

**16 NCAC 06H .0104 SALE OF COMPETITIVE FOODS**

(a) As used in this Rule, the following definitions shall apply:

- (1) "Competitive food" is defined in 7 C.F.R. 210.11(a)(2).
- (2) "National School Lunch Program" is defined in 7 C.F.R. 210.2.
- (3) "Nonprofit school food service" is defined in 7 C.F.R. 210.2.
- (4) "Nonprofit school food service account" is defined in 7 C.F.R. 210.2.
- (5) "School campus" is defined in 7 C.F.R. 210.11(a)(4).
- (6) "School day" is defined in 7 C.F.R. 210.11(a)(5).

(b) The provisions of Part 210 of Title 7 of the Code of Federal Regulations are incorporated by reference in this Rule, including subsequent amendments and editions thereof. A copy of these regulations is available at no cost from <https://www.ecfr.gov/current/title-7/part-210>.

(c) All competitive foods shall, at minimum, meet the general nutrition standards established by 7 C.F.R. 210.1.

(d) Each LEA shall maintain records in accordance with 7 CFR 210.11.

(e) Each LEA may sell competitive foods during the school day, on the school campus, under the following conditions:

- (1) All receipts from the sale of these items before the cafeteria closes for the day shall be deposited in the nonprofit school food service account.
- (2) Adults may purchase individual food items without purchasing a complete lunch.

(f) Instructional programs in culinary arts, which operate under an approved Career and Technical Education plan and involve the preparation and sale of foods to individuals other than students, are not subject to this Rule.

(g) The State Board of Education may deny the opportunity to participate in the National School Lunch Program to any LEA which operates in violation of this Rule.

(h) No full-time public school employee is eligible for part-time employment in nonprofit school food services.

(i) The only adults who may eat in nonprofit school food services are school employees, personnel on official school business, and invited local patrons. These persons shall pay, as a minimum, the adult price for lunch.

*History Note: Authority G.S. 115C-263; 115C-264; 7 C.F.R. 210.11(b)(1);  
Eff. July 1, 1986;  
Readopted Eff. February 1, 2026.*