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories. This includes saturated fat from fluid milk.

Current regulations for NSLP afterschool snacks (7 CFR 210.10(o)(2)(i), (3)(i), and (4)(i)) and preschool lunch and breakfast meal patterns (7 CFR 210.10(p) and 220.8(o)) require that milk offered at meals/snacks meet the requirements for the CACFP, under 7 CFR 226.20(a)(1). Current regulations for Smart Snacks (7 CFR 210.11(l)(1)(ii), (2)(ii), and (3)(ii)) require that milk offered as a competitive food meet the requirements for the NSLP, outlined in 7 CFR 210.10(d)(1).

Final Rule

CNP operators participating in NSLP (including NSLP afterschool snack, the preschool meal pattern, and Smart Snacks), SBP (including the preschool meal pattern), CACFP, and SMP may offer children 2 years and older and adult participants whole, reduced-fat, low-fat, and fat-free fluid milk to meet fluid milk requirements in these Programs. The updated fluid milk requirements for each age group are summarized below:

- Fluid milk served to children 1 year old must be unflavored whole milk;

⁹ Per FNS Guidance, children between the ages of 24 months to 25 months may be served unflavored whole or reduced-fat to help with the transition to low-fat and fat-free milk. Breastmilk may be served to a child of any age.

¹⁰ Flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces, or for flavored milk sold as competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces. Added sugar limit for flavored milk does not apply to CACFP.

- Fluid milk served to children 2 through 5 years old may be unflavored whole, reduced-fat, low-fat, or fat-free milk; and
- Fluid milk served to children 6 years and older and adult participants may be unflavored or flavored, whole, reduced-fat, low-fat, or fat-free milk.¹¹

SFAs participating in the NSLP and SBP may exclude the saturated fat from fluid milk when calculating the weekly average saturated fat requirement at lunch and breakfast.

Program operators are not required, but are encouraged, to make changes to menus under this provision. Program operators have discretion to decide which varieties of fluid milk to offer. For example, Program operators may choose to offer unflavored, whole milk as an option to all Program participants to align with recommendations from the *Dietary Guidelines* to consume full-fat dairy and less added sugars. The revised regulations under this rulemaking give menu planners more flexibility to offer fluid milk options that meet the dietary preferences of Program participants and are compatible with product availability, cost considerations, and other local factors. Accordingly, this final rule amends 7 CFR 210.10(d)(1)(i), 7 CFR 215.7a(a), 7 CFR 220.8(d), and 7 CFR 226.20(a)(1) of the regulatory text.

Procedural Matters

Issuance of a Final Rule with Comment Period

Child Nutrition Programs are not required to undergo notice-and-comment rulemaking because of the exception in 5 U.S.C. 553(a)(2) for matters relating to benefits. While USDA may choose to promulgate Child Nutrition Program regulations through the notice-and-comment procedures laid out in 5 U.S.C. 553(b) and (c), it is not mandatory for rules, such as this one, that relate to benefits. USDA also believes a final rule is

¹¹ Statute requires schools have the option to offer flavored and unflavored fluid milk in the NSLP (42 USC 1758(a)(2)(A)(ii)).

optimal in this instance to quickly implement the relatively straightforward provisions of WMFKA and, to ensure consistency across Child Nutrition Programs, extend those policies to SBP, CACFP, and SMP.

Nevertheless, USDA always welcomes input from the public and has provided a comment period with this final rule. Comments will help USDA weigh stakeholder input when considering any future guidance or rulemaking on the expansion of fluid milk options.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is considered an Executive Order 14192 deregulatory action.

This final rule has been determined to be significant under section 3(f) of Executive Order 12866, but not economically significant under section 3(f)(1), and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Economic Analysis

An economic analysis was developed for this rule. It is included in the docket for this rulemaking as an Appendix. The analysis presents three possible scenarios for how this rule may impact USDA's Child Nutrition Programs, as well as dairy sector businesses that supply it. Two of the three scenarios project no significant change in costs to Program operators, while the third projects an average annualized savings of about \$15 million to Program operators over the next five years due to substitutions of flavored for

unflavored milk with a higher fat content. We do not project a net change in revenue for the dairy sector because we expect that the primary impact will be a redistribution of revenue across industry subsectors as opposed to a net increase or decrease in sales to the Program.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been certified that this rule would not have a significant economic impact on a substantial number of small entities.

Most school districts are small entities for purposes of the Regulatory Flexibility Act. Eleven thousand of the NSLP's 19,000 SFAs enroll fewer than 1,000 students. More than 14,000 enroll fewer than 2,500 students. There are 19,000 sponsoring organizations and independent centers in the CACFP as well as 68,000 day care home providers. These CACFP institutions are primarily small entities. This final rule does not require these entities to make any changes. This rule provides Program operators with additional flexibility to offer fluid milk options that meet the dietary preferences of Program participants and are compatible with product availability, cost considerations, and other local factors. As discussed in this rule's Paperwork Reduction Act section, the rule imposes no additional reporting or record keeping requirement on Program operators, whether or not they take advantage of the rule's added flexibility. In two of three scenarios analyzed in USDA's Economic Analysis, this rule will have no impact on these entities' costs. Under a third scenario, considered the least likely of the three, the rule would result in a modest cost savings.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures by State, local or tribal governments, in the aggregate, or the private sector, of \$146 million or more (when adjusted for inflation; GDP deflator source: Table 1.1.9 at <http://www.bea.gov/iTable>) in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of \$146 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The NSLP, SMP, SBP, and CACFP are listed in the Catalog of Federal Domestic Assistance under NSLP No. 10.555, SMP No. 10.556, SBP No. 10.553, and CACFP No. 10.558, respectively, and are subject to [Executive Order 12372](#), which requires intergovernmental consultation with State and local officials (see [2 CFR chapter IV](#)). Since the Child Nutrition Programs are State-administered, USDA’s FNS Regional Offices have formal and informal discussions with State and local officials, including representatives of Indian Tribal Organizations, on an ongoing basis regarding Program requirements and operations. This provides USDA with the opportunity to receive regular input from Program administrators and contributes to the development of feasible Program requirements.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13132.

The Department has determined that this rule does not have Federalism implications. This rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a Federalism summary impact statement is not required.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the Effective Dates section of the final rule. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

Civil Rights Impact Analysis

FNS has reviewed this final rule in accordance with USDA Regulation 4300-4, "Civil Rights Impact Analysis," to identify any major civil rights impacts the rule might have on Program participants on the basis of age, race, color, national origin, sex or disability.

After a careful review of the rule's intent and provisions, FNS has determined that this rule is not expected to affect the participation of protected individuals in the NSLP, SBP, CACFP or SMP.

Executive Order 13175: Consultation and Coordination with Indian Tribal

Governments

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

This rule does not have Tribal implications that rise to the level of triggering Tribal consultation, provided that the final rule does not affect the availability of milk substitutes for participants of the affected Programs. If a Tribe requests consultation, FNS will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; 5 CFR 1320) requires the Office of Management and Budget (OMB) approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. This rule contains information collections that have been approved by OMB under OMB #0584-0006, (The National School Lunch Program), #0584-0012 (The School Breakfast Program), #0584-0005 (The Special Milk Program for Children), and #0584-0280 (The Child and Adult Care Food Program).

This rule relaxes previous restrictions on the fat content of milk that Program operators may serve to children in the NSLP, the SBP, and the SMP; it likewise relaxes the restriction on fat content that Program operators may serve to children and adults in the CACFP. The rule encourages, but does not require Program operators to offer whole

milk and reduced-fat (2 percent) milk where they had previously been restricted to offering low-fat (1 percent) and fat-free (skim) milk. Program operators in each of these Programs prepare and maintain menus. To the extent that they elect to offer whole or reduced-fat (2 percent) milk in addition to, or in place of, the options previously permitted, these operators will reflect those changes on updated menus.

In the NSLP and the SBP, schools must maintain meal menu records. These records show that meals offered to school children meet regulatory meal pattern requirements. USDA estimates that schools incur a paperwork burden of 0.25 hours (for lunch menus) and 0.12 hours (for breakfast menus) for each of the 180 days of the average school year to keep these records. Although the types of milk on these menus will change if SFAs and schools elect to take advantage of the rule's relaxation of milk fat standards, the daily burden of maintaining these menu records (under 7 CFR 210.10(a)(3) and 210.15(b)(3) for the NSLP, and 220.8(a)(3) and 220.9(a) for the SBP) is unchanged. The rule does not add to or modify the existing recordkeeping requirement.

Schools and institutions that participate in the SMP must maintain records of their agreement with the state agency to operate the Program, eligibility applications from households, and financial and other records that document their Program operations, as necessary, to support state administrative reviews and federal audits. Permitting SMP operators to offer whole milk and reduced-fat (2 percent) milk to Program participants leaves those recordkeeping requirements, and the associated burden, unchanged.

CACFP institutions, facilities, and day care home providers maintain copies of menus as part of their general recordkeeping to support their claims for reimbursement. USDA captures the burden of keeping menu records as a component of the broader recordkeeping requirements in 7 CFR 226.10, 226.15, 226.17, and 226.18. Institutions, facilities, and day care home providers that choose to include whole milk or reduced-fat (2 percent) milk on their menus will not incur an increase or realize a reduction in the

burden of maintaining those menu records.

E-Government Act Compliance

The Department is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

7 CFR Part 210

Grant programs-education, Grant programs–health, Infants and children, Nutrition, Penalties, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

7 CFR 215

Food assistance programs, Grant programs-education, Grant programs-health, Infants and children, Milk

7 CFR Part 220

Grant programs-education, Grant programs–health, Infants and children, Nutrition, Reporting and recordkeeping requirements, School breakfast and lunch programs.

7 CFR Part 226

Accounting, Aged, Day care, Food assistance programs, Grant programs, Grant programs—health, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, 7 CFR parts 210, 215, 220, and 226 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. The authority citation for part 210 continues to read as follows:

Authority: 42 U.S.C. 1751-1760, 1779.

2. In § 210.10:

- a. Revise paragraph (b)(2)(ii), table 1 to paragraph (c) introductory text, paragraphs (d)(1)(i), (f)(2), (i)(3)(ii) and table 5 to paragraph (o)(2)(ii);
- b. Redesignate table 5 to paragraph (o)(3)(ii) as table 6 to paragraph (o)(3)(ii) and revise newly redesignated table 6;
- c. Redesignate table 6 to paragraph (o)(4)(ii) as table 7 to paragraph (o)(4)(ii);
- d. Redesignate table 7 to paragraph (p)(2) as table 8 to paragraph (p)(2) and revise newly redesignated table 8;
- e. Redesignate table 8 to paragraph (q)(2) as table 9 to paragraph (q)(2).

The revisions read as follows:

§ 210.10 Meal requirements for lunches and requirements for afterschool snacks.

* * * * *

(b) * * *

(2) * * *

(ii) Average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories (excluding saturated fat from milk used to meet the fluid milk component requirements);

* * * * *

(c) * * *

Table 1 to Paragraph (c) Introductory Text—National School Lunch Program Meal Pattern

	Grades K-5	Grades 6-8	Grades 9-12
Meal components	Amount of food¹ per week		
	(minimum per day)		
Fruits (cups) ²	2½ (½)	2½ (½)	5 (1)
Vegetables (cups) ²	3¾ (¾)	3¾ (¾)	5 (1)
Dark Green Subgroup ³	½	½	½

Red/Orange Subgroup ³	¾	¾	¼
Beans, Peas, and Lentils Subgroup ³	½	½	½
Starchy Subgroup ³	½	½	½
Other Vegetables Subgroup ^{3 4}	½	½	¾
Additional Vegetables from Any Subgroup to Reach Total	1	1	½
Grains (oz. eq.) ⁵	8-9 (1)	8-10 (1)	10-12 (2)
Meats/Meat Alternates (oz. eq.) ⁶	8-10 (1)	9-10 (1)	10-12 (2)
Fluid Milk (cups) ⁷	5 (1)	5 (1)	5 (1)
Dietary Specifications: Daily Amount Based on the Average for a 5-Day Week⁸			
Minimum-Maximum Calories (kcal)	550-650	600-700	750-850
Saturated Fat (% of total calories) ⁹	<10	<10	<10
Added Sugars (% of total calories)	<10	<10	<10
Sodium Limit: In place through June 30, 2027	≤1,110 mg	≤1,225 mg	≤1,280 mg
Sodium Limit: Must be implemented by July 1, 2027	≤935 mg	≤1,035 mg	≤1,080 mg

¹ Food items included in each group and subgroup and amount equivalents.

² Minimum creditable serving is ⅛ cup. One quarter-cup of dried fruit counts as ½ cup of fruit; 1 cup of leafy greens counts as ½ cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100 percent full-strength.

³ Larger amounts of these vegetables may be served.

⁴ This subgroup consists of “Other vegetables” as defined in paragraph (c)(2)(ii)(E) of this section. For the purposes of the NSLP, the “Other vegetables” requirement may be met with any additional amounts from the dark green, red/orange, and bean, peas, and lentils vegetable subgroups as defined in paragraph (c)(2)(ii) of this section.

⁵ Minimum creditable serving is 0.25 oz. eq. At least 80 percent of grains offered weekly (by ounce equivalents) must be whole grain-rich as defined in § 210.2 and the remaining grains items offered must be enriched.

⁶ Minimum creditable serving is 0.25 oz. eq.

⁷ Minimum creditable serving is 8 fluid ounces. All fluid milk must meet the requirements in paragraph (d) of this section.

⁸ By July 1, 2027, schools must meet the dietary specification for added sugars. Schools must meet the sodium limits by the dates specified in this chart. Discretionary sources of calories may be added to the meal pattern if within the dietary specifications.

⁹ Saturated fat from milk used to meet the fluid milk component requirements is excluded from the weekly dietary specification.

* * * * *

(d) * * *

(1) * * *

(i) Schools must offer students a variety (at least two different options) of fluid milk at lunch daily. Milk may be whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim). Lactose-free and reduced-lactose fluid milk may also be offered.

* * * * *

(f) * * *

(2) *Saturated fat.* School lunches offered to all age/grade groups must, on average over the school week, provide less than 10 percent of total calories from saturated fat (excluding saturated fat from milk used to meet the fluid milk component requirements).

* * * * *

(i) * * *

(3) * * *

(ii) *Analyzed nutrients.* The analysis determines the average levels of calories, saturated fat (excluding saturated fat from milk used to meet the fluid milk component requirements), added sugars, and sodium in the meals offered over a school week. It includes all food items offered by the reviewed school over a one-week period.

* * * * *

(o) * * *

(2) * * *

(ii) * * *

**Table 5 to Paragraph (o)(2)(ii)—Afterschool Snack Meal Pattern for K-12 Children
[Ages 6-18]
[Select two of the five components for a reimbursable snack]**

Meal components¹	Minimum quantities²
Fluid Milk ³	8 fluid ounces
Meats/meat alternates ⁴	1 ounce equivalent
Vegetable ⁵	¾ cup
Fruits ⁵	¾ cup
Grains ⁶	1 ounce equivalent

¹ Must serve two of the five components for a reimbursable afterschool snack. Only one of the two components may be a beverage.

² May need to serve larger portions to children ages 13 through 18 to meet their nutritional needs.

³ Milk may be unflavored or flavored.

⁴ Alternate protein products must meet the requirements in appendix A to part 226 of this chapter. Yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce). Information on crediting meats/meat alternates may be found in FNS guidance.

⁵ Juice must be pasteurized, full-strength juice. No more than half of the weekly fruit or vegetable offerings may be in the form of juice.

⁶ At least 80 percent of grains offered weekly (by ounce equivalents) must be whole grain-rich, as defined in § 210.2, and the remaining grains items offered must be enriched. Grain-based desserts may not be used to meet the grains requirement. Breakfast cereal must have no more than 6 grams of added sugars per dry ounce. Information on crediting grain items may be found in FNS guidance.

(3) * * *

(ii) * * *

**Table 6 to Paragraph (o)(3)(ii)—Afterschool Snack Meal Pattern for Preschoolers
[Select two of the five components for a reimbursable snack]**

Meal components ¹	Minimum quantities	
	Ages 1-2	Ages 3-5
Fluid Milk ²	4 fluid ounces	4 fluid ounces
Meats/meat alternates ³	½ ounce equivalent	½ ounce equivalent
Vegetables ⁴	½ cup	½ cup
Fruits ⁴	½ cup	½ cup
Grains ⁵	½ ounce equivalent	½ ounce equivalent

¹ Must serve two of the five components for a reimbursable afterschool snack. Only one of the two components may be a beverage.

² Must be unflavored whole milk for children age one. Must be unflavored milk for children two through five years old.

³ Alternate protein products must meet the requirements in appendix A to part 226 of this chapter. Through September 30, 2025, yogurt must contain no more than 23 grams of total sugars per 6 ounces. By October 1, 2025, yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce). Information on crediting meats/meat alternates may be found in FNS guidance.

⁴ Pasteurized full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁵ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count toward meeting the grains requirement. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereals must contain no more than 6 grams of added sugars per dry ounce.

* * * * *

(p) * * *

(2) * * *

**Table 8 to Paragraph (p)(2)—Preschool Lunch Meal Pattern
[Select the appropriate components for a reimbursable meal]**

Meal components¹	Minimum quantities	
	Ages 1-2	Ages 3-5
Fluid Milk	4 fluid ounces ²	6 fluid ounces ³
Meats/meat alternates ⁴	1 ounce equivalent	1½ ounce equivalent
Vegetables ⁵	⅛ cup	¼ cup
Fruits ⁵	⅛ cup	¼ cup
Grains ⁶	½ ounce equivalent	½ ounce equivalent

¹ Must serve all five components for a reimbursable meal.

² Must serve unflavored whole milk to children age 1.

³ Must serve unflavored milk to children 2 through 5 years old.

⁴ Alternate protein products must meet the requirements in appendix A to part 226 of this chapter. Through September 30, 2025, yogurt must contain no more than 23 grams of total sugars per 6 ounces. By October 1, 2025, yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce). Information on crediting meats/meat alternates may be found in FNS guidance.

⁵ Juice must be pasteurized. Full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal or snack, per day. Vegetables may be offered to meet the entire fruits requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

⁶ Must serve at least one whole grain-rich serving, across all eating occasions, per day. Grain-based desserts may not be offered to meet the grains requirement. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereal must have no more than 6 grams of added sugars per dry ounce. Information on crediting grain items may be found in FNS guidance.

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PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

3. The authority citation for part 215 continues to read as follows:

Authority: 42 U.S.C. 1772 and 1779.

4. In § 215.7a, revise paragraphs (a)(2) and (3) to read as follows:

§ 215.17a Fluid milk and non-dairy milk substitute requirements.

* * * * *

(a) * * *

(2) *Children 2 through 5 years old.* Children two through five years old may be served whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim) milk. Milk must be unflavored.

(3) *Children 6 years old and older.* Children 6 years old and older may be served whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim) milk. Milk may be flavored or unflavored.

* * * * *

PART 220—SCHOOL BREAKFAST PROGRAM

5. The authority citation for part 220 continues to read as follows:

Authority: 42 U.S.C. 1773, 1779, unless otherwise noted.

6. Amend § 220.8 by revising paragraph (b)(2)(ii), table 1 to paragraph (c) introductory text, paragraphs (d), (f)(2), (i) and table 4 to paragraph (o)(2) to read as follows:

§ 220.8 Meal requirements for breakfasts.

* * * * *

(b) * * *

(2) * * *

(ii) Average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories (excluding saturated fat from milk used to meet the fluid milk component requirements) as specified in paragraph (f) of this section;

* * * * *

(c) * * *

Table 1 to Paragraph (c) Introductory Text—School Breakfast Program Meal Pattern

	Grades K-5	Grades 6-8	Grades 9-12
Meal components	Amount of food¹ per week		
	(minimum per day)		

Fruits (cups) ²	5 (1)	5 (1)	5 (1)
Vegetables (cups) ²	0	0	0
Dark Green Subgroup	0	0	0
Red/Orange Subgroup	0	0	0
Beans, Peas, and Lentils Subgroup	0	0	0
Starchy Subgroup	0	0	0
Other Vegetables Subgroup	0	0	0
Grains or Meats/Meat Alternates (oz. eq.) ³	7-10 (1)	8-10 (1)	9-10 (1)
Fluid Milk (cups) ⁴	5 (1)	5 (1)	5 (1)
Dietary Specifications: Daily Amount Based on the Average for a 5-Day Week⁵			
Minimum-Maximum Calories (kcal)	350-500	400-550	450-600
Saturated Fat (% of total calories) ⁶	<10	<10	<10
Added Sugars (% of total calories)	<10	<10	<10
Sodium Limit: In place through June 30, 2027	≤540 mg	≤600 mg	≤640 mg
Sodium Limit: Must be implemented by July 1, 2027	≤485 mg	≤535 mg	≤570 mg

¹ Food items included in each group and subgroup and amount equivalents.

² Minimum creditable serving is 1/8 cup. Schools must offer 1 cup of fruit daily and 5 cups of fruit weekly. Schools may substitute vegetables for fruit at breakfast as described in paragraphs (c)(2)(i) and (ii) of this section.

³ Minimum creditable serving is 0.25 oz. eq. School may offer grains, meats/meat alternates, or a combination of both to meet the daily and weekly ounce equivalents for this combined component. At least 80 percent of grains offered weekly at breakfast must be whole grain-rich as defined in § 210.2 of this chapter, and the remaining grain items offered must be enriched.

⁴ Minimum creditable serving is 8 fluid ounces. All fluid milk must meet the requirements in paragraph (d) of this section.

⁵ By July 1, 2027, schools must meet the dietary specification for added sugars. Schools must meet the sodium limits by the dates specified in this chart. Discretionary sources of calories may be added to the meal pattern if within the dietary specifications.

⁶ Saturated fat from milk used to meet the fluid milk component requirements is excluded from the weekly dietary specification.

* * * * *

(d) *Fluid milk requirements.* Schools must offer students a variety (at least two different options) of fluid milk at breakfast daily. Milk may be whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim). Lactose-free and reduced-lactose fluid milk may also be offered. Milk may be flavored or unflavored, provided that unflavored milk is offered at each meal service. By July 1, 2025, flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces, or for flavored milk sold as

competitive food for middle and high schools, 15 grams of added sugars per 12 fluid ounces. Schools must also comply with other applicable fluid milk requirements in § 210.10(d) of this chapter.

* * * * *

(f) * * *

(2) *Saturated fat.* School breakfast offered to all age/grade groups must, on average over the school week, provide less than 10 percent of total calories from saturated fat (excluding saturated fat from milk used to meet the fluid milk component requirements).

* * * * *

(i) *Nutrient analyses of school meals.* Any nutrient analysis of school breakfasts conducted under the administrative review process set forth in § 210.18 of this chapter must be performed in accordance with the procedures established in § 210.10(i) of this chapter. The purpose of the nutrient analysis is to determine the average levels of calories, saturated fat (excluding saturated fat from milk used to meet the fluid milk component requirements), added sugars, and sodium in the breakfasts offered to each age grade group over a school week.

* * * * *

(o) * * *

(2) * * *

**Table 4 to Paragraph (o)(2)—Preschool Breakfast Meal Pattern
[Select the appropriate components for a reimbursable meal]**

Meal components and food items ¹	Minimum quantities	
	Ages 1-2	Ages 3-5
Fluid Milk ²	4 fluid ounces	6 fluid ounces
Vegetables, Fruits, or portions of both ³	¼ cup	½ cup
Grains (oz. eq.) ⁴	½ ounce equivalent	½ ounce equivalent

¹ Must serve all three components for a reimbursable meal.

² Must be unflavored whole milk for children age one. Must be unflavored milk for children two through five years old.

³ Pasteurized full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal, including snack, per day.

⁴ At least one serving per day, across all eating occasions, must be whole grain-rich. Grain-based desserts do not count toward meeting the grains requirement. Meats/meat alternates may be offered in place of the entire grains requirement, up to 3 times per week at breakfast. One ounce equivalent of a meat/meat alternate credits equal to one ounce equivalent of grains. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereals must contain no more than 6 grams of added sugars per dry ounce. Information on crediting grain items and meats/meat alternates may be found in FNS guidance.

* * * * *

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

7. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

8. Amend § 226.20 by revising paragraphs (a)(1)(ii) through (iv), table 2 to paragraph (c)(1), table 3 to paragraph (c)(2), and table 4 to paragraph (c)(3) to read as follows.

§ 226.20 Requirements for meals.

(a) * * *

(1) * * *

(ii) *Children 2 through 5 years old.* Whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim) milk. Milk must be unflavored.

(iii) *Children 6 years old and older.* Whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim) milk may be served. Milk may be unflavored or flavored.

(iv) *Adults.* Whole, reduced-fat (2 percent), low-fat (1 percent), or fat-free (skim) milk may be served. Milk may be unflavored or flavored. Six ounces (weight) or $\frac{3}{4}$ cup (volume) of yogurt may be used to fulfill the equivalent of 8 ounces of fluid milk once per day. Yogurt may be counted as either a fluid milk substitute or as a meat alternate, but not as both in the same meal.

* * * * *

(c) * * *

(1) * * *

**Table 2 to Paragraph (c)(1)—Child and Adult Care Food Program Breakfast
[Select the appropriate components for a reimbursable meal]**

Meal components and food items ¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ²	Adult participants
Fluid milk	4 fluid ounces ³	6 fluid ounces ⁴	8 fluid ounces ⁵	8 fluid ounces ⁵	8 fluid ounces ⁶
Vegetables, fruits, or portions of both ⁷	¼ cup	½ cup	½ cup	½ cup	½ cup
Grains ⁸	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	2 ounce equivalents

¹ Must serve all three components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool care and adult day care centers.

² At-risk afterschool programs and emergency shelters may need to serve larger portions to children ages 13 through 18 to meet their nutritional needs.

³ Must serve unflavored whole milk to children age 1.

⁴ Must serve unflavored milk to children 2 through 5 years old.

⁵ May serve unflavored or flavored milk to children ages 6 and older.

⁶ May serve unflavored or flavored milk to adults. Yogurt may be offered in the place of milk once per day for adults. Yogurt may count as either a fluid milk substitute or as a meat alternate, but not both, in the same meal. Six ounces (by weight) or ¾ cup (by volume) of yogurt is the equivalent of 8 ounces of fluid milk. Through September 30, 2025, yogurt must contain no more than 23 grams of total sugars per 6 ounces. By October 1, 2025, yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce).

⁷ Juice must be pasteurized. Full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal or snack, per day.

⁸ Must serve at least one whole grain-rich serving, across all eating occasions, per day. Grain-based desserts may not be used to meet the grains requirement. Meats/meat alternates may be offered in place of the entire grains requirement, up to 3 times per week at breakfast. One ounce equivalent of meats/meat alternates credits equal to one ounce equivalent of grains. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereals must contain no more than 6 grams of added sugars per dry ounce. Information on crediting grain items and meats/meat alternates may be found in FNS guidance.

(2) * * *

**Table 3 to Paragraph (c)(2)—Child and Adult Care Food Program Lunch and
Supper
[Select the appropriate components for a reimbursable meal]**

Meal components and food items ¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ²	Adult participants

Fluid milk	4 fluid ounces ³	6 fluid ounces ⁴	8 fluid ounces ⁵	8 fluid ounces ⁵	8 fluid ounces ⁶
Meats/meat alternates ⁷	1 ounce equivalent	1½ ounce equivalents	2 ounce equivalents	2 ounce equivalents	2 ounce equivalents
Vegetables ⁸	¼ cup	¼ cup	½ cup	½ cup	½ cup
Fruits ⁸	¼ cup	¼ cup	¼ cup	¼ cup	½ cup
Grains ⁹	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	2 ounce equivalents

¹ Must serve all five components for a reimbursable meal. Offer versus serve is an option for at-risk afterschool care and adult day care centers.

² At-risk afterschool programs and emergency shelters may need to serve larger portions to children ages 13 through 18 to meet their nutritional needs.

³ Must serve unflavored whole milk to children age 1.

⁴ Must serve unflavored milk to children 2 through 5 years old.

⁵ May serve unflavored or flavored milk to children ages 6 and older.

⁶ May serve unflavored or flavored milk to adults. Yogurt may be offered in place of milk once per day for adults. Yogurt may count as either a fluid milk substitute or as a meat alternate, but not both, in the same meal. Six ounces (by weight) or ¾ cup (by volume) of yogurt is the equivalent of 8 ounces of fluid milk. A serving of fluid milk is optional for suppers served to adult participants.

⁷ Alternate protein products must meet the requirements in appendix A to this part. Through September 30, 2025, yogurt must contain no more than 23 grams of total sugars per 6 ounces. By October 1, 2025, yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce). Information on crediting meats/meat alternates may be found in FNS guidance.

⁸ Juice must be pasteurized. Full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal or snack, per day. A vegetable may be offered to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different kinds of vegetables must be served.

⁹ Must serve at least one whole grain-rich serving, across all eating occasions, per day. Grain-based desserts may not be used to meet the grains requirement. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereal must contain no more than 6 grams of added sugars per dry ounce. Information on crediting grain items may be found in FNS guidance.

(3) * * *

**Table 4 to Paragraph (c)(3)—Child and Adult Care Food Program Snack
[Select two of the five components for a reimbursable snack]**

Meal components and food items ¹	Minimum quantities				
	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 ²	Adult participants
Fluid milk	4 fluid ounces ³	4 fluid ounces ⁴	8 fluid ounces ⁵	8 fluid ounces ⁵	8 fluid ounces ⁶
Meats/meat alternates ⁷	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	1 ounce equivalent

Vegetables ⁸	½ cup	½ cup	¾ cup	¾ cup	½ cup
Fruits ⁸	½ cup	½ cup	¾ cup	¾ cup	½ cup
Grains ⁹	½ ounce equivalent	½ ounce equivalent	1 ounce equivalent	1 ounce equivalent	1 ounce equivalents

¹ Must serve two of the five components for a reimbursable snack. Milk and juice may not be served as the only two items in a reimbursable snack.

² At-risk afterschool programs and emergency shelters may need to serve larger portions to children ages 13 through 18 to meet their nutritional needs.

³ Must serve unflavored whole milk to children age 1.

⁴ Must serve unflavored milk to children 2 through 5 years old.

⁵ May serve unflavored or flavored milk to children ages 6 and older.

⁶ May serve unflavored or flavored milk to adults. Yogurt may be offered in place of milk, once per day for adults. Yogurt may count as either a fluid milk substitute or as a meat alternate, but not both, in the same meal. Six ounces (by weight) or ¾ cup (by volume) of yogurt is the equivalent of 8 ounces of fluid milk.

⁷ Alternate protein products must meet the requirements in appendix A to this part. Through September 30, 2025, yogurt must contain no more than 23 grams of total sugars per 6 ounces. By October 1, 2025, yogurt must contain no more than 12 grams of added sugars per 6 ounces (2 grams of added sugars per ounce). Information on crediting meats/meat alternates may be found in FNS guidance.

⁸ Juice must be pasteurized. Full-strength juice may only be offered to meet the vegetable or fruit requirement at one meal or snack, per day.

⁹ Must serve at least one whole grain-rich serving, across all eating occasions, per day. Grain-based desserts may not be used to meet the grains requirement. Through September 30, 2025, breakfast cereals must contain no more than 6 grams of total sugars per dry ounce. By October 1, 2025, breakfast cereal must contain no more than 6 grams of added sugar per dry ounce. Information on crediting grain items may be found in FNS guidance.

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Patrick A. Penn

Acting Administrator

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