

Implementation of the Whole Milk for Healthy Kids Act of 2025 (P.L. 119-69): In Brief

September 9, 2026

Congressional Research Service

<https://crsreports.congress.gov>

R49345

Contents

Introduction	1
Brief History of Milk in School Meals	2
Changes to NSLP in the Whole Milk for Healthy Kids Act	3
Types of Milk	3
Nondairy Beverages and Milk Substitutes	3
Other Policies and Estimated Costs	3
Implementation Status of the Whole Milk for Healthy Kids Act of 2025	4
NSLP-Only Guidance	4
Final Rule: NSLP, SBP, CACFP, and SMP	4
Policy Considerations	5

Tables

Table 1. Summary of NSLP, SBP, CACFP, SMP Final Rule	4
--	---

Contacts

Author Information	6
--------------------------	---

Introduction

The Whole Milk for Healthy Kids Act of 2025 (P.L. 119-69) was enacted on January 14, 2026, following passage in the Senate via unanimous consent and House passage via voice vote under suspension of the rules.¹ The act allows whole and reduced-fat (2%) *fluid milk*² in federally funded school lunches and exempts milk from federal saturated fat limits. Such milks were previously prohibited from the National School Lunch Program (NSLP) following a change made by the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) to align milk served in NSLP with the Dietary Guidelines for Americans (DGAs).³ P.L. 119-69 also allows for the expansion of nondairy milk alternatives in the program and requires annual food allergy-related safety training for school nutrition professionals.

After publishing initial implementation guidance for NSLP in January 2026, the U.S. Department of Agriculture's (USDA's) Food and Nutrition Service (FNS) (now the Food and Nutrition Administration [FNA]⁴) published a final rule on May 8, 2026, implementing the milk-fat related provisions in the law (not the nondairy or food allergy-related provisions).⁵ In addition to NSLP, the final rule allows whole and 2% milk in other child nutrition programs including the School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), and Special Milk Program (SMP), citing the updated 2025-2030 DGAs (released in January 2026) as a basis for the change.⁶

This report begins with a brief history of milk in the school meals programs. It then summarizes the provisions in P.L. 119-69, discusses USDA's implementation of the law, and concludes with some considerations for this policy area.

¹ Related bills were reported out of committee in the House in the 119th Congress (H.R. 649) and passed by the House in the 118th Congress (H.R. 1147).

² The term *fluid milk* is frequently used but not defined in NSLP law or regulations. In other U.S. Department of Agriculture (USDA) contexts, the term *fluid milk product* is used to refer to milk with specified fat contents (including a wide range of products from buttermilk to fat-free milk), and specifically excludes products such as evaporated milk, sweetened condensed milk, and yogurt drinks (7 C.F.R. §1000.15). This report uses the terms “milk” and “fluid milk” interchangeably.

³ USDA, Food and Nutrition Service (FNS), “Nutrition Standards in the National School Lunch and School Breakfast Programs,” 77 *Federal Register* 17, January 26, 2012, <https://www.federalregister.gov/documents/2012/01/26/2012-1010/nutrition-standards-in-the-national-school-lunch-and-school-breakfast-programs>.

⁴ Effective June 1, 2026, the Secretary of Agriculture, as part of a reorganization of USDA, renamed FNS to FNA. See USDA, Press Release 0062.26, April 30, 2026, <https://www.fna.usda.gov/newsroom/usda-0062.26>; USDA, FNA, “Reorganization,” <https://www.fna.usda.gov/reorganization> (accessed August 24, 2026).

⁵ USDA, FNS, “Whole Milk for Healthy Kids Act of 2025 - Implementation Requirements for the National School Lunch Program,” SP 01-2026, January 14, 2026, <https://www.fns.usda.gov/nslp/wmfhka-implementation>; USDA, FNS, “Expanding Fluid Milk Options in Child Nutrition Programs,” 91 *Federal Register* 25073, May 8, 2026 (hereinafter, “91 *Federal Register* 25073”). In the final rule (p. 25074), USDA states that it will address other provisions of the law through separate rulemaking.

⁶ 91 *Federal Register* 25073, p. 25073. The final rule notes that whole milk and 2% milk were already allowed in the Summer Food Service Program (SFSP), and that the rule will result in such milks being added to the Seamless Summer Option (SSO) as well by virtue of that program following NSLP's and SBP's nutritional guidelines. The 2025-2030 DGAs are available at U.S. Department of Health and Human Services (HHS) and USDA, *Dietary Guidelines for Americans: 2025-2030*, January 2026, <https://cdn.realfood.gov/DGA.pdf>.

Brief History of Milk in School Meals

Milk has been a required component of federally funded school lunches since NSLP's authorization in 1946.⁷ For three decades, whole milk was the only permissible type of milk in the program—until the 1970s, when concerns over fat in school meals and the desire to increase flexibilities for schools prompted USDA to expand options to include fat-free (*skim*), low-fat, and buttermilk varieties.⁸ In 1979, USDA went further, requiring schools to provide one of the lower-fat options to students and making whole milk optional. In response to concerns about declining milk consumption and the effect on milk producers, P.L. 99-591 (enacted in 1986) reversed that policy, instead requiring whole milk and making other varieties optional. However, public health concerns over fat consumption persisted, as did schools' advocacy for flexibilities, and in 1989 the law was changed again to require NSLP-participating schools to offer both whole and low-fat milk (P.L. 101-147).

Amid efforts to align school meals with the DGAs and reduce children's fat intake, the 1994 child nutrition reauthorization act (P.L. 103-448) allowed schools to remove milk varieties that were consumed by less than 1% of students in the prior year (largely affecting whole milk).⁹ The 2004 child nutrition reauthorization (P.L. 108-265) further expanded flexibilities—enabling schools to “offer students fluid milk in a variety of fat contents.” In 2010, P.L. 111-296 formalized the connection between milk served in NSLP and the DGAs. Starting in school year (SY) 2011-2012 (based on the 2010 DGAs), USDA limited milk in school lunches to low-fat (1%) and skim milk varieties (flavored and unflavored).¹⁰ In SY2012-2013, USDA removed flavored 1% milk from the programs.¹¹ Following the changes, some schools reported issues with student acceptance and increased waste. Subsequent appropriations acts and USDA rulemaking restored flavored 1% milk to the programs.¹²

Although milk is a required component of school lunches in NSLP, under *offer versus serve* policies, students may decline certain components of their meals, including milk.¹³

⁷ Gordon W. Gunderson, *The National School Lunch Program*, USDA, FNS, 1971, p. 18.

⁸ USDA, FNS, 38 *Federal Register* 21776, August 13, 1973, https://archives.federalregister.gov/issue_slice/1973/8/13/21776-21778.pdf.

⁹ Also see USDA, Economic Research Service, *The National School Lunch Program: Background, Trends, and Issues*, ERR-61, July 2008, p. 26.

¹⁰ USDA, FNS, “Child Nutrition Reauthorization 2010: Nutrition Requirements for Fluid Milk,” April 14, 2011, p. 4, https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/oira_0584/0584_12122011-1.pdf; HHS and USDA, *Dietary Guidelines for Americans 2010*, December 2010, <https://www.dietaryguidelines.gov/sites/default/files/2019-05/DietaryGuidelines2010.pdf>.

¹¹ USDA, “Nutrition Standards in the National School Lunch and School Breakfast Programs,” 77 *Federal Register* 4088, January 26, 2012.

¹² See U.S. Government Accountability Office (GAO), *School Lunch: Implementing Nutrition Changes was Challenging and Clarification of Oversight Requirements is Needed*, GAO-14-104, January 28, 2014, <https://www.gao.gov/assets/gao-14-104.pdf>; and CRS Report R47522, *USDA's 2024 Update to Nutrition Standards for School Meals*.

¹³ The types and amounts of food components a student may decline differ by grade level. For more information, see USDA, FNS, “Updated Offer versus Serve Guidance for the National School Lunch Program and School Breakfast Program Effective Beginning School Year 2015-2016,” July 21, 2015, <https://www.fns.usda.gov/cn/updated-offer-vs-serve-guidance-nslp-and-sbp-beginning-sy2015-16>.

Changes to NSLP in the Whole Milk for Healthy Kids Act

Types of Milk

P.L. 119-69 removes the tie between milk in NSLP lunches and the DGAs and specifies that whole, reduced-fat (2%), low-fat (1%), fat-free, and lactose-free milk can be provided. The law also specifies that milks can be flavored or unflavored and organic or nonorganic, and retains a requirement that schools offer students a variety of fluid milk. In addition, it exempts fluid milk from counting toward a requirement that NSLP lunches must, on average over the school week, provide less than 10% of total calories from saturated fat (however, milk still counts toward calorie, sodium, and added sugar limits).¹⁴

Nondairy Beverages and Milk Substitutes

P.L. 119-69 also allows schools to offer, to all students, nondairy beverages that are “nutritionally equivalent” to fluid milk and meet nutrition standards set by the Secretary of Agriculture.

If a school does not offer nondairy beverages, or if a student has a disability that requires a specific type of milk, a student may still obtain a milk substitute in one of two ways (outlined in statute and regulations):

- *Disability-related milk substitutes:* Schools are required to provide milk substitutes for students with a disability that restricts their diet (e.g., a milk allergy or, in some cases, lactose intolerance¹⁵). These do not have to align with federal nutrition standards. P.L. 119-69 makes a change to the request process, requiring schools to fulfill disability-related requests from parents and guardians (in addition to medical authorities, as previously allowed).
- *Milk substitutes for non-disability reasons:* Schools have the option, but are not required, to provide milk substitutes for other students upon request. Substitutes for non-disability reasons must be “nutritionally equivalent” to fluid milk (usually resulting in lactose-free or soy milk).

Other Policies and Estimated Costs

P.L. 119-69 requires annual food allergy training for school food service personnel as part of the lunch and breakfast programs. Under existing law and policy, school food service staff are required to complete annual training in a number of topics, including health and food safety—but such trainings are not required to include food allergy safety training.¹⁶ According to a nationally representative study of public schools participating in NSLP in SY2014-2015, nearly 90% of

¹⁴ 7 C.F.R. §210.10(f).

¹⁵ USDA, “Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans,” 89 *Federal Register* 31962, April 25, 2024.

¹⁶ 7 C.F.R. §210.30(e). For more detail on existing training requirements, see CRS Report R47199, *The School Foodservice Workforce: Characteristics and Labor Market Outcomes*.

schools reported having policies and procedures to accommodate students with food allergies, and 60% reported having special training in food allergies for school nutrition staff.¹⁷

The Congressional Budget Office (CBO) estimated no changes in benefit costs and “insignificant” implementation costs under S. 222 as reported by committee (identical to the enacted law).¹⁸

Implementation Status of the Whole Milk for Healthy Kids Act of 2025

NSLP-Only Guidance

On the date of enactment of P.L. 119-69 (January 14, 2026), USDA issued guidance to regional and state nutrition directors regarding implementing the law’s changes in the NSLP. Generally, the guidance directed that the law’s new flexibilities were to be effective immediately for the NSLP, including the nondairy beverage and milk substitutes (but not the food allergy training) policies.¹⁹

Final Rule: NSLP, SBP, CACFP, and SMP

On May 8, 2026, USDA published a final rule in the *Federal Register* implementing expanded fluid milk options for program participants ages two years and older across four programs: NSLP, SBP, CACFP, and SMP. The final rule pertains to fluid milk only and states that “additional provisions of this law are addressed in FNS guidance and will be codified in future rulemaking.”²⁰ **Table 1** summarizes changes in the milk requirements as a result of the final rule. The rule also specified that school food authorities participating in NSLP and SBP may exclude the saturated fat in fluid milk from counting toward weekly average saturated fat limits.²¹

Table 1. Summary of NSLP, SBP, CACFP, SMP Final Rule

Requirements for Fluid Milk Served as Part of Program Meals

Age	Fluid Milk Requirement Prior to Final Rule	Fluid Milk Requirement Under Final Rule
1 year	Unflavored whole milk	Same as previous requirement
2-5 years	Unflavored low-fat (1%) or fat-free milk	In addition to previous options, allows unflavored or flavored whole and reduced-fat (2%) milk

¹⁷ See Appendix Table 55 on page A.78 in USDA, FNS, *School Nutrition and Meal Cost Study, Final Report Volume I: School Meal Program Operations and School Nutrition Environments*, April 2019.

¹⁸ CBO, S. 222, *Whole Milk for Healthy Kids Act of 2025*, July 2025, <https://www.cbo.gov/publication/61732>.

¹⁹ USDA, FNS, “Whole Milk for Healthy Kids Act of 2025 - Implementation Requirements for the National School Lunch Program,” SP 01-2026, January 14, 2026, <https://www.fns.usda.gov/nslp/wmfhka-implementation>.

²⁰ 91 *Federal Register* 25073, p. 25074.

²¹ NSLP lunches must, on average over the school week, provide less than 10% of total calories from saturated fat (7 C.F.R. §210.10(f)).

Age	Fluid Milk Requirement Prior to Final Rule	Fluid Milk Requirement Under Final Rule
Children 6 years and older and adult participants	Unflavored or flavored low-fat (1%) or fat-free milk	In addition to previous options, allows unflavored or flavored whole and reduced-fat (2%) milk

Source: U.S. Department of Agriculture, “Expanding Fluid Milk Options in Child Nutrition Programs,” 91 *Federal Register* 25073, May 8, 2026.

Notes: Program operators are also allowed to offer lactose-free milk to participants of all ages, assuming it meets the criteria listed above. The final rule specifies that fluid milk is exempt from weekly limits on saturated fat in NSLP and SBP meals. However, milks (including flavored varieties) are subject to limits on added sugars in NSLP, SBP, and SMP.

USDA cited the NSLP changes in P.L. 119-69 as a basis for this rulemaking as well as other statutory authorities. The others include program-specific authorities and authorities that indicate SBP and CACFP meals are to meet the most recent version of the DGAs.²² As USDA notes in the final rule, the updated 2025-2030 DGAs (published on January 7, 2026) recommend including full-fat dairy as part of a healthy diet.²³

Policy Considerations

P.L. 119-69 allows—but does not require—NSLP schools to offer whole milk, 2% milk, and certain nondairy beverages to students. USDA’s final rule extends the new fluid (but not nondairy) milk options to SBP, CACFP, and SMP. It remains to be seen how many schools and program operators will utilize the new options and what children’s reactions will be. The effort involved in implementation, costs associated with different milk options, and other nutrition standards (such as calorie limits) may play a role in operators’ decisions to offer new milk varieties or not. Schools are currently implementing limits on added sugars for flavored milks per a 2024 change by USDA to align with recommendations in the DGAs, which could affect the types of milks that are offered and children’s milk consumption in the coming years as well.²⁴ In addition, USDA has said that it is in the process of updating nutrition standards for child nutrition programs to reflect the 2025-2030 DGAs, which program operators may be tasked with implementing in the coming years.²⁵

Debates about milk in school lunches often center on what is best for children’s health, which has not been fully answered by the research literature. Some recent studies have shown no difference in health outcomes for children who consume higher- versus lower-fat dairy, but none have

²² Excerpt from final rule: “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, 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.”

²³ 91 *Federal Register* 25073, p. 25073; HHS and USDA, *Dietary Guidelines for Americans: 2025-2030*, January 2026, <https://cdn.realfood.gov/DGA.pdf>.

²⁴ For further discussion, see CRS Report R47522, *USDA’s 2024 Update to Nutrition Standards for School Meals*. Note that the added sugar limits apply to flavored milk in all programs but CACFP.

²⁵ USDA, “USDA Implements President Trump’s Whole Milk for Healthy Kids Act,” May 8, 2026, <https://www.usda.gov/about-usda/news/press-releases/2026/05/08/usda-implements-president-trumps-whole-milk-healthy-kids-act> (accessed August 24, 2026).

examined a nationally representative population.²⁶ Proponents of higher-fat milks (including some dairy industry representatives) argue that these are nutrient-dense beverages that can help reverse a trend of declining milk consumption among children.²⁷ Meanwhile, some public health advocates argue that higher-fat milks contribute to overconsumption of saturated fat—increasing the risk of obesity and heart disease.²⁸

While there may be continued debates about the merits of different milk varieties (and their nondairy counterparts), the bipartisan passage of P.L. 119-69 suggests that milk, on the whole, still occupies a prominent place in child nutrition policy.

Author Information

Kara Clifford Billings
Analyst in Social Policy

Randy Alison Aussenberg
Specialist in Nutrition Assistance Policy

Acknowledgments

Alyse Minter, CRS Research Librarian, contributed to this report’s legislative history. Alice Choi, CRS Research Assistant, also provided assistance.

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

²⁶ Analise Nicholl et al. “Whole-fat dairy products do not adversely affect adiposity or cardiometabolic risk factors in children in the Milky Way Study: a double-blind randomized controlled pilot study,” *The American Journal of Clinical Nutrition*, vol. 114, issue 6 (December 2021), pp. 2025-2042.

²⁷ Hayden Stewart et al., *Examining the Decline in U.S. Per Capita Consumption of Fluid Cow’s Milk, 2003–18*, USDA, Economic Research Service, October 28, 2021.

²⁸ See, for example, Center for Science in the Public Interest, “Why milk served in schools is always low-fat or nonfat,” January 16, 2024, <https://www.cspinet.org/cspi-news/why-milk-served-schools-always-low-fat-or-nonfat> (accessed August 24, 2026). For further debate, see H.Rept. 118-131.