

**North Dakota Whole Milk and 2% Milk Use in National School Lunch and Breakfast Programs
School Year 2025-2026
Guidance on ND HB 1132: Whole Pasteurized Milk in Bulk Milk Dispensers in Schools**

Current Federal Regulations

National School Lunch Program (NSLP) – 7 CFR 210.10(d)(1)(i)

Schools must offer students a variety of fluid milk options at lunch daily (at least two different choices). All milk served must be **fat-free (skim) or low-fat (1%)**, as higher-fat milk is **not creditable** under NSLP guidelines. Schools may also offer low-fat or fat-free lactose-free and reduced-lactose milk.

School Breakfast Program (SBP) – 7 CFR 220.8(d)

Schools must provide students with a variety of fluid milk choices at breakfast daily (at least two different options). All milk must be **fat-free (skim) or low-fat (1%)**, as higher-fat milk is **not creditable** under SBP guidelines. Milk may be flavored or unflavored, but **unflavored milk must always be offered**.

By July 1, 2025, flavored milk must meet added sugar limits:

- No more than **10 grams of added sugars per 8 fluid ounces**
- For flavored milk sold as a competitive food in middle and high schools: no more than **15 grams of added sugar per 12 fluid ounces**

North Dakota House Bill 1132. Signed into North Dakota law on March 21, 2025

Overview:

North Dakota House Bill 1132 creates a new section within **Chapter 15.1-09 of the North Dakota Century Code**, permitting the service of whole and 2% pasteurized milk in bulk dispensers in schools.

Legislative Language:

The bill states that, **notwithstanding existing state and federal regulations**, a public school district or a **not-for-profit, nonpublic school approved by the Superintendent of Public Instruction** may establish a policy allowing the service of **whole, 2%, and flavored pasteurized milk** through a bulk milk dispenser.

Compliance Requirements for North Dakota Schools

While ND HB 1132 permits schools to serve whole and 2% milk, **federal regulations still govern school meal program compliance**. Schools opting to provide whole or 2% milk must meet the following criteria:

1. **Milk with higher fat content (whole or 2%) must be provided at no charge to students.**
 - Since whole and 2% milk **does not meet Smart Snacks nutrition standards**, they cannot be considered a compliant **nonprogram food** (i.e., items sold outside the reimbursable meal).
2. **Whole or 2% milk must not interfere with the service of a reimbursable meal.**
 - These higher-fat milk options **cannot replace** the required fat-free or low-fat milk offerings. Schools must continue to offer **at least two varieties of fat-free or low-fat milk**, including **at least one unflavored option**, during breakfast and lunch.

3. As of **July 1, 2025**, flavored milk must have **no more than 10 grams added sugar per 8 ounces** of milk.
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Serving Whole or 2% Milk During Breakfast or Lunch

Since whole and 2% milk are **not creditable for a reimbursable meal**, they may only be offered **as an extra item**. If the school chooses to offer whole or 2% milk, it can be offered in any size glass after the student has passed the POS where a reimbursable meal was assessed.

- Schools must carefully **monitor the dietary specifications** when offering whole or 2% milk to ensure compliance with federal limits for:
 - **Calories (450–500 kcal per week for K-12 breakfast)**
 - **Saturated fat (under 10% of total calories)**
 - **Sodium (under 540 mg per week for K-12 breakfast)**
- If offered, whole or 2% milk must be factored into the **weekly dietary analysis** to avoid exceeding federal nutritional limits.
- Schools **will not receive additional federal reimbursement** for providing whole or 2% milk.

Bulk Milk Dispensers

Bulk milk dispensers remain an **approved** method for serving milk under the National School Lunch and Breakfast Programs. Schools should refer to the **NDDPI-CNFD website** for resources on:

- Equipment procurement
 - Staffing requirements
 - Standard operating procedures
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Serving Whole or 2% Milk Outside of Breakfast and Lunch

- Schools **may** choose to offer whole or 2% milk **at no cost to students** at any time during the school day (midnight to **30 minutes after the last class bell**).
 - **Per 7 CFR 210.11(I)** – Competitive Food Service and Standards: Beverages, **schools are not permitted to charge students** for whole or 2% milk.
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Funding and Cost Considerations

Schools must adhere to federal regulations regarding the **purchase and funding of nonprogram foods**.

7 CFR 210.14(f) – Nonprogram Food Revenue Requirements

- **Nonprofit school foodservice funds cannot be used to purchase nonprogram foods** unless the revenue from sales is returned to the foodservice account.
- Since whole and 2% milk **must be provided at no cost**, schools **must use non-federal funds** (e.g., general funds or private sources) to cover purchasing costs.

- If a school **initially uses food service funds** to purchase whole or 2% milk, it must **reimburse the food service account** with non-federal dollars, such as from the general fund for the full purchase amount.
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This guidance ensures schools comply with **both North Dakota law and federal USDA regulations** while offering students additional milk choices in a **fiscally responsible and compliant manner**.

For further details, visit the **NDDPI-CNFD website**: <https://www.nd.gov/dpi/districtsschools/child-nutrition-and-food-distribution>, or contact us via email at dpicnfd@nd.gov or phone at 701-328-2294.

*Based on Whole Milk Guidance from the Tennessee Department of Education, 2024 for consistency.
Teams/4 NSLP/New Year 2026*

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