

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

This document summarizes the federal and state laws for selling and giving beverages to students in Connecticut public schools, private schools, and residential child care institutions (RCCIs). Three categories of laws for competitive foods determine what and when beverages may be sold or given to students on school premises and where the income must accrue.

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Overview of Law Categories

Three categories of laws for competitive foods determine what and when foods and beverages may be sold or given to students on school premises and where the income must accrue.

Category 1: Nutrition standards for beverages

- USDA's Smart Snacks nutrition standards for competitive foods: [81 FR 50131](#)
- State beverage statute for public schools: [C.G.S. Section 10-221q](#)

Category 2: Restrictions for selling and giving foods and beverages

- [State](#) regulation restricting selling and giving candy, coffee, tea, and soft drinks to students: [Section 10-215b-1 of the Regulations of Connecticut State Agencies](#)
- Local educational agency's (LEA) school wellness policy (SWP), as required by USDA: [Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#) (Final Rule [81 FR 50151](#))

Category 3: Accrual of income from selling foods and beverages

- [State regulation](#) restricting for [accrual of income](#): [Section 10-215b-23 of the Regulations of Connecticut State Agencies](#)
- USDA's regulation for revenue from nonprogram foods: [7 CFR 210.14 \(f\)](#)

- 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 apply differently depending on the type of school. Some laws apply during the school day, while others apply at all times or while the U.S. Department of Agriculture's (USDA) [Child Nutrition Programs](#) are operating. When the laws differ, the stricter requirements apply. For guidance on how these requirements apply to different sources of beverages in public schools, private schools, and RCCIs, refer to the resources listed at the end of this document. For a detailed list of resources on complying with the requirements, refer to the Connecticut State Department of Education's (CSDE) [Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools](#).

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Definitions

The definitions below apply to the requirements for competitive foods in schools.

Child Nutrition Programs (CNPs): The federally funded child nutrition programs administered by the USDA, including the [National School Lunch Program \(NSLP\)](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\) At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools.

Competitive foods: All foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the CNPs. Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include candy, coffee, tea, and soft drinks that are given to students on school premises while any CNPs are operating, including during and after the school day.

Giving: Providing foods and beverages free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.

Sales: 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 coupons and similar items that are given to students (such as food rewards) and can be exchanged for foods and beverages. However, the USDA's Smart Snacks nutrition standards do not apply when coupons and similar items are given to students.

School day: The period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is midnight to 3:30 p.m. A summer school program operated by the board of education or school governing authority (BOE) is part of the regular school day.

School premises: 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.

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Category 1: Nutrition Standards for Beverages

Law	Description and resources	Applies to	When applies
<p>L1 Federal: Smart Snacks Nutrition Standards (81 FR 50131)</p>	<p>Effective July 1, 2014, this USDA regulation defines the nutrition standards required for competitive foods sold to students in all schools and institutions that participate in the NSLP and SBP. The three Smart Snacks categories include: 1) entrees sold only a la carte; 2) snacks and side dishes; and 3) beverages. For information on the specific Smart Snacks standards, refer to the CSDE's Summary of Smart Snacks Nutrition Standards and Questions and Answers on Smart Snacks and visit the CSDE's Smart Snacks Nutrition Standards webpage.</p> <p>Private schools and RCCIs: For information on the Smart Snacks beverage standards, refer to the CSDE's Summary of Smart Snacks Nutrition Standards and Questions and Answers on Smart Snacks, and visit the CSDE's Smart Snacks Nutrition Standards webpage.</p> <p>Public schools: All beverages available for sale to students in Connecticut public schools must comply with the state beverage statute (refer to "L2 State: C.G.S. Section 10-221q: Sale of beverages") and any stricter Smart Snacks beverage requirements (refer to the CSDE's Allowable Beverages in Connecticut Public Schools). The CSDE's List of Acceptable Foods and Beverages webpage identifies commercial beverage products that comply with the state beverage statute and Smart Snacks.</p>	<p>All schools and institutions that do participate in the NSLP and SBP: All beverages sold to students on school premises separately from reimbursable meals and snacks in the NSLP and SBP.</p> <p>Summary: Do the Smart Snacks beverage standards apply?</p> <ul style="list-style-type: none"> • Public schools: Yes • Private schools: Yes • RCCIs: Yes • Selling beverages: Yes • Giving beverages: No <p>Note: Smart Snacks does not apply to schools and institutions that do not participate in the NSLP and SBP.</p>	<p>During the school day.</p>

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Law	Description and resources	Applies to	When applies
<p>L2 State: C.G.S. Section 10-221q: Sale of beverages</p>	<p>Effective July 1, 2006, the state beverage statute defines the five categories of beverages that are allowed for sale to students in Connecticut public schools: 1) milk; 2) 100 percent juice; 3) nondairy milk substitutes; 4) beverages containing only water and juice; and 5) water. Each category must meet specific nutrition requirements. For more information, refer to the CSDE's Allowable Beverages in Connecticut Public Schools and visit the CSDE's Beverage Requirements webpage.</p> <p>Beverage exemptions: Beverages that do not comply with the state beverage statute (such as coffee, tea, soft drinks, sports drinks, hot chocolate, and lemonade) cannot be sold to students on school unless the BOE votes to allow exemptions, and: 1) the sale is in connection with an event occurring after the end of the regular school day or on the weekend; 2) the sale is at the location of the event; and 3) the beverages are not sold from a vending machine or school store. For more information, refer to the CSDE's Exemptions for Foods and Beverages in Public Schools.</p> <p>The event's selling timeframe must comply with the state competitive foods regulations, i.e., sales cannot occur from 30 minutes before up through 30 minutes after the operation of any CNPs (refer to "L3 State: Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods (candy, coffee, tea, and soft drinks)" and "L4 State: Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income" in this document).</p> <p>Note: Noncompliant beverages can never be sold to students from vending machines or school stores, even if the board of education has voted to allow beverage exemptions.</p>	<p>All public schools that participate in the NSLP and SBP: All sales of beverages to students on school premises, as part of and separately from reimbursable meals and ASP snacks. This includes public schools that choose not to participate in Healthy Food Certification (HFC) under C.G.S. Section 10-215f.</p> <p>All public schools that do not participate in the NSLP and SBP: All sales of beverages to students on school premises.</p> <p>Summary: Does the beverage statute apply?</p> <ul style="list-style-type: none"> • Public schools: Yes • Private schools: No • RCCIs: No • Selling beverages: Yes • Giving beverages: No 	<p>At all times, except for sales that meet the beverage exemption criteria of the state beverage statute (refer to "Beverage exemptions" in the second column).</p>

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Category 2: Restrictions for Selling and Giving Beverages to Students

Law	Description and resources	Applies to	When applies
<p>L3 State: Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods (candy, coffee, tea, and soft drinks)</p>	<p>Effective August 25, 1992, this state regulation prohibits selling and giving coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p> <ul style="list-style-type: none"> • “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal, and iced. • “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners, nonnutritive sweeteners, and sugar alcohols) and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners. <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s Overview of Connecticut Competitive Foods Regulations and visit the CSDE’s Competitive Foods in Schools webpage.</p> <p>Beverage sales at exempted events in public schools: If the event occurs while any CNPs are operating, Section 10-215b-1 of state regulations supersedes the beverage exemptions allowed by the state beverage statute (refer to “L2 State: C.G.S. Section 10-221q: Sale of beverages” in this document) and extends restrictions for sales of coffee, tea, and soft drinks to exempted events. Section 10-215b-1 prohibits selling coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (refer to “Section 10-215b-1 of the Regulations of Connecticut State Agencies” in this document).</p>	<p>All schools and institutions that participate in the CNPs: Selling and giving coffee, tea, and soft drinks to students anywhere on school premises while any CNPs are operating.</p> <p>Summary: Does Section 10-215b-1 apply?</p> <ul style="list-style-type: none"> • Public schools: Yes • Private schools: Yes • RCCIs: Yes • Selling beverages: Yes • Giving beverages: Yes <p>Note: Section 10-215b-1 does not apply to schools and institutions that do not participate in the CNPs.</p>	<p>From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p>

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Category 3: Accrual of Income from Sales of Beverages to Students

Law	Description and resources	Applies to	When applies
<p>L4 State: Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income</p>	<p>Effective August 25, 1992, this state regulation requires that the income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs (including during and after the school day) must accrue to the nonprofit school food service account. For public schools, this also includes the income from sales of beverages to students at events on school premises that meet the exemption criteria of the state beverage statute (C.G.S Section 10-221q) (refer to “Beverage exemptions” in this document).</p> <ul style="list-style-type: none"> • “Income” means gross income. • “Nonprofit school food service account” means the restricted account in which all the revenue from all food service operations conducted by the school food authority (SFA) principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds used to support paid lunches as provided in 7 CFR 210.14(e), and proceeds from nonprogram foods as provided in 7 CFR 210.14(f). <p>Section 10-215b-1 applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. For more information, refer to the CSDE’s Overview of Connecticut Competitive Foods Regulations and CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools.</p>	<p>All schools and institutions that participate in the CNPs: Accrual of income from all sales of foods and beverages to students anywhere on school premises while any CNPs are operating.</p> <p>Summary: Does Section 10-215b-23 apply?</p> <ul style="list-style-type: none"> • Public schools: Yes • Private schools: Yes • RCCIs: Yes • Selling beverages: Yes • Giving beverages: No <p>Note: Section 10-215b-23 does not apply to schools and institutions that do not participate in the CNPs.</p>	<p>From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.</p>

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Law	Description and resources	Applies to	When applies
<p>L11 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.</p>	<p>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.</p> <p>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.</p>	<p>Vending machines operated by outside contractors in public schools</p>	<p>At all times.</p>

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Resources for HFC Public Schools

Allowable Beverages for Connecticut Public Schools (CSDE):

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

Beverage Requirements (CSDE webpage):

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

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/competitive-foods>

Complying with Healthy Food Certification (CSDE training program):

<https://portal.ct.gov/sde/nutrition/healthy-food-certification/related-resources#complyinghfc>

Healthy Food Certification (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/healthy-food-certification>

Overview of Connecticut Competitive Foods Regulations:

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

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>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Resources for Non-HFC Public Schools

A Guide to Smart Snacks in School (USDA):

<https://www.fns.usda.gov/tn/guide-smart-snacks-school>

Allowable Beverages for Connecticut Public Schools (CSDE):

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

Beverage Requirements (CSDE webpage):

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

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/competitive-foods>

Overview of Connecticut Competitive Foods Regulations:

https://portal.ct.gov/-/media/sde/nutrition/compfoods/overview_ct_competitive_foods_regulations.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>

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

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

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

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

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

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

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

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

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

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

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

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

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

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/smart-snacks-nutrition-standards>

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

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

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

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

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Resources for Private Schools and RCCIs

A Guide to Smart Snacks in School (USDA):

<https://www.fns.usda.gov/tn/guide-smart-snacks-school>

Competitive Foods in Schools (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/competitive-foods>

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

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

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

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

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

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

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

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

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

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

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

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

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

Smart Snacks Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/sde/nutrition/smart-snacks-nutrition-standards>

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

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

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For more information, visit the CSDE's [Beverage Requirements](#) webpage or contact the [HFC Coordinator](#) or the [school nutrition programs staff](#) at the Connecticut State Department of Education, 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/summary_chart_federal_state_laws_beverages_public_private_rcci.pdf.

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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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