


Complying with Healthy Food Certification (HFC)

Module 5: Laws for Foods and Beverages in HFC Schools

 Connecticut State Department of Education
Bureau of Child Nutrition Programs

Revised March 2026

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Complying with HFC Training Modules

- Module 1 Introduction to Training Modules and HFC
- Module 2 HFC Requirements
- Module 3 Connecticut Nutrition Standards (CNS)
- Module 4 Evaluating Foods for CNS Compliance
- Module 5 Laws for Foods and Beverages in HFC Schools
- Module 6 Fundraisers

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

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Topics

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Module 5 Topics

- Interaction of Laws
- Terms to Know
- Overview of State and Federal Laws
- USDA's Smart Snacks Nutrition Standards
- State Beverage Statute
- State Statute for Nutritious and Low-fat Foods
- State Competitive Foods Regulations
- USDA's School Wellness Policy
- Summary of Requirements for Noncompliant Foods and Beverages
- Resources

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Interaction Between State and Federal Laws

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Interaction Between Different Laws

- When the laws differ, the stricter requirements apply
- Follow CSDE's specific guidance



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Terms to Know

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Competitive Foods

Foods and beverages available for sale to students on school premises separately from reimbursable meals served through the U.S. Department of Agriculture's (USDA) Child Nutrition Programs

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Sale, Sales, Sell, Selling

Exchange of a determined amount of money or its equivalent * for foods and beverages

* Coupons, tickets, tokens, and similar items

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School Premises

All areas of the property **under the jurisdiction** of the local or regional board of education, the Connecticut Technical Education and Career System (CTECS), or the governing authority district or school

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School Day

The period from midnight before to 30 minutes after the end of the official school day

- Includes summer school programs
- Applies to half days


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Example of School Day

- School ends at 3:00 PM
- School day = midnight through 3:30 PM
- After school day = 3:31 PM through 11:59 PM



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Give, Giving

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

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Compliant Foods and Beverages

Foods that meet the CNS and beverages that meet the requirements of the state beverage statute and the Smart Snacks beverage standards

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Noncompliant Foods and Beverages

Foods that do not meet the CNS and beverages that do not meet the requirements of the state beverage statute and the Smart Snacks beverage standards

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Overview of Laws for Competitive Foods in HFC Public Schools

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Laws for Competitive Foods in HFC Public Schools

- Connecticut General Statutes (C.G.S)
- Regulations of Connecticut State Agencies (state competitive foods regulations)
- Federal regulations (USDA)

All competitive foods must comply




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State Statutes

- HFC (C.G.S. Section 10-215f)
- CNS (C.G.S. Section 10-215e)
- Beverages (C.G.S. Section 10-221q)
- Nutritious and low-fat foods (C.G.S. Section 10-221p)



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State Competitive Foods Regulations

- Section 10-215b-1: Selling and giving certain foods
- Section 10-215b-23: Accrual of income



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Federal Regulations

- USDA Smart Snacks nutrition standards
 - Beverage standards only



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What the Laws Determine

WHAT	WHEN	HOW
foods and beverages may be sold or given to students	foods and beverages may be sold or given to students	income accrues from sales of competitive foods to students



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USDA Smart Snacks Nutrition Standards



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Smart Snacks

Federal nutrition standards required for competitive foods sold to students in schools that participate in the National School Lunch Program and School Breakfast Program

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Smart Snacks Defined By

- Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010
- Effective July 1, 2014

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



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How Smart Snacks Applies to HFC Public Schools

- Only beverage standards apply
- Food standards do not apply because HFC requires stricter CNS




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Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards

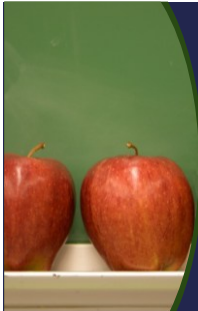


https://portal.ct.gov/-/media/sde/nutrition/compfoods/comparison_chart_connecticut_nutrition_standards_and_smart_snacks.pdf

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State Beverage Statute (C.G.S Section 10-221q)




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State Beverage Statute Allows Five Categories *

- Milk
- 100% juice
- Nondairy milk substitutes
- Beverages containing only water and juice
- Water

* Must meet specific nutrition requirements




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State Beverage Statute

- Applies to all beverages available for sale to students on school premises
- Part of reimbursable meals
- Separately from reimbursable meals



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Allowable Beverages for Connecticut Public Schools



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

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Examples of Noncompliant Beverages (Do not meet state beverage statute, Smart Snacks, or both)


- Coffee and tea
- Hot chocolate and cocoa
- Sports drinks
- Energy drinks
- Whole and reduced-fat milk
- Nondairy milk substitutes that do not meet USDA's nutrition standards for fluid milk substitutes
- Milk-based beverages
- Sweetened juice drinks (not 100% juice)
- Waters with added sweeteners
- Waters with drink mix powders
- Water and juice beverages with added sweeteners or other prohibited ingredients

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Noncompliant Beverages Cannot Be Sold to Students Unless

- BOE votes to allow food exemptions
- Beverage sales meet state beverage statute's three exemption criteria




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Beverage Exemptions

- Not part of annual HFC Statement
- BOE must vote separately




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Three Beverage Exemption Criteria

- The sale is in connection with an event occurring after end of regular school day or on weekend
- The sale is at location of the event
- The beverages are not sold from a vending machine or school store



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Event

An occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity

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Is it an event?

<p>Events</p> <ul style="list-style-type: none"> Soccer game High school debate competition School play School chess match 	<p>Not events</p> <ul style="list-style-type: none"> Soccer practices Debate team practices Play rehearsals Chess club meetings
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Examples of Events

- Awards banquets
- Boy Scout Blue & Gold dinner
- Craft fairs
- Debate team competitions
- Election day (if school is not in session)
- Family bingo nights
- Math team competitions
- Mock trial competitions
- School carnivals
- School concerts
- School recitals
- School dances
- School fairs, e.g., health, science, and math
- Silent auctions
- Sports banquets
- Sports games, tournaments, and matches, e.g., football, basketball, soccer, tennis, field hockey, volleyball, wrestling, and cross country
- Talent shows
- Theatrical productions

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Location

The same place where the event is being held

Example
 Location of a soccer game is the field where the soccer game is being played

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Many Sources of Beverage Sales are Never Eligible for Exemptions Because They Are Not Events

- Cafeteria a la carte sales
- School stores
- Vending machines
- Afterschool programs and activities
- Classes and educational programs
- Clubs, organizations, and similar groups
- Programs and meetings
- Summer school programs operated by BOE


Must always comply with state beverage statute

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Exemptions for Foods and Beverages in Public Schools



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

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State Statute: Nutritious and Low-fat Foods (C.G.S Section 10-221p)

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Nutritious and Low-fat Foods (C.G.S Section 10-221p)

- Whenever foods are available for purchase by students during the regular school day, nutritious and low-fat foods must also be available for sale



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Foods Available for Purchase

Foods sold in vending machines, school stores, fundraisers, and any other sources of food sales in schools during the school day

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Nutritious and Low-fat Foods

Low-fat dairy foods (like low-fat cheese and low-fat or nonfat yogurt) and fresh or dried fruit

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Required Selling Location of Nutritious and Low-fat Foods

- Must be available for sale either at the same location as the food sales

OR

- Elsewhere on school premises at the same time




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Examples of How C.G.S Section 10-221p Applies

Reminder

- Food sales during school day = foods that comply with CNS
- Noncompliant foods can never be sold during school day



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How C.G.S Section 10-221p Applies to School Stores

- Low-fat dairy products and fresh/dried fruit must be available for purchase at same time
 - in school store **OR**
 - elsewhere on school premises while school store is selling food




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How C.G.S Section 10-221p Applies to Fundraisers

- Low-fat dairy products and fresh/dried fruit must be available for purchase while fundraiser is being held
 - location of fundraiser **OR**
 - elsewhere on school premises while fundraiser is selling food




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How C.G.S Section 10-221p Applies to Fundraiser Food Orders

- Low-fat dairy products and fresh/dried fruit must be available must be available for purchase when students receive the foods




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How C.G.S Section 10-221p Applies to Vending Machines

- Low-fat dairy products and fresh/dried fruit must be available for purchase at the same time
 - From vending machines OR
 - Elsewhere on school premises while vending machines operate
- Must make alternate arrangements if not refrigerated




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Questions and Answers on Connecticut Statutes for School Foods and Beverages

- Section 4



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

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State Competitive Foods Regulations




https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215bSection_10-215b-1/
https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215bSection_10-215b-23/

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Section 10-215b-1: Competitive Foods

<p>Restricts</p> <ul style="list-style-type: none"> ▪ Selling and giving candy, coffee, tea, and soft drinks to students on school premises while CNPs are operating 	<p>When</p> <ul style="list-style-type: none"> ▪ 30 minutes before up through 30 minutes after the operation of any CNPs
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Section 10-215b-23: Accrual of Income

<p>Restricts</p> <ul style="list-style-type: none"> ▪ Accrual of income from all sales of foods and beverages to students on school premises while CNPs are operating 	<p>When</p> <ul style="list-style-type: none"> ▪ 30 minutes before up through 30 minutes after the operation of any CNPs
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Child Nutrition Programs

- National School Lunch Program (NSLP)
- School Breakfast Program (SBP)
- Afterschool Snack Program (ASP) of NSLP
- Seamless Summer Option (SSO) of 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
- Summer Food Service Program (SFSP)
operated in schools



<https://portal.ct.gov/sde/nutrition/child-nutrition-programs>
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State Competitive Foods Regulations

Section 10-215b-1: Competitive Foods



https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10-215bSection_10-215b-1/
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Regulations of Connecticut State Agencies

Section 10-215b-1: Competitive Foods

- Restricts selling and giving
 - Candy
 - Coffee
 - Tea
 - Soft drinks



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Candy

All types of regular and sugar-free varieties, such as chocolates, candy bars, chocolate-covered nuts and fruits, hard candies, chewy candies, jelly candies, and breath mints



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Coffee and Tea

All types including regular, decaffeinated, herbal, and iced




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Soft Drinks

All beverages (with or without carbonation) that contain water and/or juice and added sweeteners, and that may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients



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Examples of Soft Drinks

- Soda (regular and diet)
- Sports drinks (regular, low-calorie, and zero calorie)
- Flavored waters with added sweeteners
- Sweetened beverages with or without carbonation that are not 100% juice, e.g., lemonade and fruit punch drinks




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How Section 10-215b-1 Applies to Selling

Superseded by CNS and state beverage statute

- HFC statute prohibits selling candy at all times (except events meeting exemption criteria)
- State beverage statute prohibits selling coffee, tea, and soft drinks at all times (except events meeting exemption criteria)
- Section 10-215b-1 applies only to sales at events that occur while CNP is operating



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Example: How Section 10-215b-1 Applies to Selling at Exempted Events

A fundraiser sells candy and soft drinks to students at an event on school premises that occurs after the school day

The ASP operates from 3:30 – 4:30 PM

- Fundraiser cannot sell candy, coffee, tea, and soft drinks to students from 3:00 – 5:00 PM



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Example: How Section 10-215b-1 Applies to Giving

When CNPs Operate

- SBP: 7:00 AM – 8:00 AM
- NSLP: 11:30 AM – 1:00 PM
- ASP: 3:30 PM – 4:30 PM

Cannot Give Candy, Coffee, Tea, Soft Drinks

- 6:30 AM – 8:30 AM
- 11:00 AM – 1:30 PM
- 3:00 PM – 5:00 PM




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State Competitive Foods Regulations

Section 10-215b-23: Accrual of Income




Title_10Subtitle_10-215bSection_10-215b-23/
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Regulations of Connecticut State Agencies

Section 10-215b-23: Accrual of Income


- Nonprofit school food service account (NSFSA) must receive gross income from all sales of foods and beverages to students anywhere on school premises from 30 minutes before until 30 minutes after any state or federally subsidized CNPs



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Example: How Section 10-215b-23 Applies



When CNPs Operate

- SBP: 7:00 AM – 8:00 AM
- NSLP: 11:30 AM – 1:00 PM
- ASP: 3:30 PM – 4:30 PM

When Income Accrues to School Food Service Account *

- 6:30 AM – 8:30 AM
- 11:00 AM – 1:30 PM
- 3:00 PM – 5:00 PM

* Includes income from sales of foods and beverages at exempted events

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Example: How Section 10-215b-23 Applies to Vending Machine Contracts

Contract specifies school food service receives **20% of total vending sales**

Vending machines operate from 30 minutes before up through 30 minutes after the NSLP


- NSFSAs must receive **100% of total vending sales** (gross income) during this time

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



<https://portal.ct.gov/-/media/sde/nutrition/nsfp/memos/om2018/om01-18.pdf>

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Overview of Connecticut's Competitive Foods Regulations



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

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Local School Wellness Policy (LSWP)

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LSWP

A written document of official policies that guide the efforts of a local educational agency (LEA) or school district to establish a school environment that promotes students' health, well-being, and ability to learn by supporting healthy eating and physical activity

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LSWP Legislation Established By

- Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265)
 - School year 2006-07

<https://www.congress.gov/108/plaws/publ265/PLAW-108publ265.pdf>

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LSWP Legislation Strengthened By

- Healthy, Hunger-Free Kids Act of 2010 (HHFKA)
 - Effective August 29, 2016, under USDA's final rule, Local School Wellness Policy Implementation Under the HHFKA of 2010

<https://www.federalregister.gov/documents/2016/07/29/2016-17230/local-school-wellness-policy-implementation-under-the-healthy-hunger-free-kids-act-of-2010>

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LSWP Must Include Nutrition Guidelines


- Apply to all foods and beverages available to students on school premises during the school day
 - Selling
 - Giving
- Check with LSWP coordinator about district's requirements

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School Wellness Policies webpage




<https://portal.ct.gov/sde/nutrition/school-wellness-policies>

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Summary of Requirements for Noncompliant Foods and Beverages



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Summary of Requirements

- Noncompliant foods
- Candy
- Gum
- Coffee, tea, and soft drinks




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Reminder About Noncompliant Foods

- Cannot be sold to students on school premises unless
 - BOE votes to allow exemptions
 - sales meet food exemption criteria



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Reminder About Food Exemption Criteria

- The sale is in connection with an event occurring after the end of the regular school day or on the weekend
- The sale is at location of the event
- The foods are not sold from a vending machine or school store




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If Sales Meet Exemption Criteria

- May sell noncompliant foods

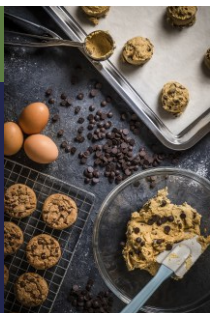


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If Event Occurs While CNPs Are Operating

- State competitive foods regulations apply 30 minutes before up through 30 minutes after
 - Section 10-215b-1: Cannot sell candy, tea, coffee, and soft drinks
 - Section 10-215b-23: Income must accrue to NSFSA



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Requirements for Candy Sales

- Cannot be sold to students on school premises unless sales meet three requirements
 - BOE voted to allow food exemptions
 - Sales meet exemption criteria of state HFC statute
 - Event cannot occur while any CNPs are operating



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Examples of Candy (includes Sugar Free)

- Chocolate
- Candy bars
- Chocolate-covered nuts and fruits
- Hard candies and lollipops
- Caramels, taffy, and licorice
- Jelly candies, e.g., gumdrops, gummies, and jelly beans
- Breath mints



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Requirements for Gum Sales (Regular and Sugar-free)

- Gum = food
- Cannot be sold to students on school premises unless sales meet two requirements
 - BOE voted to allow food exemptions
 - Sales meet exemption criteria of state HFC statute



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If Gum Sales are at Event That Occurs While CNPs are Operating

- Section 10-215b-23 of state competitive foods regulations applies
 - Income must accrue to NSFSA




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Requirements for Coffee, Tea, and Soft Drink Sales

- Cannot be sold to students on school premises unless sales meet three requirements
 - BOE voted to allow beverage exemptions
 - Sales meet exemption criteria of state beverage statute
 - Event cannot occur while any CNPs are operating




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Summary of Requirements for Noncompliant Foods and Beverages

- Noncompliant foods
- Candy
- Gum
- Coffee, tea, and soft drinks



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Resources



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Requirements for Competitive Foods in HFC Public Schools



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

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CSDE Resource
Requirements for Cafeteria A La Carte Foods and Beverages in HFC Public Schools
https://portal.ct.gov/-/media/sde/nutrition/hfc/cafeteria_requirements_hfc.pdf

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CSDE Resource
Requirements for Food and Beverage Fundraisers in HFC Public Schools
https://portal.ct.gov/-/media/sde/nutrition/hfc/fundraiser_requirements_hfc.pdf

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CSDE Resource
Requirements for Foods and Beverages in Vending Machines in HFC Public Schools
https://portal.ct.gov/-/media/sde/nutrition/hfc/vending_machine_requirements_hfc.pdf

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CSDE Resource
Requirements for Foods and Beverages in School Stores in HFC Public Schools
https://portal.ct.gov/-/media/sde/nutrition/hfc/school_store_requirements_hfc.pdf

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CSDE Resource
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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CSDE Resource
Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools
https://portal.ct.gov/-/media/sde/nutrition/compfoods/resources_federal_state_requirements_competitive_foods.pdf

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Connecticut Nutrition Standards

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

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CSDE Webpage

Guidance and Resources section

Healthy Food Certification webpage

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

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Competitive Foods in Schools

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

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CSDE Webpage

Laws and Regulations for Child Nutrition Programs

<https://portal.ct.gov/sde/nutrition/laws-and-regulations-for-child-nutrition-programs>

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Questions?

▪ **Contact CSDE's HFC coordinator or school nutrition programs staff**

<https://portal.ct.gov/sde/nutrition/healthy-food-certification/contact>
<https://portal.ct.gov/-/media/sde/nutrition/cnstaff/countyassign.pdf>

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Knowledge Check

▪ **Knowledge Check for Module 5: What State Laws Apply to HFC Schools**

Complying with Healthy Food Certification (HFC)

Knowledge Check for Module 5: Laws for Foods and Beverages in HFC Schools

What State Laws Apply to HFC Schools

CONNECTICUT DEPARTMENT OF EDUCATION
 Division of Child Nutrition Programs
 Revised March 2026

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

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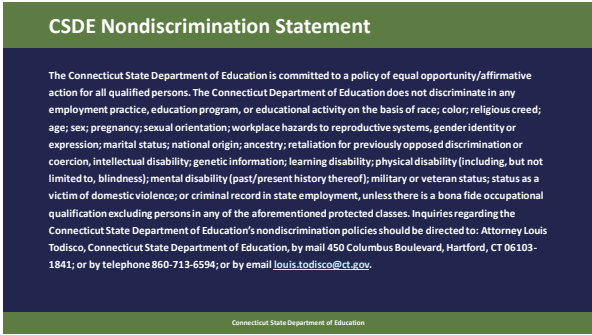
Thank you for participating!

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

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The slide features a row of red apples on a wooden surface against a green background. Below the apples is a dark blue horizontal bar containing the URL. At the bottom, there is a thin green bar with the text 'Connecticut State Department of Education'.

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CSDE Nondiscrimination Statement

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of race; color; religious creed; age; sex; pregnancy; sexual orientation; workplace hazards to reproductive systems, gender identity or expression; marital status; national origin; ancestry; retaliation for previously opposed discrimination or coercion, intellectual disability; genetic information; learning disability; physical disability (including, but not limited to, blindness); mental disability (past/present history thereof); military or veteran status; status as a victim of domestic violence; or criminal record in state employment, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes. Inquiries regarding the Connecticut State Department of Education's nondiscrimination policies should be directed to: Attorney Louis Todisco, Connecticut State Department of Education, by mail 450 Columbus Boulevard, Hartford, CT 06103-1841; or by telephone 860-713-6594; or by email louis.todisco@ct.gov.

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The slide has a green header with the title 'CSDE Nondiscrimination Statement'. The main content is on a dark blue background. At the bottom, there is a thin green bar with the text 'Connecticut State Department of Education'.

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