

## Complying with Healthy Food Certification (HFC)

### Answer Key for Module 5 Worksheet: What Laws Apply



Indicate which of the Connecticut General Statutes (C.G.S.) and state competitive foods regulations apply to each scenario below.

Scenario	What state laws apply?
<b>1: Concession stand at a football game</b>  A concession stand located at the football field sells foods and beverages to students during a football game that occurs on school premises after the school day from 4:00 to 6:00 p.m. The Afterschool Snack Program (ASP) operates on school premises from 4:30 to 5:30 p.m.	<p><input checked="" type="checkbox"/> Food exemptions (C.G.S. 10-215f)</p> <p><input checked="" type="checkbox"/> Beverage exemptions (C.G.S. 10-221q)</p> <p><input checked="" type="checkbox"/> No selling or giving candy, coffee, tea, or soft drinks (Section 10-215b-1 of state competitive foods regulations)</p> <p><input checked="" type="checkbox"/> Income must accrue to nonprofit food service account (Section 10-215b-23 of state competitive foods regulations)</p> <p><input type="checkbox"/> Nutritious low-fat foods (C.G.S. 10-221q)</p> <p>The food and beverage exemptions of the state Healthy Food Certification (HFC) and beverage statutes apply because the sales meet the exemption criteria of the state statutes. The foods and beverages are being sold at the location of the football game (which is an event) from 4:00 p.m. to 6:00 p.m. (which is after the school day). This means that the concession stand may sell noncompliant foods and beverages to students.</p> <p>However, while the sales meet the exemption criteria of the state HFC and beverage statutes, Section 10-215b-1 of the state competitive foods regulations supersede these exemptions because the football game occurs while the ASP is operating. This regulation prohibits the concession stand from selling candy, coffee, tea, and soft drinks to students from 4:00 p.m. to 6:00 p.m. This is the period from 30 minutes before up through 30 minutes after the operation of the ASP.</p> <p>In addition, Section 10-215b-23 of the state competitive foods regulations requires that the nonprofit school food service account must receive the concession stand's income from all foods and beverages sold to students during this same period of 4:00 p.m. to 6:00 p.m.</p> <p>The state statute requiring nutritious and low-fat foods does not apply because the concession stand sales occur after the school day.</p>

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<p><b>2: Fundraiser sales of compliant cookies</b></p> <p>A fundraiser sells cookies to students on school premises from 1:30 to 2:00 p.m. during the school day. The Child Nutrition Programs are not operating during this time. The cookies comply with the CNS and are on the Connecticut State Department of Education's (CSDE) List of Acceptable Foods and Beverages webpage.</p>	<p><input type="checkbox"/> Food exemptions (C.G.S. 10-215f) <input type="checkbox"/> Beverage exemptions (C.G.S. 10-221q) <input type="checkbox"/> No selling or giving candy, coffee, tea, or soft drinks (Section 10-215b-1 of state competitive foods regulations) <input type="checkbox"/> Income must accrue to nonprofit food service account (Section 10-215b-23 of state competitive foods regulations) <input checked="" type="checkbox"/> Nutritious low-fat foods (C.G.S. 10-221q)</p> <p>Since the food sales occur during the school day, this fundraiser must comply with C.G.S. Section 10-221p. This statute requires that the fundraiser must also sell low-fat dairy foods and fresh or dried fruit at the same time as the cookie sales, either from the same location as the cookie sales or elsewhere on school premises at the same time.</p> <p>The food exemptions do not apply because food sales on school premises during the school day must always comply with the Connecticut Nutrition Standards (CNS). The exemption criteria of the state HFC do not allow exemptions for sales during the school day.</p> <p>The beverage exemptions do not apply because the fundraiser is not selling beverages and the exemption criteria of the state beverage statute do not allow exemptions for sales during the school day.</p> <p>The two state competitive foods regulations do not apply because the Child Nutrition Programs are not operating.</p>

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<p><b>3: Vending machines</b></p> <p>Vending machines located by the gym sell compliant foods and beverages to students. The foods and beverages are on the CSDE's List of Acceptable Foods and Beverages webpage. The vending machines are available to students all the time; they are not turned off.</p> <p>The School Breakfast Program (SBP) operates from 7:00 a.m. to 8:00 a.m. and the National School Lunch Program (NSLP) operates from 12:00 p.m. to 1:30 p.m.</p>	<p><input type="checkbox"/> Food exemptions (C.G.S. 10-215f)</p> <p><input type="checkbox"/> Beverage exemptions (C.G.S. 10-221q)</p> <p><input type="checkbox"/> No selling or giving candy, coffee, tea, or soft drinks (Section 10-215b-1 of state competitive foods regulations)</p> <p><input checked="" type="checkbox"/> Income must accrue to nonprofit food service account (Section 10-215b-23 of state competitive foods regulations)</p> <p><input checked="" type="checkbox"/> Nutritious low-fat foods (C.G.S. 10-221q)</p> <p>Since the vending machines operate while the NSLP and SBP are operating, Section 10-215b-23 of the state competitive foods regulations applies. This regulation requires that the nonprofit school food service account must receive the vending machines' income from all foods and beverages sold to students from 6:30 a.m. to 8:30 a.m. and 11:30 a.m. to 2:00 p.m. These are the periods from 30 minutes before up through 30 minutes after the operation of the NSLP and SBP.</p> <p>Since the vending machine sales occur during the school day, the school must comply with C.G.S. Section 10-221p. This statute requires that low-fat dairy products and fresh or dried fruit must be available for purchase at the same time that the vending machines operate, either from the vending machines or elsewhere on school premises at the same time.</p> <p>The food and beverage exemptions do not apply. Vending machines must always sell compliant foods and beverages because the state HFC and beverage statutes specially prohibit food and beverage exemptions for vending machines.</p> <p>Section 10-215b-1 of the state regulations does not apply because the vending machines are only selling compliant foods, and this regulation is superseded by the CNS and state beverage statute. Candy, coffee, tea, and soft drinks are already prohibited by the CNS and state beverage statute and can never be sold in vending machines.</p>

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<p><b>4: School stores</b></p> <p>The official school day ends at 2:30 p.m. A school store sells compliant foods and beverages to students on school premises from 3:00 p.m. to 4:00 pm. All foods and beverages sold by the school store are on the CSDE's List of Acceptable Foods and Beverages webpage.</p> <p>The ASP operates from 3:00 p.m. to 3:30 p.m.</p>	<p><input type="checkbox"/> Food exemptions (C.G.S. 10-215f)  <input type="checkbox"/> Beverage exemptions (C.G.S. 10-221q)  <input type="checkbox"/> No selling or giving candy, coffee, tea, or soft drinks (Section 10-215b-1 of state competitive foods regulations)  <input checked="" type="checkbox"/> Income must accrue to nonprofit food service account (Section 10-215b-23 of state competitive foods regulations)  <input checked="" type="checkbox"/> Nutritious low-fat foods (C.G.S. 10-221q)</p> <p>Since the sales occur while the ASP is operating, Section 10-215b-23 of the state competitive foods regulations applies. This regulation requires that the nonprofit school food service account must receive the school store's income from all foods and beverages sold to students from 2:30 p.m. to 4:00 pm. This is the period from 30 minutes before up through 30 minutes after the operation of the Afterschool Snack Program.</p> <p>The food and beverage exemptions do not apply. School stores must always sell compliant foods and beverages because the state HFC and beverage statutes specially prohibit food and beverage exemptions for school stores.</p> <p>Section 10-215b-1 of the state regulations does not apply because the school store is only selling compliant foods, and this regulation is superseded by the CNS and state beverage statute. Candy, coffee, tea, and soft drinks are already prohibited by the CNS and state beverage statute and can never be sold to students from school stores.</p> <p>The state statute requiring nutritious and low-fat foods does not apply because the school store sales occur after the school day.</p>

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<p><b>5: Culinary program sales</b></p> <p>A culinary program sells compliant foods and beverages to students on school premises from 12:00 p.m. to 1:00 pm. The culinary program has conducted a nutrient analysis of all recipes and documented that they comply with the CNS.</p>	<p><input type="checkbox"/> Food exemptions (C.G.S. 10-215f) <input type="checkbox"/> Beverage exemptions (C.G.S. 10-221q) <input type="checkbox"/> No selling or giving candy, coffee, tea, or soft drinks (Section 10-215b-1 of state competitive foods regulations) <input checked="" type="checkbox"/> Income must accrue to nonprofit food service account (Section 10-215b-23 of state competitive foods regulations) <input checked="" type="checkbox"/> Nutritious low-fat foods (C.G.S. 10-221q)</p> <p>Since the sales occur while the NSLP is operating, Section 10-215b-23 of the state competitive foods regulations requires that the nonprofit school food service account must receive the culinary program's income from all foods and beverages sold to students from 11:30 a.m. to 1:30 pm. This is the period from 30 minutes before up through 30 minutes after the operation of the NSLP.</p> <p>Since the culinary program sales occur during the school day, the school must comply with C.G.S. Section 10-221p. This statute requires that low-fat dairy products and fresh or dried fruit must be available for purchase from the culinary program or elsewhere on school premises at the same time.</p> <p>The food and beverage exemptions do not apply. Culinary programs must always sell compliant foods and beverages because they are not events and are therefore not eligible for exemptions under the state HFC and beverage statutes.</p> <p>Section 10-215b-1 of the state regulations does not apply because the culinary program is only selling compliant foods, and this regulation is superseded by the CNS and state beverage statute. Candy, coffee, tea, and soft drinks are already prohibited by the CNS and state beverage statute and can never be sold to students from culinary programs.</p>

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The Connecticut State Department of Education's (CSDE) *Complying with Healthy Food Certification* training program consists of six recorded modules that provide guidance on how to meet the HFC requirements under Section 10-215f of the Connecticut General Statutes and the related state laws for competitive foods in schools. This training program is intended for the district's HFC contact person and individuals who coordinate sales of competitive foods to students on school premises. To access the training modules, visit the "[Related Resources](#)" section of the CSDE's HFC webpage.

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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](mailto:program.intake@usda.gov)

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