

## EDUCATION DEPARTMENT[281]

### Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 58  
“School Breakfast and Lunch Program; Nutritional  
Content Standards for Other Foods and Beverages”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.7(29)

State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, House File 2676

### *Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 17, 2026  
8 to 9 a.m.

Room B50  
Grimes State Office Building  
Online at [meet.google.com/uzu-nfiq-jca](https://meet.google.com/uzu-nfiq-jca)  
Phone: 1.929.276.1400  
PIN: 992 943 978#

### *Public Comment*

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Thomas A. Mayes  
Grimes State Office Building  
400 East 14th Street  
Des Moines, Iowa 50319  
Phone: 515.281.8661  
Email: [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)

### *Purpose and Summary*

This proposed rulemaking implements restrictions on foods and beverages containing ingredients on the list of prohibited ingredients in 2026 Iowa Acts, House File 2676, division V. The rulemaking also makes technical corrections and updates regulatory references.

### *Analysis of Impact*

#### **1. Persons affected by the proposed rulemaking:**

##### **• Classes of persons that will bear the costs of the proposed rulemaking:**

School districts will bear the costs of compliance. According to the Fiscal Note accompanying House File 2676, the cost is unknown.

##### **• Classes of persons that will benefit from the proposed rulemaking:**

Individuals who consume school breakfasts and school lunches will benefit from the removal of the prohibited ingredients.

#### **2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The quantitative impact is unknown.

- **Qualitative description of impact:**

The qualitative impact is unknown.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the Department or to any other State agency.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Iowa Code section 256.7(29) requires the adoption of rules addressing nutritional content standards in school breakfast and school lunch programs.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No alternatives were considered. Iowa Code section 256.7(29) requires the adoption of rules addressing nutritional content standards in school breakfast and school lunch programs.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods could be considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Iowa Code section 256.7(29) requires the adoption of rules addressing nutritional content standards in school breakfast and school lunch programs.

*Small Business Impact*

**If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:**

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

**If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?**

There is no known impact on small business.

*Text of Proposed Rulemaking*

ITEM 1. Amend rule 281—58.1(256,283A) as follows:

**281—58.1(256,283A) School breakfast and lunch program.** The following regulations from the United States Department of Education's Agriculture's Food and Nutrition Service Administration governing the National School Lunch and School Breakfast programs and effective as of January 31, 2024 ~~1, 2026~~, are incorporated by reference: 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, and 250, as well as related procurement regulations at 2 CFR Sections 200.317 through 200.326.

ITEM 2. Rescind rule 281—58.2(256) and adopt the following new rule in lieu thereof:

**281—58.2(256,283A) Nutritional content standards for other foods and beverages—prohibited ingredients.**

**58.2(1) General.** The following regulations from the United States Department of Agriculture’s Food and Nutrition Administration governing the National School Lunch and School Breakfast programs, effective as of January 1, 2026, are incorporated by reference: 7 CFR Parts 210 and 220.

**58.2(2) Prohibited ingredients.**

*a. General.* Iowa Code section 283A.6 as enacted by 2026 Iowa Acts, House File 2676, division V, is incorporated by reference.

*b. Applicability.* For purposes of this subrule, a school employee or contracted vendor provides a food or beverage to students if the food or beverage is part of the school breakfast or school lunch program or if it is offered for sale during the school day.

*c. Rule of construction.* Compliance with this subrule will not violate any federal health, safety, or civil rights law, including Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, as effective on January 1, 2026.