

Summary Chart: Federal and State Laws for Beverages in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions

This document summarizes the federal and state laws for selling and giving beverages to students in Connecticut public schools, private schools, and residential child care institutions (RCCIs). The beverage requirements are governed by four laws:

- the U.S. Department of Agriculture's (USDA) Smart Snacks nutrition standards ([Final Rule 81 FR 50131: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHSFKA of 2010](#));
- the state beverage statute ([Section 10-221q](#) of the Connecticut General Statutes (C.G.S.)); and
- the state competitive foods regulations ([Section 10-215b-1](#) and [Section 10-215b-23](#) of the Regulations of Connecticut State Agencies).

These laws determine what and when beverages may be sold or given to students. They also regulate the accrual of income from beverage sales.

Some laws apply differently depending on the type of school or institution. Some laws apply during the school day, while others apply at all times or while the USDA's [Child Nutrition Programs](#) (CNPs) are operating. When the federal and state laws supersede each other, the stricter requirements apply. This document describes the requirements for each law and indicates when other laws supersede these requirements.



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Definitions

The definitions below apply to the federal and state laws for beverages.

- Connecticut public schools include all local and regional school districts, the regional educational service centers, the Connecticut Technical Education and Career System (CTECS), charter schools, interdistrict magnet schools, and endowed academies.
- The CNPs include the [National School Lunch Program \(NSLP\)](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\)](#) [At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools.
- “**Sales**” means the exchange of a determined amount of money or its equivalent (such as tickets, coupons, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students, and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut’s statutes and regulations for competitive foods, sales include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages. However, Smart Snacks does not apply to foods and beverages that can be obtained with tickets and similar items that are given to students.
- “**Giving**” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “**School premises**” include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.
- The “**school day**” is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority is part of the regular school day.

For guidance on how these requirements apply to different sources of beverages in public schools, private schools, and RCCIs, refer to the resource section at the end of this document. For a detailed list of resources on complying with the requirements for competitive foods and beverages, refer to the Connecticut State Department of Education’s (CSDE) [Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools](#).

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Law	Description and resources	Applies to	When applies
<p>Federal (USDA): Smart Snacks Nutrition Standards (81 FR 50131)</p>	<p>Effective July 1, 2014, this USDA regulation defines the nutrition standards required for competitive foods offered for sale to students during the school day in all schools and institutions that participate in the NSLP and SBP, including public schools, private schools, and RCCIs. “Competitive foods” are all foods and beverages available for sale to students on school premises, separately from reimbursable meals in the NSLP and SBP and ASP snacks. Smart Snacks includes nutrition standards for three categories: 1) entrees sold only a la carte; 2) side dishes; and 3) beverages.</p> <p>Private schools and RCCIs: For information on the Smart Snacks beverage standards, refer to the CSDE’s resources, <i>Summary of Smart Snacks Nutrition Standards</i> and <i>Questions and Answers on Smart Snacks</i>, and visit the CSDE’s Smart Snacks Nutrition Standards webpage.</p> <p>Public schools: For a summary of the applicable Smart Snacks beverage standards for public schools, refer to the CSDE’s resource, <i>Allowable Beverages in Connecticut Public Schools</i>. This document incorporates the stricter requirements of the state beverage statute (C.G.S section 10-221q) and the USDA’s Smart Snacks beverage standards.</p>	<p>All schools and institutions that do participate in the NSLP and SBP: All beverages sold to students on school premises separately from reimbursable meals and snacks in the NSLP and SBP.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Summary of how the Smart Snacks beverage standards apply</p> <p>Public schools: Yes</p> <p>Private schools: Yes</p> <p>RCCIs: Yes</p> <p>Selling beverages: Yes</p> <p>Giving beverages: No</p> </div> <p>Note: Smart Snacks does not apply to schools and institutions that do not participate in the NSLP and SBP.</p>	<p>During the school day.</p>

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Law	Description and resources	Applies to	When applies										
<p>State: C.G.S. Section 10-221q: Sale of beverages</p>	<p>Effective July 1, 2006, the state beverage statute defines the five categories of beverages that are allowed for sale to students in Connecticut public schools: 1) milk; 2) 100 percent juice; 3) nondairy milk substitutes; 4) beverages containing only water and juice; and 5) water. Each category must meet specific nutrition requirements. For more information, refer to the CSDE’s resources, Allowable Beverages in Connecticut Public Schools and Beverage Requirements for Connecticut Public Schools (presentation), and visit the CSDE’s Beverage Requirements webpage.</p> <p>Beverage exemptions: Beverages that do not comply with the state beverage statute (such as coffee, tea, soft drinks, sports drinks, hot chocolate, and lemonade) cannot be sold to students on school premises unless the school meets all conditions below.</p> <ol style="list-style-type: none"> 1. The local board of education or school governing authority has voted to allow beverage exemptions. 2. The beverage sales meet the three exemption criteria defined by C.G.S section 10-221q: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. For more information, refer to the CSDE’s resource, Exemptions for Foods and Beverages in Public Schools. 3. The event’s selling timeframe complies with the state competitive foods regulations, i.e., sales cannot occur from 30 minutes before up through 30 minutes after the operation of any CNPs (refer to “Section 10-215b-1 of the Regulations of Connecticut State Agencies” and “Section 10-215b-23 of the Regulations of Connecticut State Agencies” in this document). <p>Note: Noncompliant beverages can never be sold to students from vending machines or school stores, even if the board of education has voted to allow beverage exemptions.</p>	<p>All public schools that participate in the NSLP and SBP: All sales of beverages to students on school premises, as part of and separately from reimbursable meals and ASP snacks. This includes public schools that choose not to participate in Healthy Food Certification (HFC) under C.G.S. Section 10-215f.</p> <p>All public schools that do not participate in the NSLP and SBP: All sales of beverages to students on school premises.</p> <div data-bbox="1310 911 1703 1279" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Summary of how the state beverage statute applies</p> <table> <tr> <td>Public schools:</td> <td style="text-align: right;">Yes</td> </tr> <tr> <td>Private schools:</td> <td style="text-align: right;">No</td> </tr> <tr> <td>RCCIs:</td> <td style="text-align: right;">No</td> </tr> <tr> <td>Selling beverages:</td> <td style="text-align: right;">Yes</td> </tr> <tr> <td>Giving beverages:</td> <td style="text-align: right;">No</td> </tr> </table> </div>	Public schools:	Yes	Private schools:	No	RCCIs:	No	Selling beverages:	Yes	Giving beverages:	No	<p>At all times, except for sales that meet the beverage exemption criteria of the state beverage statute (refer to “Beverage exemptions” in the second column).</p>
Public schools:	Yes												
Private schools:	No												
RCCIs:	No												
Selling beverages:	Yes												
Giving beverages:	No												

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<p>State: Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods (candy, coffee, tea, and soft drinks)</p>	<p>Effective August 25, 1992, this state regulation prohibits selling and giving coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p> <ul style="list-style-type: none"> • “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal, and iced. • “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners, nonnutritive sweeteners, and sugar alcohols) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners. <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s resource, Overview of Connecticut Competitive Foods Regulations, and visit the CSDE’s Competitive Foods in Schools webpage.</p> <p>Beverage sales at exempted events in public schools: If the event occurs while any CNPs are operating, Section 10-215b-1 of state regulations supersedes the beverage exemptions allowed by the state beverage statute (refer to “Beverage exemptions” in this document) and extends restrictions for sales of coffee, tea, and soft drinks to exempted events. Section 10-215b-1 prohibits selling coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (refer to “Section 10-215b-1 of the Regulations of Connecticut State Agencies” in this document).</p>	<p>All schools and institutions that participate in the CNPs: Selling and giving coffee, tea, and soft drinks to students anywhere on school premises while any CNPs are operating.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Summary of how Section 10-215b-1 applies</p> <p>Public schools: Yes</p> <p>Private schools: Yes</p> <p>RCCIs: Yes</p> <p>Selling beverages: Yes</p> <p>Giving beverages: Yes</p> </div> <p>Note: Section 10-215b-1 does not apply to schools and institutions that do not participate in the CNPs.</p>	<p>From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p>

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Law	Description and resources	Applies to	When applies
<p>State: Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income</p>	<p>Effective August 25, 1992, this state regulation requires that the income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (including during and after the school day) must accrue to the nonprofit food service account. For public schools, this also includes the income from sales of beverages to students at events on school premises that meet the exemption criteria of the state beverage statute (C.G.S Section 10-221q) (refer to “Beverage exemptions” in this document).</p> <ul style="list-style-type: none"> • “Income” means gross income. • “Nonprofit school food service account” means the restricted account in which all of the revenue from all food service operations conducted by the school food authority (SFA) principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds used to support paid lunches as provided in 7 CFR 210.14(e), and proceeds from nonprogram foods as provided in 7 CFR 210.14(f). <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s resources, Overview of Connecticut Competitive Foods Regulations and CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools.</p>	<p>All schools and institutions that participate in the CNPs: Accrual of income from all sales of foods and beverages to students anywhere on school premises while any CNPs are operating.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Summary of how Section 10-215b-23 applies</p> <p>Public schools: Yes</p> <p>Private schools: Yes</p> <p>RCCIs: Yes</p> <p>Selling beverages: Yes</p> <p>Giving beverages: No</p> </div> <p>Note: Section 10-215b-23 does not apply to schools and institutions that do not participate in the CNPs.</p>	<p>From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p>

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Resources for HFC Public Schools

Allowable Beverages for Connecticut Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Allowable_Beverages_Public_Schools.pdf

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Complying with Healthy Food Certification (CSDE Training Program):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#ComplyingHFC>

Guide to Competitive Foods in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_HFC.pdf

Healthy Food Certification (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification>

Overview of Connecticut Competitive Foods Regulations:

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf

Questions and Answers on Connecticut Statutes for School Foods and Beverages (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Questions_Answers_Connecticut_Statutes_School_Foods_Beverages.pdf

Requirements for Competitive Foods in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_HFC.pdf

Requirements for Food and Beverage Fundraisers in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_HFC.pdf

Requirements for Foods and Beverages in Culinary Programs in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary_Programs_Requirements_HFC.pdf

Requirements for Foods and Beverages in School Stores in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_HFC.pdf

Requirements for Foods and Beverages in Vending Machines in HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_HFC.pdf

Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools:

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_HFC.pdf

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Resources for Non-HFC Public Schools

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Guide to Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_NonHFC.pdf

Overview of Connecticut Competitive Foods Regulations:

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf

Questions and Answers on Connecticut Statutes for School Foods and Beverages:

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Questions_Answers_Connecticut_Statutes_School_Foods_Beverages.pdf

Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_NonHFC.pdf

Requirements for Food and Beverage Fundraisers in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_NonHFC.pdf

Requirements for Foods and Beverages in Culinary Programs in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary_Programs_Requirements_NonHFC.pdf

Requirements for Foods and Beverages in School Stores in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_NonHFC.pdf

Requirements for Foods and Beverages in Vending Machines in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_NonHFC.pdf

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary Chart: Federal and State Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_NonHFC.pdf

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Resources for Private Schools and RCCIs

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Guide to Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_Private_RCCI.pdf

Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_Private_RCCI.pdf

Requirements for Foods and Beverages in Culinary Programs in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Culinary_Programs_Requirements_Private_RCCI.pdf

Requirements for Foods and Beverages in School Stores in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/School_Store_Requirements_Private_RCCI.pdf

Requirements for Foods and Beverages in Vending Machines in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_Private_RCCI.pdf

Requirements for Foods and Beverages in Vending Machines in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_Private_RCCI.pdf

Smart Snacks Calculator (Alliance for a Healthier Generation):

<http://rdp.healthiergeneration.org/calc/calculator/>

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Smart-Snacks-Nutrition-Standards>

Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SummaryChart_Requirements_Competitive_Foods_Private_RCCI.pdf

For additional resources, refer to the CSDE's *Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools*.

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For more information, visit the CSDE's [Beverage Requirements](#) webpage or contact the [HFC Coordinator](#) or the [school nutrition programs staff](#) at the Connecticut State Department of Education, School Health, Nutrition and Family Services, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Federal_State_Laws_Beverages_Public_Private_RCCI.pdf.

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1. **mail:** U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:** (833) 256-1665 or (202) 690-7442; or
3. **email:** program.intake@usda.gov

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