

Requirements for Foods and Beverages in Vending Machines in HFC Public Schools

This document summarizes the federal and state laws for selling and giving foods and beverages to students from vending machines in Connecticut public schools that participate in the U.S. Department of Agriculture’s (USDA) National School Lunch Program (NSLP) and choose 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.



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Overview of Federal and State Laws

All foods available for sale to students on school premises must comply with the [Connecticut Nutrition Standards](#) (CNS). All beverages available for sale to students on school premises must comply with the state beverage statute ([C.G.S. Section 10-221q](#)). Beverages available for sale to students on school premises during the school day must also comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)).

Only the Smart Snacks beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute requires that foods comply with the stricter CNS, which supersedes the Smart Snacks food standards. For a comparison of the CNS and Smart Snacks, refer to the Connecticut State Department of Education's (CSDE) chart, [Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards](#).

In addition to the nutrition standards for foods and beverages, vending machines that are accessible to students must also comply with the federal and state laws for:

- **restrictions for selling and giving foods and beverages to students**, including the state statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#)); the state regulation that restricts selling and giving candy, coffee, tea, and soft drinks to students ([Section 10-215b-1 of the 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 (Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 (Section 4 of [Public Law 108-265](#)) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- **accrual of income from selling foods and beverages to students**, including the state regulation that restricts income accrual ([Section 10-215b-23 of the Regulations of Connecticut State Agencies](#)); the USDA's regulation for revenue from nonprogram foods ([7 CFR 210.14\(f\)](#)); and the state statute requiring the right of first refusal for the Connecticut Department of Aging and Disability Services, Bureau of Education and Services for the Blind (ADS-BESB) to place vending machines in public schools ([C.G.S. Section 17a-818](#)).

These laws determine what and when foods and beverages may be sold or given to students on school premises, and where the income must accrue.

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The definitions below apply to these requirements.

- “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 also include tickets and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages.
- “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, CTECS, or the governing authority district or school.

For guidance on how the federal and state laws apply to different sources of competitive foods in HFC public schools, refer to the CSDE’s resources, [Requirements for Competitive Foods in HFC Public Schools](#) and [Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools](#), and visit the “[HFC Resources](#)” section of the CSDE’s HFC webpage. Training on the requirements for competitive foods in HFC public schools is available in the CSDE’s [Complying with Healthy Food Certification](#) training program.



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When the Laws Apply

When the laws for competitive foods differ, the stricter requirements apply. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) 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 the three categories of laws that apply to vending machines in HFC public schools, when they apply, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students. These categories include: 1) nutrition standards for foods and beverages; 2) restrictions for selling and giving foods and beverages to students; and 3) accrual of income from sales of foods and beverages to students.

Table 1. Summary of laws that apply to vending machines in HFC public schools				
Law	Applies to	When applies	Applies to	
			Selling	Giving
Category 1: Nutrition standards for foods and beverages				
State: C.G.S. Section 10-215c : Nutrition standards for food that is not part of lunch or breakfast program (Connecticut Nutrition Standards)	All foods available for sale to students on school premises separately from reimbursable meals and all foods served in the ASP (refer to “ Allowable Foods ” in this document).	At all times. The state HFC statute specifically prohibits food exemptions for vending machines. All foods sold from vending machines must always comply with the CNS.	Yes	No

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Table 1. Summary of laws that apply to vending machines in HFC public schools				
Law	Applies to	When applies	Applies to	
			Selling	Giving
Category 1: Nutrition standards for foods and beverages, <i>continued</i>				
State: C.G.S. Section 10-221q : Sale of beverages	All beverages available for sale to students on school premises, sold as part of and separately from reimbursable meals and ASP snacks (refer to “ Allowable Beverages ” in this document).	At all times. The state beverage statute specifically prohibits beverage exemptions for vending machines. All beverages sold from vending machines must always comply with the state beverage statute.	Yes	No
Federal: Smart Snacks Nutrition Standards (81 FR 50131)	All foods and beverages available for sale to students on school premises, separately from reimbursable meals and ASP snacks through the CNPs. Note: Only the Smart Snacks beverage standards apply to HFC public schools (refer to “ Allowable Beverages ” in this document). The food standards do not apply because the state HFC statute requires compliance with the stricter CNS.	During the school day.	Yes	No

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Table 1. Summary of laws that apply to vending machines in HFC public schools				
Law	Applies to	When applies	Applies to	
			Selling	Giving
Category 1: Nutrition standards for foods and beverages, <i>continued</i>				
Federal: School Wellness Policy (Public Law 108-265) and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010 Final Rule 81 FR 50151	Locally determined nutrition standards and guidelines for all foods and beverages on school premises available for sale to students or provided to students free of charge (refer to “ USDA School Wellness Policy (SWP) Requirements ” in this document).	During the school day.	Yes	Yes
Category 2: Restrictions for selling and giving foods and beverages to students				
State: C.G.S. Section 10-221p : Nutritious and low-fat foods available for sale	All sales of foods to students on school premises (refer to “ State Statute Requiring Nutritious and Low-fat Foods ” in this document).	During the school day.	Yes	No
State: Section 10-215b-1 of the Regulations of Connecticut State Agencies : Competitive foods (candy, coffee, tea, and soft drinks)	Selling and giving candy, coffee, tea, and soft drinks to students 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).	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 laws that apply to vending machines in HFC public schools				
Law	Applies to	When applies	Applies to	
			Selling	Giving
Category 3: Accrual of income from sales of foods and beverages to students				
State: Section 10-215b-23 of the Regulations of Connecticut State Agencies : Accrual of Income	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).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No
Federal (USDA): 7 CFR 210.14 (f) : Revenue from Nonprogram Foods	All foods and beverages purchased using funds from the nonprofit school food service account (NSFSA) and sold to students and adults on school premises (refer to “ USDA Regulation for Revenue from Nonprogram Foods ” in this document). Note: This regulation does not apply to vending machines unless the foods and beverages are purchased using funds from the NSFSA.	At all times.	Yes	No

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Table 1. Summary of laws that apply to vending machines in HFC public schools				
Law	Applies to	When applies	Applies to	
			Selling	Giving
Category 3: Accrual of income from sales of foods and beverages to students, <i>continued</i>				
State: C.G.S. Section 17a-818 : Food service facilities and vending stands in public buildings controlled by Department of Aging and Disability Services. Permissible uses of vending machine income.	Vending machines operated by outside contractors in public schools (refer to “ State Statute for Permissible Use of Vending Machine Income (ADS-BESB) ” in this document).	At all times.	Yes	No

Allowable Foods

Allowable foods include commercial products and foods made from scratch that comply with the following CNS requirements: 1) the food must meet at least one general standard; and 2) the serving with its accompaniments (such as butter, cream cheese, salad dressing, and condiments) must meet the specific nutrition standards for the applicable CNS food category. Some examples of foods with accompaniments include bagels with cream cheese, muffins with butter, french fries with ketchup, pancakes with syrup, tortilla chips with salsa, and chicken nuggets with dipping sauce.



Vending machines that are accessible to students can never sell foods that do not comply with the CNS. The state HFC statute specifically prohibits food exemptions for vending machines.

For specific information on the CNS requirements, refer to the CSDE’s [Summary of Connecticut Nutrition Standards](#) and visit the CSDE’s [CNS](#) webpage. Training is available in “Module 3: Connecticut Nutrition Standards” and “Module 4: Evaluating Foods for CNS Compliance” of the CSDE’s [Complying with Healthy Food Certification](#) training program.

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Commercial products

The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial food products that comply with the CNS. For more information on allowable commercial food products, refer to the CSDE's resources, [How to Evaluate Commercial Food Products for Compliance with the Summary of Connecticut Nutrition Standards](#) and [Submitting Food and Beverage Products for Approval](#), and visit the "Commercially Prepared Foods" section of the CSDE's CNS webpage.

Foods made from scratch

Most vending machines sell only commercial products. If a vending machine sells foods made from scratch, the vending operator must determine that the serving (including its accompaniments) complies with the CNS. For example, vending machines may dispense reimbursable meals that comply with the requirements for reimbursable meals (refer to [USDA Memo SP 03-2007: Vending Machines in the School Meal Programs](#)) and all federal and state requirements for competitive foods. Schools that use these vending machines must ensure that all foods that can be purchased separately from the complete reimbursable meal comply with the CNS.

Foods made from scratch include two categories: 1) foods prepared from ingredients using a standardized recipe, such as baked goods like muffins and cookies, soups, fruit smoothies, and entrees like pizza, sandwiches, and spaghetti with meat sauce; and 2) commercial foods with ingredients added after purchasing, such as popping popcorn kernels in oil and adding salt, making muffins from a mix and adding butter and eggs, and adding sprinkles to commercial frozen cookie dough.



The required CNS documentation for foods made from scratch includes: 1) an accurate standardized recipe that indicates the calories, fat, saturated fat, trans fat, sodium, and sugars per serving, including any accompaniments served with the food; and 2) the completed CNS worksheet for the applicable food category documenting that the standardized recipe's serving with its accompaniments complies with the CNS (refer to the "[CNS Worksheets](#)" section of the CSDE's CNS webpage). Maintain this documentation for all foods made from scratch for the annual HFC documentation (due November 30 of each year) and the CSDE's Administrative Review of the school nutrition programs. For easy access, the CSDE recommends storing this information electronically in a computer folder.

For additional guidance on foods made from scratch, refer to the CSDE's resources, [Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards](#) and [How to Evaluate Foods Made](#)

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from Scratch for Compliance with the Connecticut Nutrition Standards, and visit the “[Foods Made from Scratch](#)” section of the CSDE’s CNS webpage.

Allowable Beverages

Allowable beverages comply with the state beverage statute (C.G.S. Section 10-221q) and any stricter Smart Snacks requirements. The state beverage statute applies to all beverages available for sale to students on school premises at all times, including beverages sold as part of and separately from reimbursable meals and ASP snacks. Smart Snacks applies to all beverages sold separately from reimbursable meals to students on school premises during the school day.

Five categories of beverages are allowed for sale to students in public schools, including: 1) milk; 2) 100 percent juice; 3) nondairy milk substitutes; 4) beverages containing only water and juice; and 5) 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 [Allowable Beverages in Connecticut Public Schools](#) and visit the CSDE’s [Beverage Requirements](#) webpage.

Vending machines that are accessible to students can never sell beverages that do not comply with the state beverage statute, such as soda, coffee, tea, sports drinks, hot chocolate, sweetened water, and juice drinks that are not 100 percent juice. The state beverage statute specifically prohibits beverage exemptions for vending machines

The CSDE’s [List of Acceptable Foods and Beverages](#) webpage identifies commercial beverage products that comply with the state beverage statute and Smart Snacks.



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Strategies to Ensure Compliance

To receive HFC funding, districts must comply with the CNS and HFC requirements. The state HFC and beverage statutes specifically prohibit sales of noncompliant foods and beverages from vending machines that are accessible to students. Districts are responsible for developing and implementing procedures to ensure that all vending machines comply with these requirements regardless of who owns or operates them.

The most common noncompliance issues for vending machines include: 1) not verifying that the food or beverage is included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage; and 2) not checking deliveries to ensure that vendors do not substitute noncompliant products.

District-operated vending machines

The district's procedures for competitive foods must implement the strategies below for vending machine operated by the district.

1. **Evaluate all commercial products before purchasing:** Before purchasing any commercial products, determine that all foods comply with the CNS and all beverages comply with the state beverage statute and Smart Snacks. Use the CSDE's [List of Acceptable Foods and Beverages](#) webpage to verify that the food or beverage is listed. Check that the product's information exactly matches the CSDE-approved product, including the manufacturer name, product name, product description (e.g., variety/flavor), serving size, case pack, product code, and nutrition information.

If the food will include accompaniments (such as butter, cream cheese, salad dressing, and condiments), add the nutrition information for the food and its accompaniments together to determine if the product still complies with the CNS. Accompaniments that cause an approved product to exceed the CNS limits cannot be served with the product.

Commercial products that are not included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage cannot be sold to students. Districts may submit products to the CSDE for review using the steps in the CSDE's [Submitting Food and Beverage Products for Approval](#).

2. **Review orders before submitting:** Review orders for competitive foods to make sure that all foods comply with the CNS and all beverages comply with the state beverage statute and Smart Snacks (refer to strategy 1).
3. **Verify vendor assurances of product compliance:** When a food manufacturer, vendor, distributor, or salesperson indicates that a product complies with the CNS or state beverage statute, verify that these products are included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage (refer to strategy 1). The CSDE does not review or approve vendor lists

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of compliant products or vendor statements about compliant products. A common vendor error is assuming that commercial products that meet the USDA's Smart Snacks nutrition standards also comply with the CNS. Many Smart Snacks products do not comply with the CNS because the CNS requirements are stricter. For more information, refer to the CSDE's chart, *Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards*.

4. **Check deliveries when received:** Ordering products that are included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage does not guarantee they will be delivered. Check deliveries to verify that vendors do not substitute noncompliant products. Refuse any noncompliant products and remind the vendor that substitutions are not allowed. Noncompliant products discovered after an order is delivered must be returned to the vendor.

Vending company contracts

The district's procedures for competitive foods must implement the strategies below for vending machines operated under a vending company contract.

1. **Clearly communicate to vending company what foods and beverages are allowed:** Provide the vending company with a list of allowable foods and beverages, based on the CSDE's [List of Acceptable Foods and Beverages](#) webpage (refer to "Allowable Foods" and "Allowable Beverages" in this document). Include language in the vending contract that substitutions are not allowed, and that the vending company must train their employees who stock the vending machines on this requirement.
2. **Monitor vending machines:** Ordering products that are included on the CSDE's [List of Acceptable Foods and Beverages](#) webpage does not guarantee they will be delivered. Designate school staff to monitor vending machines when they are stocked. If noncompliant products are discovered after the vending machines are stocked, immediately turn off the vending machines and contact the vending company to remove the noncompliant products.

For detailed guidance on evaluating foods and preventing compliance issues, refer to the CSDE's resources, *How to Evaluate Commercial Food Products for Compliance with the Connecticut Nutrition Standards* and *How to Evaluate Foods Made from Scratch for Compliance with the Connecticut Nutrition Standards*.

Training on compliance strategies is available in "Module 4: Evaluating Foods for CNS Compliance" of the CSDE's *Complying with Healthy Food Certification* training program.

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Allowable Sales of Noncompliant Foods and Beverages

Vending machines that are not accessible to students may sell noncompliant foods and beverages to adults (such as school staff and parents) at any time. Noncompliant foods and beverages can never be sold to students from vending machines. The state HFC and beverage statutes specifically prohibit food and beverage exemptions for vending machines (refer to “[Allowable Foods](#)” and “[Allowable Beverages](#)” in this document).

USDA School Wellness Policy (SWP) Requirements

The LEA’s locally developed SWP may have additional requirements for selling and giving foods and beverages to students. The Child Nutrition and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Reauthorization Act of 2004 ([Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a SWP by the first day of school year 2006-07. Section 204 of the Healthy, Hunger-Free Kids Act of 2010 ([Public Law 111-296](#)) strengthened the SWP law by adding requirements for public participation, transparency, and implementation. These requirements were effective August 29, 2016, under USDA’s final rule, *Local School Wellness Policy Implementation Under the HHFKA of 2010*.

Among other requirements, the LEA’s SWP must include nutrition guidelines for all foods and beverages that are available for sale to students, or provided to students free of charge, on school premises during the school day. At a minimum, the LEA’s SWP for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on SWPs, visit the CSDE’s [School Wellness Policies](#) webpage.

State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for sale to students 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.

Vending machines on school premises that sell foods to students during the school day must also sell low-fat dairy foods or fresh or dried fruit unless these foods are available for sale to students elsewhere on school premises at the same time. For more information on C.G.S. Section 10-221p, refer to section 4 of the CSDE’s *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; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises. These requirements apply to vending machines that sell or distribute foods and beverages to students while any CNPs are operating. This includes tickets, coupons, tokens, and similar items that are sold or given to students and can be exchanged for foods and beverages in vending machines.

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; candy bars; chocolate-covered nuts and fruits; hard candies and lollipops; chewy candies like caramels, taffy, and licorice; jelly candies like gumdrops, gummies, and jelly beans; 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.

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

- **Selling candy, coffee, tea, and soft drinks:** The CNS and state beverage statute supersede Section 10-215b-1 because they apply at all times, not just while CNPs are operating. Vending machines are not eligible for food and beverage exemptions under the state HFC and beverage statutes; they can never sell candy, coffee, tea, and soft drinks to students.
- **Giving candy, coffee, tea, and soft drinks:** The CNS, Smart Snacks beverage standards, and 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

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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. This regulation does not apply to vending machines unless they distribute these foods and beverages free of charge to students.

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](#).

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 NSFSA. The NSFSA is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All vending machine sales of foods and beverages to students on school premises during this time must comply with this regulation. This includes sales of foods that comply with the CNS; sales of beverages that comply with the state beverage statute and Smart Snacks; and sales of tickets, tokens, and similar items that students can use to obtain foods and beverages from vending machines.

If any vending machines operate during this time, the gross income (not just the percentage of the income specified in the vending machine contract) must accrue to the NSFSA. The example below shows how Section 10-215b-23 applies to a vending machine contract.

Example: The district's vending machine contract specifies that the school food service department will receive 20 percent of the total vending sales. 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 vending machines are operating during these times. The NSFSA must receive 100 percent of the vending machine's gross 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.

LEAs must ensure that vending machine contracts comply with Section 10-215b-23. All vending machines must be turned off from 30 minutes before up through 30 minutes after the operation of any CNPs unless 100 percent of the gross vending income accrues to the NSFSA.

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For more information, refer to the CSDE's [Overview of Connecticut's Competitive Foods Regulations](#) and [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA Regulation for Revenue from Nonprogram Foods

Section 7 CFR 210.14 (f) of the NSLP regulations requires that all revenue from the sale of nonprogram foods must accrue to the NSFSA. "Nonprogram foods" are foods and beverages purchased using funds from the NSFSA and sold to students or adults at any time or location on school premises, other than reimbursable meals served through the CNPs.



Nonprogram foods are different from competitive foods. Competitive foods include all foods and beverages available for sale to students on school premises separately from reimbursable meals served through the CNPs, regardless of the funding source that purchased them.

Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include competitive foods purchased using funds from the NSFSA, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For most school food authorities (SFAs), cafeteria a la carte sales account for the majority of nonprogram foods. Another common source is vending machines operated by the NSFSA.

This regulation also requires that when school food service labor is used to prepare foods for an outside entity (such as catering), the SFA must ensure that all costs, including labor and any other costs incurred, are covered by the entity being served by the school food service program. For more information, refer to [USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods](#) and [USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements](#).

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State Statute for Permissible Use of Vending Machine Income (ADS-BESB)

C.G.S. Section 17a-818 (formerly Section 10-303) requires that the Connecticut Department of Aging and Disability Services, Bureau of Education and Services for the Blind (ADS-BESB) has the right of first refusal to place vending machines in public buildings, including schools. A school district must grant a permit to ADS-BESB to operate a vending machine if the school district has determined that a vending machine is desirable in the location.

School districts cannot allow another organization to place a vending machine in a school building unless 1) the school district has first offered to grant a permit to ADS-BESB to operate the vending machine; and 2) ADS-BESB has declined the opportunity. C.G.S. Section 17a-818 does not apply to vending machines that are owned and operated by the school district without outside assistance. For additional guidance, refer to “[Placement of Vending Machines \(ADS-BESB\)](#)” in the “Laws/Regulations” section of the CSDE’s Competitive Foods in Schools 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>

Comparison of the Connecticut Nutrition Standards and the USDA’s Smart Snacks Nutrition Standards (CSDE):

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

Connecticut General Statutes for School Foods and Beverages (CSDE’s Laws and Regulations for Child Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutGeneralStatutes>

Connecticut Nutrition Standards (CSDE webpage):

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

Connecticut Regulations for Competitive Foods (CSDE’s Laws and Regulations for Child Nutrition Programs webpage):

<https://portal.ct.gov/SDE/Nutrition/Laws-and-Regulations-for-Child-Nutrition-Programs#ConnecticutRegulations>

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Complying with Healthy Food Certification (CSDE Training Program):

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

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>

Evaluate Foods for CNS Compliance (“How To” section of CSDE’s Connecticut Nutrition Standards webpage):

<https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards/How-To>

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 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>

How to Evaluate Commercial Food Products for Compliance with the Connecticut Nutrition Standards (CSDE):

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

How to Evaluate Foods Made from Scratch for Compliance with the Connecticut Nutrition Standards (CSDE):

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

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

Placement of Vending Machines: ADS-BESB (“Laws/Regulations” section of the CSDE’s
Competitive Foods in Schools webpage:

[https://portal.ct.gov/SDE/Nutrition/Competitive-Foods/Regulations
#PlacementVendingMachines](https://portal.ct.gov/SDE/Nutrition/Competitive-Foods/Regulations#PlacementVendingMachines)

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

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
Requirements_Competitive_Foods_HFC.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Requirements_Competitive_Foods_HFC.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](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources_Federal_State_Requirements_Competitive_Foods.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 HFC Public Schools
(CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
Summary_Chart_Requirements_Competitive_Foods_HFC.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_HFC.pdf)

Summary of Connecticut Nutrition Standards (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
CNS/Connecticut_Nutrition_Standards_Summary.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/CNS/Connecticut_Nutrition_Standards_Summary.pdf)

Vending Machines (“Related Resources” section of CSDE’s HFC webpage):

[https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-
Resources#VendingMachines](https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification/Related-Resources#VendingMachines)

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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, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

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

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Office of the Assistant Secretary for Civil Rights
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