

Allowable Beverages in Connecticut Public Schools

This document summarizes the federal and state requirements for selling and giving beverages to students in Connecticut public schools. 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 Beverage Requirements

The beverage requirements for Connecticut public schools are governed by the following laws:

- the state beverage statute ([Section 10-221q](#) of the Connecticut General Statutes (C.G.S.));
- 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 HHFKA of 2010](#)); and
- the state competitive foods regulations ([Section 10-215b-1](#) and [Section 10-215b-23](#) of the Regulations of Connecticut State Agencies).

The state beverage statute and USDA's Smart Snacks require that beverages available for sale to students on school premises must meet specific nutrition standards. The state competitive foods regulations require additional restrictions while any Child Nutrition Programs (CNPs) are operating. These include restrictions for selling and giving certain foods and beverages to students, and the accrual of income from all foods and beverages sold to students on school premises.

- "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.

When the federal and state beverage laws differ, the stricter requirements apply. The beverage requirements in this document include the stricter provisions of each law.

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Nutrition Standards for Beverages

All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute. This includes beverages sold as part of and separately from school meals (such as cafeteria a la carte sales and sales from vending machines, school stores, fundraisers, culinary programs, and any other sources) and reimbursable snacks in the Afterschool Snack Program (ASP). The state beverage statute applies at all times, except for sales that meet the exemption criteria of the state beverage statute (refer to “[Beverage Exemptions](#)” in this document).

In addition to the state beverage requirements, public schools that participate in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) must also comply with the USDA’s Smart Snacks beverage standards. Smart Snacks applies during the school day. Table 1 summarizes the requirements of the state beverage statute and Smart Snacks. For more information, 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](#).

Table 1. Summary of state beverage statute and Smart Snacks requirements

Law	Applies to	When applies
State beverage statute (C.G.S Section 10-221q)	<ul style="list-style-type: none"> All Connecticut public schools, including schools that do not participate in the NSLP or SBP. All sales of beverages to students on school premises, as part of and separately from reimbursable meals in the NSLP and SBP and reimbursable snacks in the ASP. All grades: Nutrition standards are the same for elementary, middle, and high schools. 	At all times except for sales that meet the beverage exemption criteria (refer to “ Beverage Exemptions ” in this document)
USDA’s Smart Snacks nutrition standards (Final Rule 81 FR 50131)	<ul style="list-style-type: none"> All schools and institutions that participate in the NSLP and SBP, including public schools, private schools, and residential child care institutions (RCCIs). All foods and beverages sold to students on school premises separately from reimbursable meals and ASP snacks. All grades: Nutrition standards are the same for elementary and middle schools but are different for high schools. 	School day

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Five Allowable Beverage Categories

Table 2 summarizes the nutrition standards and portion size limits for the five categories of beverages allowed by the state beverage statute and Smart Snacks beverage standards. These nutrition standards include the stricter requirements of each state or federal standard. For more information about the specific beverage requirements, visit the CSDE's [Beverage Requirements](#) webpage.

Table 2. Beverages allowed by the state beverage statute and Smart Snacks

Category	Nutrition Standards	Portion size limit
1. Milk , low-fat (1%) and fat-free, either flavored or unflavored	<ul style="list-style-type: none"> • ≤4 grams of sugar per fluid ounce • No artificial sweeteners * 	<i>Elementary:</i> 8 fluid ounces (fl oz) <i>Middle and high:</i> 12 fl oz
2. 100 percent juice (fruit, vegetable, or combination)	<ul style="list-style-type: none"> • No added sweeteners 	<i>Elementary:</i> 8 fl oz <i>Middle and high:</i> 12 fl oz
3. Nondairy milk substitutes , flavored or unflavored (e.g., soy milk)	<ul style="list-style-type: none"> • Must meet USDA's nutrition standards for fluid milk substitutes (refer to CSDE's Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs). • No artificial sweeteners • ≤ 4 grams of sugars per fluid ounce • ≤ 35% of calories from fat • ≤ 10% of calories from saturated fat 	<i>Elementary:</i> 8 fl oz <i>Middle and high:</i> 12 fl oz
4. Beverages that contain only water and 100% juice (with or without carbonation)	<ul style="list-style-type: none"> • No added sweeteners * • Must meet additional requirements for restricted ingredients (refer to the CSDE's Requirements for Beverages Containing Water and Juice) 	<i>Elementary:</i> 8 fl oz <i>Middle and high:</i> 12 fl oz
5. Water (with or without carbonation)	<ul style="list-style-type: none"> • No added sweeteners • No caffeine <p><i>Elementary and middle schools:</i></p> <ul style="list-style-type: none"> • Must be unflavored during school day • May be carbonated or uncarbonated <p><i>High schools:</i></p> <ul style="list-style-type: none"> • May be flavored or unflavored • May be carbonated or uncarbonated 	<p>Plain water with or without carbonation: Unlimited for all grades</p> <p>Flavored water with or without carbonation (<i>during the school day, allowed for high schools only</i>): 20 fl oz</p>

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Note: Sweeteners include nutritive sweeteners that contain calories (e.g., sugars, syrups, and fruit juice concentrate); nonnutritive sweeteners that do not contain calories, including artificial nonnutritive sweeteners (e.g., aspartame, acesulfame potassium, and sucralose) and plant-based nonnutritive sweeteners (e.g., stevia, monk fruit, and thaumatin); and sugar alcohols that are low in calories (e.g., sorbitol, mannitol, maltitol, and erythritol).

The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies brand-specific beverages that comply with the state and federal beverage requirements. For information on how to submit a beverage product to the CSDE for approval, refer to the CSDE's [Submitting Food and Beverage Products for Approval](#).

Noncompliant Beverages

Noncompliant beverages are beverages that do not meet the requirements of the state beverage statute and the Smart Snacks beverage standards. Noncompliant beverages cannot be sold to students on school premises unless the local board of education or school governing authority (BOE) votes to allow beverage exemptions, and the sales meet the exemption criteria of the state beverage statute (refer to "[Beverage Exemptions](#)" in this document). Noncompliant beverages can never be sold to students from vending machines or school stores.

Examples of noncompliant beverages

This list below shows some examples of noncompliant beverages but is not all-inclusive. The mention of trade names and commercial products does not imply approval or endorsement by the CSDE or USDA. Product names are used solely for clarification.

- **Coffee** (regular, decaffeinated, herbal, and iced).
- **Tea** (regular, decaffeinated, herbal, and iced).
- **Sports drinks** (regular, low-calorie, and zero calorie), e.g., *Gatorade* and *Powerade*.
- **Energy drinks**, e.g., *Red Bull*.
- **Hot chocolate** (regular, low calorie, and low sugar).
- **Whole milk and reduced fat (2%) milk.** **Note:** Milk that meets the state beverage requirements could be sold to students after the school day.

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- **Nondairy milk substitutes** (such as soy milk, rice milk, and almond milk) that do not comply with the USDA's nutrition standards for fluid milk substitutes. **Note:** Nondairy milk substitutes that meet the state beverage requirements could be sold to students after the school day.
- **Sweetened juice drinks** (with or without carbonation) that are not 100 percent juice, e.g., *Hawaiian Punch* (contains high fructose corn syrup), *Tropicana Twisters* (contains high fructose corn syrup), *Tropicana Trop50* (contains stevia leaf extract), and *Minute Maid Zero Sugar Fruit Punch* (contains aspartame and acesulfame potassium). **Note:** A juice drink is a product resembling juice that contains some portion of full-strength juice with added water and possibly other ingredients such as sweeteners and flavorings. The label may indicate "contains juice," "fruit flavored," or give the percentage of juice, e.g., "contains 15% juice." These products may be labeled drink, beverage, cooler, cocktail, ade, (e.g., lemonade, limeade), nectar, or punch.
- **Milk-based beverages** that do not meet the federal standard of identify for fluid milk, e.g., *Yoo-Hoo chocolate drink*.
- **Waters (with or without carbonation) that contain added sweeteners**, e.g., *Propel Flavored Water Beverage with Vitamins* (contains sucralose and acesulfame potassium), *Glaceau Vitamin Water* (contains crystalline fructose and cane sugar), *Capri Sun Roarin' Waters Fruit Flavored Water Beverage* (contains sugar and stevia leaf extract), *Kool-Aid Jammers* (contains high fructose corn syrup and sucralose), *Fruit₂O Flavored Sparkling Water Beverage* (contains sucralose), *Dasani Flavored Water Beverage* (contains sucralose and acesulfame potassium), and *Aquafina Flavorsplash Water* (contains sucralose).
- **Waters mixed with drink mix powders containing added sweeteners** (regular and diet), e.g., *Crystal Light Pure Fitness* (contains sugar and Rebiana (stevia))
- Water and juice beverages with added sweeteners or additional ingredients not allowed, e.g., *Minute Maid Fruit Falls Water Beverage* (contains sucralose and acesulfame potassium).



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Beverage Exemptions

Beverages that do not comply with the state beverage statute cannot be sold to students on school premises unless the BOE votes to allow beverage exemptions and the sales meet the following exemption criteria: 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.

- 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. Summer school programs operated by the BOE are part of the regular school day.
- An **event** is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. Events involve a gathering of people in a social context, such as sports competitions, awards banquets, school concerts, and theatrical productions. For example, soccer games, school plays, and school debates are events, but soccer practices, play rehearsals, and debate team meetings are not.
- **Location** means where the event is being held. For example, lemonade could be sold at the baseball field during a baseball game but cannot be sold in the school cafeteria while a baseball game is played on the baseball field.

If the BOE votes to allow exemptions, noncompliant beverages could be sold to students at the location of an event that occurs after the school day or on the weekend. For example, if the school day ends at 3:00 p.m., noncompliant beverages could be sold at the location of an event that occurs anytime between 3:31 p.m. through 11:59 p.m. during the week or anytime on Saturday or Sunday. However, if the event occurs while any CNPs are operating, the state competitive foods regulations (Section 10-215b-1 and Section 10-215b-23 of the Regulations of Connecticut State Agencies) require additional restrictions for selling and giving coffee, tea, and soft drinks; and the accrual of income from all foods and beverages sold to students on school premises (refer to “[Example of how the state regulations apply to selling beverages](#)” in this document).

If the BOE does not vote to allow beverage exemptions, the district cannot sell any beverages that do not comply with the C.G.S. Section 10-221q. For more information, refer to the CSDE’s [Exemptions for Foods and Beverages in Public Schools](#).

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State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require restrictions for selling and giving foods and beverages to students while CNPs are operating. Section 10-215b-1 prohibits selling and giving coffee, tea, and soft drinks to students from 30 minutes before up through 30 minutes after the operation of any CNPs. Section 10-215b-23 requires that the income from any foods and beverages sold to students on school premises during this same time must accrue to the nonprofit school food service account (NSFSA).

- The **CNPs** include the NSLP, SBP, ASP, 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.
- **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.
- **Income** means gross income.
- **NSFSA** means the restricted account in which all the revenue from all food service operations conducted by the school food authority 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).

If any CNPs are operating, the state competitive foods regulations supersede the beverage exemptions allowed by state beverage statute for beverage sales at an event (refer to [“Beverage Exemptions”](#) in this document).

Example of how the state regulations apply to selling beverages

The school district has voted to allow beverage exemptions. The ASP operates from 3:30 to 4:30 p.m. A concession stand sells beverages to students at a football game (event) that occurs after the school day. Section 10-215b-1 of the state competitive foods regulations prohibits the concession stand from selling coffee, tea, and soft drinks to students from 3:00 p.m. to 5:00 p.m. In addition, Section 10-215b-23 requires that the school food service program must receive the concession stand’s income from all foods and beverages sold to students from 3:00 p.m. to 5:00 p.m.

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Example of how the state regulations apply to giving beverages

The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. Section 10-215b-1 of the state competitive foods regulations prohibits coffee, tea, and soft drinks from being given to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Some examples include beverages offered at classroom parties and teachers offering beverages to students as a reward.

Requirements for Beverage Vending Machines

Vending machines in public schools that are accessible to students can never sell beverages that do not comply with the state beverage statute. The state beverage statute specifically prohibits beverage exemptions for vending machines. For more information on the requirements for vending machines in public schools, refer to the CSDE's resources, [Requirements for Foods and Beverages in Vending Machines in HFC Public Schools](#) and [Requirements for Foods and Beverages in Vending Machines in Non-HFC Public Schools](#).

If beverage vending machines operate while any CNPs are operating, Section 10-215b-23 of the state competitive foods regulations requires that the *gross income* (not just the percentage of the income specified in the vending machine contract) must accrue to the NSFSA.

Example: A beverage vending machine contract specifies that the school food service department will receive 20 percent of the total vending sales. If the vending machine operates anytime from 30 minutes before up through 30 minutes after the operation of any USDA Child Nutrition Programs, the NSFSA must receive 100 percent of the total vending sales (gross income) during this period.

Schools must ensure that all beverage vending machine contracts comply with Section 10-215b-23. Unless 100 percent of the gross vending income accrues to the NSFSA, all beverage vending machines must be turned off from 30 minutes before up through 30 minutes after the operation of any CNPs. For more information, refer to the CSDE's [Overview of Connecticut's Competitive Foods Regulations](#) and [CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

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Resources

Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs:

https://portal.ct.gov/-/media/sde/nutrition/nslp/specdiet/milk_substitutes_snp.pdf

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/beverage-requirements>

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

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

Comparison Chart: Connecticut Nutrition Standards and USDA's Smart Snacks (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/compfoods/comparison_chart_connecticut_nutrition_standards_and_smart_snacks.pdf

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/exemptions_food_beverages_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 HHFKA of 2010 (81 FR 50131).

<https://www.federalregister.gov/documents/2016/07/29/2016-17227/national-school-lunch-program-and-school-breakfast-program-nutrition-standards-for-all-foods-sold-in>

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

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 Beverages Containing Water and Juice (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/compfoods/requirements_water_juice_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 Competitive Foods in Non-HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/hfc/requirements_competitive_foods_nonhfc.pdf

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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 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 HFC Public Schools (CSDE):

https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_hfc.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

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

https://portal.ct.gov/-/media/sde/nutrition/compfoods/resources_federal_state_requirements_competitive_foods.pdf

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/

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

https://portal.ct.gov/-/media/sde/nutrition/compfoods/summary_chart_federal_state_laws_beverages_public_private_rcci.pdf

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

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 [Beverage Requirements](#) webpage or contact the [school nutrition programs staff](#) 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/compfoods/allowable_beverages_public_schools.pdf.

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Office of the Assistant Secretary for Civil Rights
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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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