

Requirements for Foods and Beverages in School Stores in Non-HFC Public Schools

This document summarizes the federal and state requirements for selling and giving foods and beverages to students from school stores, kiosks, and other school-based enterprises on school premises in Connecticut public schools that:

- participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP); and
- choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.).



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.

For guidance on how the state and federal requirements apply to different sources of foods and beverages in non-HFC public schools, refer to the Connecticut State Department of Education’s (CSDE) resources, *Requirements for Competitive Foods in Non-HFC Public Schools* and *Summary Chart: State and Federal Requirements for Competitive Foods in Non-HFC Public Schools*. The CSDE’s *Guide to Competitive Foods in Non-HFC Public Schools* provides detailed guidance on the requirements for competitive foods in non-HFC public schools. For more information, visit the CSDE’s [Competitive Foods in Schools](#) webpage.

Overview of Federal and State Requirements

All foods and beverages available for sale to students from school stores in non-HFC public schools must comply with the USDA’s Smart Snacks nutrition standards ([81 FR 50131](#)). Beverages must also comply with **the** state beverage statute ([C.G.S. Section 10-221q](#)) at all times. In addition to the nutrition standards, school stores must comply with the following federal and state requirements:

- Connecticut’s statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut’s state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#)); and
- the local educational agency’s (LEA) school wellness policy, as required by the USDA’s school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)).

These federal and state requirements determine what and when foods and beverages may be sold or given to students from school stores in non-HFC public schools. They also regulate the accrual of

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income from sales of foods and beverages to students.

- “Sales” means the exchange of a determined amount of money or its equivalent (such as coupons, tickets, 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 certain 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 CTECS, or the governing authority district or school.

When the Requirements Apply

When the federal and state requirements differ, the stricter requirements apply. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNPs) are operating.

- 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 from 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.
- The CNPs include the [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.

Table 1 summarizes when the federal and state requirements apply to school stores in non-HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

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Table 1. Summary of requirements for school stores in non-HFC public schools

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
USDA’s Smart Snacks (81 FR 50131)	All foods and beverages available for sale to students from school stores on school premises (refer to “ Allowable Foods ” and “ Allowable Beverages ” in this document). ¹	During the school day.	Yes	No
State beverage statute (C.G.S. Section 10-221q)	All beverages available for sale to students from school stores on school premises (refer to “ Allowable Beverages ” in this document). ^{2,3}	At all times, except for sales that meet the exemption criteria of the state beverage statute (refer to “ Beverage exemptions ” in this document). ⁴	Yes	No
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p)	All sales of foods to students from school stores on school premises (refer to “ State Statute Requiring Nutritious and Low-fat Foods ” in this document). ^{2,3}	During the school day.	Yes	No
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from school stores on school premises while any CNPs are operating (refer to “ Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes

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Table 1. Summary of requirements for school stores in non-HFC public schools, *continued*

Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students on school premises while any CNPs are operating (refer to “ Section 10-215b-23: Accrual of income ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from school stores on school premises (refer to “ USDA School Wellness Policy Requirements ” in this document). ⁵	During the school day.	Yes	Yes

- ¹ The Smart Snacks nutrition standards do not apply to foods and beverages intended for consumption at home. Examples include products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans. However, the state statutes and competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages, regardless of when students will consume them.
- ² The state statutes and competitive foods regulations apply to all foods and beverages, regardless of when students will consume them. This includes products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans.
- ³ C.G.S. Sections 10-221q and 10-221p apply to all Connecticut public schools, including those that do not choose the healthy food option of HFC or do not participate in the CNPs.
- ⁴ The state beverage statute specifically prohibits beverage exemptions for school stores. All beverages sold from school stores must **always** comply with the state beverage statute.
- ⁵ The LEA’s school wellness policy must include locally determined standards and nutrition guidelines for all foods and beverages and beverages available for sale to students, and provided to students free of any charge, on school premises during the school day (refer to “[USDA School Wellness Policy](#)” in this document).

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Allowable Foods

All foods (commercial products and foods made from scratch) available for sale to students from school stores during the school day must comply with Smart Snacks. For information on the specific Smart Snacks requirements, refer to the CSDE's resource, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

Smart Snacks applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with butter and syrup), the nutrition information for the **food and accompaniments** must be added together to review the serving for Smart Snacks compliance.

Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial food products that comply with Smart Snacks. School store operators may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks. This tool cannot be used to identify allowable beverages because some requirements of the state beverage statute are stricter and supersede the Smart Snacks beverage standards.

Foods made from scratch

The serving of a recipe (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. Recipes with nutrition information are required for two categories of foods: 1) foods prepared from scratch; and 2) foods with other ingredients added after purchasing, e.g., popping popcorn kernels in oil; assembling a sandwich; making muffins from a mix and adding butter and eggs; and adding sprinkles to commercial frozen sugar cookie dough.



School store operators must document each recipe's Smart Snacks compliance **before** selling these foods to students. Documentation requires two steps: 1) obtaining or developing a standardized recipe that indicates the required nutrition information per serving (calories, fat, saturated fat, trans fat, sodium, and sugars); and 2) comparing the recipe's nutrition information per serving (including any added accompaniments) with the required nutrition standards for the applicable Smart Snacks food category. Schools must maintain this information on file for the CSDE's Administrative

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Review of the school nutrition programs. For more information on evaluating recipes for Smart Snacks compliance, review section 1 of the CSDE's [Guide to Competitive Foods in Non-HFC Public Schools](#).

Allowable Beverages

All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute (C.G.S. Section 10-221q) and any stricter Smart Snacks requirements. The state beverage statute applies at **all times** to all beverages available for sale to students on school premises, including beverages sold as part of and separately from reimbursable meals. Smart Snacks applies to all beverages sold separately from reimbursable meals to students on school premises **during the school day**. The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial beverage products that comply with the state beverage statute and the Smart Snacks beverage standards.

School stores can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, 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.

The state beverage statute specifically prohibits beverage exemptions for school stores. Beverages that do not comply with the state beverage statute (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) can **never** be sold to students from school stores.



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Allowable Sales of Noncompliant Foods and Beverages

School stores on school premises may sell noncompliant foods and beverages to adults at any time. School stores on school premises can **never** sell noncompliant beverages to students. School stores on school premises may sell noncompliant foods to students **after** the school day.

For example, if school ends at 3:00 p.m., school stores on school premises may sell noncompliant foods to students anytime from 3:31 p.m. through 11:59 p.m. However, if the sales occur while any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions (refer to “[State Competitive Foods Regulations](#)” in this document).



State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students separately from reimbursable meals during the school day, nutritious and low-fat foods must also be available for sale at the same time, either at the location of the food sales or elsewhere in the school. The statute defines “nutritious and low-fat foods” as low-fat dairy foods (such as low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods.

School stores that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit unless these foods are available for sale to students elsewhere on school premises at the same time. For sales that consist of preordered foods, the nutritious low-fat foods specified in the statute must be available for sale when students **receive** the foods, not when students order the foods.

C.G.S. Section 10-221p applies to all Connecticut public schools, including those that do not choose the healthy food option of HFC or do not participate in the CNPs. For more information on C.G.S. Section 10-221p, refer to the CSDE’s resource, [Questions and Answers on Connecticut Statutes for School Foods and Beverages](#).

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State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies restrict candy, coffee, tea, and soft drinks while CNPs are operating; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises while CNPs are operating. In addition to selling and giving foods and beverage to students from school stores, these restrictions apply to:

- tickets, coupons, tokens, and similar items that students can exchange for foods and beverages from school stores (including tickets and similar items that are sold or given to students);
- student orders for foods and beverages from school stores; and
- distribution of foods and beverages to students from school stores.

Sections 10-215b-1 and 10-215b-23 apply regardless of when students will consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, 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.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints.
- “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.

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Depending on when CNPs operate, Smart Snacks and the state beverage statute may supersede Section 10-215b-1, or Section 10-215b-1 may supersede Smart Snacks and the state beverage statute. These requirements are summarized below.

- **Selling candy:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy 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. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., school stores cannot sell candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.
- **Selling coffee, tea, and soft drinks:** The state beverage statute supersedes Section 10-215b-1 because it applies to school stores at **all times**, not just when CNPs are operating. School stores are not eligible for beverage exemptions under the state beverage statute; they can **never** sell coffee, tea, and soft drinks to students.
- **Giving candy, coffee, tea, and soft drinks:** Smart Snacks and the state beverage statute do not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, 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. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., school stores cannot give candy, coffee, tea, and soft drinks to students on school premises from 6:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. Examples include:
 - school stores that dispense candy, coffee, tea, and soft drinks to students; and
 - school stores where students can exchange coupons, tickets, tokens and similar items for candy, coffee, tea, and soft drinks.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, refer to the CSDE's resources, [Healthy Fundraising](#), [Healthy Celebrations](#), and [Alternatives to Food Rewards](#).

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Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross 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 must accrue to the nonprofit food service account. The nonprofit food service account is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All school store sales of foods and beverages to students on school premises during this time must comply with this regulation, including:

- sales of foods that comply with Smart Snacks;
- sales of beverages that comply with the state beverage statute and Smart Snacks;
- student orders for foods and beverages from school stores; and
- sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages in school stores.



For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the school store's income from all foods and beverages sold to students on school premises from 6:30 a.m. to 8:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m. For more information, refer to the CSDE's resources, [Overview of Connecticut's Competitive Foods Regulations](#) and [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA School Wellness Policy Requirements

The LEA's school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation.

Among other requirements, the LEA's school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable

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federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's [School Wellness Policies](#) webpage.

Resources

Allowable Beverages in 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>

Beverage Requirements for Connecticut Public Schools (Presentation) (CSDE):

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

C.G.S Section 10-215f: Certification that food meets nutrition standards:

https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215f

C.G.S. Section 10-221p: Boards to make available for purchase nutritious and low-fat foods:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221p

C.G.S. Section 10-221q: Sale of beverages:

https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

Competitive Foods in Schools (CSDE webpage)

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

CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Exemptions for Foods and Beverages in Public Schools (CSDE):

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

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHS of 2010 (81 FR 50131).

<https://www.fns.usda.gov/school-meals/fr-072916d>

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School (USDA):

<https://fns-prod.azureedge.net/sites/default/files/cn/fundraisersfactsheet.pdf>

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Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

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

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

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

Healthy Fundraising (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/Resources/HealthyFundraising.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Connecticut's Competitive Foods Regulations (CSDE):

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

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):

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

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

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

School Wellness Policies (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/School-Wellness-Policies>

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Smart Snacks Product Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

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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.

Summary of Smart Snacks Nutrition Standards (CSDE):

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

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For more information, visit the CSDE's [Healthy Food Certification](#) and [Connecticut Nutrition Standards](#) webpages or contact the [HFC Coordinator](#) 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/HFC/School_Store_Requirements_NonHFC.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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