



**FOOD AND NUTRITION**  
**50-State Survey**

## Summary of State Laws Addressing the School Breakfast Gap

One in five children in America struggle with hunger. This food insecurity has devastating consequences for the health of these children including a greater risk for obesity, diabetes, impaired cognitive development, and mental health issues. In addition, hungry children struggle to perform academically. The National School Lunch Program and the National School Breakfast Program are federally assisted meal programs that help schools provide healthy meals to children across the country. However, despite these efforts, there is a “breakfast gap.” There are millions of children who need a healthy breakfast but aren’t getting one. Data shows that approximately half as many low-income children participate in the National School Breakfast Program (12 million) as participate in the National School Lunch Program (22 Million). States have recognized this challenge and are developing policies to address the logistical, social, and economic barriers to student participation in the National School Breakfast Program. This resource surveys state policies in regard to six critical interventions aimed at increasing the number of children receiving a healthy school breakfast. This legal survey is meant to be used with its companion [issue brief](#) which addresses the public health implications of this challenge and provides a detailed discussion of each of the highlighted interventions.

State	State Law	Schools Required to Offer Breakfast	Innovative Breakfast Models Required	Funds Provided for New Breakfast Model Start-Up/Expansion Costs	Universally Free Breakfast	Eliminated Reduced Price Category	Additional Per-Meal Reimbursement
<b>Alabama</b>	N/A	No	No	No	No	No	No
<b>Alaska</b>	N/A	No	No	No	No	No	No
<b>Arizona</b>	N/A	No	No	No	No	No	No



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<b>Arkansas</b>	<a href="#">Ark. Code Ann. § 6- 18-705 (1991)</a>	Yes <sup>tw</sup>	No	No	No	No	No
<b>California</b>	<a href="#">Cal. Educ. Code § 49550.3 (2016)</a> ; <a href="#">Cal. Educ. Code § 49565.1 (2005)</a> ; <a href="#">Cal. Educ. Code § 41350 (2007)</a> ; <a href="#">Cal. Educ. Code § 49536 (2013)</a> ; <a href="#">Cal. Educ. Code § 49564 (2018)</a> ;	Yes <sup>t</sup>	No	Yes	Yes <sup>t</sup>	No	Yes
<b>Colorado</b>	<a href="#">Colo. Rev. Stat. §22- 82.7-104 (2009)</a> ; <a href="#">Colo. Rev. Stat. §22- 82.7-103 (2013)</a> ; <a href="#">Colo. Rev. Stat. §22-82.8-103 (2013)</a>	Yes <sup>t</sup>	Yes	Yes	Yes <sup>t</sup>	Yes	No
<b>Connecticut</b>	<a href="#">Conn. Gen. Stat. § 10- 266w (2011)</a> ; <a href="#">Conn. Gen. Stat. § 10-215h (2016)</a>	Yes <sup>t</sup>	Yes	Yes	No	No	Yes <sup>t</sup>
<b>Delaware</b>	<a href="#">Del. Code Ann. tit. 14 §4137 (2016)</a>	No	No	No	Yes <sup>t</sup>	No	No
<b>District of Columbia</b>	<a href="#">D.C. Code § 38-282 (2016)</a> ; <a href="#">D.C. Code § 38-822.03 (2012)</a>	Yes <sup>t</sup>	Yes	No	Yes <sup>t</sup>	Yes <sup>t</sup>	Yes
<b>Florida</b>	<a href="#">Fla. Stat. § 595.405 (2016)</a>	Yes <sup>e</sup>	No	No	Yes <sup>te</sup>	No	No
<b>Georgia</b>	<a href="#">Ga. Code Ann. § 20-2-66 (1994)</a>	Yes <sup>t</sup>	No	No	No	No	No
<b>Hawaii</b>	<a href="#">Haw. Rev. Stat. § 302A-404 (2017)</a>	Yes	No	No	No	No	No
<b>Idaho</b>	N/A	No	No	No	No	No	No
<b>Illinois</b>	<a href="#">105 Ill. Comp. Stat. 126/15</a>	Yes <sup>te</sup>	Yes <sup>t</sup>	Yes	No	No	Yes



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	<a href="#">(2009); 105 Ill. Comp. Stat. 126/16 (2017); 105 Ill. Comp. Stat. 125/2.5 (2015)</a>						
<b>Indiana</b>	<a href="#">Ind. Code Ann. § 20-26-9-2 (2015); Ind. Code Ann. § 20-26-9-5; Ind. Code Ann. § 20-26-9-13</a>	Yes <sup>t</sup>	No	No	No	No	No
<b>Iowa</b>	<a href="#">Iowa Code Ann. § 283A.2</a>	No	No	No	No	No	No
<b>Kansas</b>	<a href="#">Kan. Stat. Ann. § 72-17,145 (1992)</a>	Yes <sup>tw</sup>	No	Yes	No	No	No
<b>Kentucky</b>	<a href="#">Ky. Rev. Stat. Ann. § 157.065; Ky. Rev. Stat. Ann. § 158.070</a>	No	No.	No	No	No	No
<b>Louisiana</b>	<a href="#">La. Stat. Ann. § 17:192 (1991)</a>	Yes <sup>tw</sup>	No	No	No	No	No
<b>Maine</b>	<a href="#">Me. Rev. Stat. Ann. 20-A, § 6602 (2007)</a>	No	No	No	No	Yes <sup>e</sup>	Yes
<b>Maryland</b>	<a href="#">Md. Code Ann., Educ. § 7-602; Md. Code Ann., Educ. § 7-603; Md. Code Ann., Educ. § 7-604; Md. Code Ann., Educ. § 7-605; Md. Code Ann., Educ. § 7-701; Md. Code Ann., Educ. § 7-702; Md. Code Ann., Educ. § 7-703; Md. Code Ann., Educ. § 7-704</a>	Yes	Yes	Yes	Yes <sup>e</sup>	Yes	Yes
<b>Massachusetts</b>	<a href="#">Mass. Gen. Laws ch. 69, § 1C</a>	Yes <sup>t</sup>	No	No	Yes <sup>t</sup>	No	Yes
<b>Michigan</b>	<a href="#">Mich. Comp. Laws § 380.1272; Mich.</a>	Yes <sup>le</sup>	No	No	No	No	No



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	<a href="#">Comp. Laws Ann. § 380.1272a</a> ; <a href="#">Mich. Comp. Laws Ann. § 380.1272b</a> ; <a href="#">Mich. Comp. Laws Ann. § 380.1272c</a>						
Minnesota	<a href="#">Minn. Stat. § 124D.117</a> ; <a href="#">Minn. Stat. Ann. § 124D.1158</a>	Yes <sup>le</sup>	Yes	No	No	Yes <sup>e</sup>	Yes
Mississippi	N/A	No	No	No	No	No	No
Missouri	<a href="#">Mo. Rev. Stat. § 191.803 (1992)</a>	Yes <sup>tw</sup>	No	No	No	No	Yes <sup>t</sup>
Montana	N/A ( <a href="#">Mont. Code Ann. § 20-10-201</a> )	No	No	No	No	No	No
Nebraska	<a href="#">Neb. Rev. Stat. Ann. § 79-10.137</a> ; <a href="#">Neb. Rev. Stat. Ann. § 79-10.138</a>	No	No	No	No	No	Yes <sup>t</sup>
Nevada	<a href="#">Nev. Rev. Stat. Ann. § 387.073</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.114</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.1145</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.1151</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.1155</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.1165</a> ; <a href="#">Nev. Rev. Stat. Ann. § 387.116</a>	No	Yes <sup>le</sup>	Yes	No	No	No
New Hampshire	<a href="#">N.H. Rev. Stat. Ann. § 189:11-a</a>	No	No	No	No	No	Yes <sup>t</sup>
New Jersey	<a href="#">N.J. Stat. Ann. § 18A:33-9</a> ; <a href="#">N.J. Stat. Ann. § 18A:33-10</a> ; <a href="#">N.J. Stat. Ann. § 18A:33-</a>	Yes <sup>tw</sup>	Yes <sup>tw</sup>	Yes	No	No	No



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	<a href="#">11; N.J. Stat. Ann. § 18A:33-11.1;</a> <a href="#">N.J. Stat. Ann. § 18A:33-12;</a> <a href="#">N.J. Stat. Ann. § 18A:33-14;</a> <a href="#">N.J. Stat. Ann. § 18A:33-11.3;</a> <a href="#">N.J. Stat. Ann. § 18A:33-22;</a> <a href="#">N.J. Stat. Ann. § 18A:33-11.5</a>						
<b>New Mexico</b>	<a href="#">N.M. Stat. Ann. § 22-13-13.2</a>	Yes <sup>t</sup>	Yes <sup>tw</sup>	No	Yes <sup>t</sup>	Yes	Yes <sup>t</sup>
<b>New York</b>	<a href="#">N.Y. Educ. Law § 2554 (McKinney)</a>	Yes <sup>te</sup>	Yes <sup>tw</sup>	Yes	No	No	No
<b>North Carolina</b>	N/A	No	No	Yes	No	No	No
<b>North Dakota</b>	N/A	No	No	No	No	Yes	No
<b>Ohio</b>	<a href="#">Ohio Rev. Code Ann. § 3314.18 (2006);</a> <a href="#">Ohio Rev. Code Ann. § 3313.813 (2006)</a>	Yes <sup>te</sup>	No	No	No	Yes	No
<b>Oklahoma</b>	N/A	No	No	No	No	No	No
<b>Oregon</b>	<a href="#">Or. Rev. Stat. Ann. § 327.535 (2015);</a> <a href="#">Or. Rev. Stat. Ann. § 327.527 (2014)</a>	Yes <sup>tw</sup>	No	No	No	Yes	Yes
<b>Pennsylvania</b>	<a href="#">24 P.A. Cons. Stat. §13-1337.1 (2012)</a>	No	No	Yes	No	No	Yes
<b>Rhode Island</b>	<a href="#">16 R.I. Gen. Laws §16-8-10.1 (2005)</a>	Yes	No	No	No	No	Yes
<b>South Carolina</b>	<a href="#">S.C. Code Ann. §59-63-790 (1992);</a> <a href="#">S.C. Code Ann. §59-63-800 (1992).</a>	Yes <sup>w</sup>	No	No	No	No	No
<b>South Dakota</b>	N/A	No	No	No	No	No	No
<b>Tennessee</b>	<a href="#">Tenn. Code Ann. §49-6-2302a (2016);</a>	Yes <sup>tw</sup>	No	No	No	No	No



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	<a href="#">Tenn. Code Ann. §49-6-2303 (2016).</a>						
<b>Texas</b>	<a href="#">Tex. Educ. Code Ann. §33.901 (2015)</a>	Yes <sup>tw</sup>	No	No	No	No	No
<b>Utah</b>	N/A	No	No	No	No	No	No
<b>Vermont</b>	<a href="#">Vt. Stat. Ann. 16 §1262a (2013);</a> <a href="#">Vt. Stat. Ann. 16 §1264 (2014);</a> <a href="#">Vt. Stat. Ann. 16 §1265 (2014).</a>	Yes <sup>e</sup>	No	No	No	No	Yes
<b>Virginia</b>	<a href="#">Va. Code Ann. §22.1-207.3 (1993).</a>	Yes <sup>t</sup>	No	No	No	No	No
<b>Washington</b>	<a href="#">Wash. Rev. Code §28A.235.140 (1989);</a> <a href="#">Wash. Rev. Code §28A.235.145 (1993);</a> <a href="#">Wash. Rev. Code §28A.235.150 (2018);</a> <a href="#">Wash. Rev. Code §28A.235.160 (1994);</a> <a href="#">Wash. Rev. Code §28A.235.200 (2018);</a> <a href="#">Wash. Rev. Code §28A.235.210 (2018).</a>	Yes <sup>te</sup>	Yes <sup>t</sup>	Yes	No	No	No
<b>West Virginia</b>	<a href="#">W. Va. Code §18-5D- 2 (2013);</a> <a href="#">W. Va. Code §18-5D-3 (2013).</a>	Yes	Yes	No	No	No	No
<b>Wisconsin</b>	<a href="#">Wis. Stat. §115.341 (2010).</a>	No	No	No	No	No	Yes <sup>t</sup>
<b>Wyoming</b>	N/A	No	No	No	No	No	No

**t:** indicates that the state law includes a threshold that activates the requirement

**w:** indicates that the state law includes a waiver provision

**e:** indicates that the state law includes certain exemptions



**SUPPORTERS**



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