

Older Americans Act Nutrition Regulations

Title III, Grab-and-Go Meals

ACL has finalized updates to the regulations (also known as the final rule) for its Older Americans Act (OAA) programs. The final rule went into effect on March 15, 2024, and has a compliance date of October 1, 2025. Additional information can be found on acl.gov/OAArule.

Grab-and-Go Overview

Under [part 1321](#) of the final rule, [§ 1321.87](#) allows up to 25% of Title III-C1 funds — and clarifies the continued allowance of all Title III-C2 funds — may be spent on shelf-stable, pick-up, carry-out, or similar meals, all of which are commonly referred to as “grab-and-go” meals.

Grab-and-Go	Using Title III-C1 Funds	Using Title III-C2 Funds
State Plan Requirement	Included as part of an approved state plan as set forth in § 1321.27 or state plan amendment as set forth in § 1321.31(a)	No state plan amendment needed to provide grab-and-go meals
Area Plan Requirement	Included as part of an approved area plan or plan amendment as set forth in § 1321.65	An area plan amendment may or may not be required, depending on state unit on aging (SUA) policies and procedures
Limitations	<p>Limitations on the use of Title III-C1 funds for grab-and-go meals [see § 1321.87(a)(1)(ii) and (iii)]:</p> <ul style="list-style-type: none"> • Per (ii), such meals shall not exceed 25% of the funds expended by the SUA or by any area agency on aging (AAA) under Title III-C1, to be calculated based on the amount of Title III-C1 funds available after all transfers as set forth in § 1321.9(c)(2)(iii) are completed. • Per (iii), such meals only may be provided to complement the congregate meal program in the following circumstances: <ol style="list-style-type: none"> a. During disaster or emergency situations affecting the provision of nutrition services b. To older individuals who have an occasional need for such meal c. To older individuals who have a regular need for such meals, based on an individualized assessment, when targeting services to those in greatest economic need and social need 	No limitations to use of funds for grab-and-go meals in the OAA or final rule

Grab-and-Go	Using Title III-C1 Funds	Using Title III-C2 Funds
Transfer Allowance	Title III-C1 funds may be transferred to Title III-C2 to provide grab-and-go meals out of Title III-C2	All Title III-C1 funding transferred to Title III-C2 may be used to provide grab-and-go meals, consistent with requirements in § 1321.9(c)(2)(iii) : <ul style="list-style-type: none"> • Per (C)(1) An SUA may elect to transfer up to 40% between the Title III-C1 and C2 grant awards; <ol style="list-style-type: none"> i. The SUA must request and receive approval of a waiver from the assistant secretary for aging (ASA) to exceed the 40% transfer limit ii. The SUA may request a waiver up to an additional 10% between the Title III-C1 and C2 grant awards

State Plans and Amendments

If the SUA wants to allow the use of Title III-C1 funds for grab-and-go meals, the state plan (or state plan amendment) must include the following information [see [§ 1321.27\(j\)](#)]:

- (1) Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meal program, and a commitment to monitor the impact on congregate meal program participation
- (2) Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need
- (3) Description of the eligibility criteria for service provision
- (4) Evidence of consultation with area agencies on aging, nutrition and other direct services providers, other interested parties, and the general public regarding the provision of such meals
- (5) Description of how provision of such meals will be coordinated with AAAs, nutrition and other direct services providers, and other interested parties

Per [§ 1321.31\(a\)](#), this type of state plan amendment would require the ASA's prior approval. The requirements for submitting the state plan or plan amendment can be found in [§ 1321.33](#):

- (a) Each state plan, or plan amendment which requires approval of the ASA as set forth at [§ 1321.31\(a\)](#), shall be signed by the governor, or the governor's designee, and submitted to the ASA to be considered for approval at least 90 calendar days before the proposed effective date of the plan or plan amendment according to guidance as set forth by the ASA, except in the case of a waiver provided by the ASA.
- (b) In advance of the submission to the ASA to be considered for approval, the SUA shall submit a draft of the plan or amendment to the appropriate ACL

regional office at least 120 calendar days before the proposed effective date of the plan or plan amendment, except in the case of a waiver request or as otherwise provided in guidance as set forth by the ASA. The SUA shall work with the ACL regional office in reviewing the plan or plan amendment for compliance.

Area Plans and Amendments

[Section 1321.65](#) also applies to the use of Title III-C1 funds for grab-and-go meals. Under that section, the SUA must have policies and procedures regarding area plan requirements that include the following [see [§ 1321.65\(b\)\(10\)](#)]:

- (10) If the AAA requests to allow Title III-C1 funds to be used as set forth in [§ 1321.87\(a\)\(1\)\(i\)](#) through [\(iii\)](#), it must provide the following information to the SUA:
 - (i) Evidence, using participation projections based on existing data, that provision of such meals will enhance and not diminish the congregate meals program, and a commitment to monitor impact on congregate meals program participation
 - (ii) Description of how provision of such meals will be targeted to reach those populations identified as in greatest economic need and greatest social need
 - (iii) Description of the eligibility criteria for service provision
 - (iv) Evidence of consultation with nutrition and other direct services providers, other interested parties, and the general public regarding the need for and provision of such meals
 - (v) Description of how provision of such meals will be coordinated with nutrition and other direct services providers and other interested parties

Resources

- [OAA Final Rule](#)
- [Nutrition Services Under Title III webinar slides](#)