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.



Contents

Overview of Federal and State Laws 2
When the Laws Apply 4
Category 1: Nutrition standards for foods and beverages 4
Category 2: Restrictions for selling and giving foods and beverages to students 7
Category 3: Income accrual from sales of foods and beverages to students 8
Allowable Foods 9
Commercial food products 9
Foods made from scratch 9
Steps for evaluating foods made from scratch 11
Allowable Beverages 12
Vending Machines Cannot Sell Noncompliant Foods and Beverages 13
Strategies to Ensure Compliance 13
District-operated vending machines 14
Vending company contracts 15
Allowable Sales of Noncompliant Foods and Beverages 16
USDA School Wellness Policy (SWP) Requirements 16
State Statute Requiring Nutritious and Low-fat Foods 16
State Competitive Foods Regulations 17
Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks 17
Section 10-215b-23: Accrual of income 18
State Statute for ADS-BESB Right of First Refusal for Vending Machines in Public Schools 19
Resources 20

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

Overview of Federal and State Laws

All foods available for sale to students on school premises separately from reimbursable meals must comply with the Connecticut Nutrition Standards (CNS). The CNS also applies to all foods served in the Afterschool Snack Program (ASP) of the NSLP.

All beverages available for sale to students on school premises (as part of and separately from reimbursable meals and ASP snacks) 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.

> 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 guidance on the different requirements, refer to the Connecticut State Department of Education's (CSDE) resource, *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 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 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*; 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) 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.

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

The definitions below apply to these requirements.

- "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 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 of Federal and State Requirements for Competitive Foods in HFC Public Schools,* and visit the "Guidance and 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.



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

When the Laws Apply

The three categories of laws for competitive foods 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. These laws impose different requirements. Where they differ, the stricter requirements apply.

Some laws apply during the school day, while others apply at all times or while Child Nutrition Programs (CNPs) are operating.

- The "school day" is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is from midnight to 3:30 p.m. Summer school programs operated by the BOE on school premises are part of the regular school day.

- The CNPs include the NSLP, School Breakfast Program (SBP), 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.

The charts below summarize when these laws apply to vending machines in HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.

Category 1: Nutrition standards for foods and beverages

Category 1 Laws	Applies to	When applies
State Law: Connecticut Nutrition Standards C.G.S. Section 10-215e: Nutrition standards for food that is not part of lunch or breakfast program	Selling foods: 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 available for sale to students from vending machines must always comply with the CNS.

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

Category 1 Laws	Applies to	When applies
State Law: Beverages C.G.S. Section 10-221q: Sale of beverages	**Selling beverages:** All beverages available for sale to students on school premises 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 available for sale to students from vending machines must always comply with the state beverage statute.
Federal Law: Smart Snacks Nutrition Standards USDA 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	**Selling foods and beverages:** 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. Effective June 8, 2026, the Smart Snacks beverage standards for milk were updated by the USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs, to allow unflavored and flavored whole and reduced-fat (2%) milk in addition to the previously allowed low-fat (1%) and fat-free milk. Flavored milk cannot exceed 1.25 grams of added sugars per fluid ounce.	During the school day.

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

Category 1 Laws	Applies to	When applies
Federal Law: Fluid Milk Options USDA final rule, Expanding Fluid Milk Options in Child Nutrition Programs	**Selling milk:** All milk available for sale to students on school premises as part of reimbursable meals and ASP snacks through the CNPs. Also applies to the USDA Smart Snacks Nutrition Standards for milk sold as competitive foods (separately from reimbursable meals and ASP snacks) during the school day.	During the CNPs and the school day.
Federal Law: School Wellness Policy USDA final rule, Local School Wellness Policy Implementation Under the HHFKA of 2010	**Selling and giving foods and beverages:** 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.

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

Category 2: Restrictions for selling and giving foods and beverages to students

Category 2 Laws	Applies to	When applies
State Law: Nutritious and Low-fat Foods C.G.S. Section 10-221p: Nutritious and low-fat foods available for sale	**Selling foods:** 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.
State Law: Candy, Coffee, Tea, and Soft Drinks Section 10-215b-1 of the Regulations of Connecticut State Agencies: Competitive foods	Selling and giving certain foods and beverages: 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. **Note:** The CNS and state beverage statute supersede this timeframe because they apply at all times, not just while CNPs are operating. Candy, coffee, tea, and soft drinks can never be sold to students from vending machines.

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

Category 3: Income accrual from sales of foods and beverages to students

Category 3 Laws	Applies to	When applies
State Law: Income Accrual Section 10-215b-23 of the Regulations of Connecticut State Agencies: Income from the sale of food items	**Selling foods and beverages:** 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.
State Law: Right of First Refusal for Vending Machines in Public Schools 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	**Selling foods and beverages from vending machines:** Connecticut Department of Aging and Disability Services, Bureau of Education and Services for the Blind (ADS-BESB) right of first refusal to place vending machines in public buildings, including schools (refer to "State Statute for ADS-BESB Right of First Refusal for Vending Machines in Public Schools" in this document).	At all times.

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

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 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 resource, *Summary of Connecticut Nutrition Standards*, and visit the CSDE's Connecticut Nutrition Standards 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.

Commercial food 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 "Commercial Products" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage.

Foods made from scratch

The USDA allows vending machines to 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 reimbursable meal comply with the CNS.

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

While foods made from scratch are not commonly sold from vending machines, schools that implement this option must evaluate all a la carte foods for CNS compliance before they are sold a la carte to students. Foods made from scratch include the two categories below.

- **Category 1: foods prepared from ingredients using a standardized recipe:** Examples include entrees sold only a la carte like pizza, chef's salad, lasagna, and sandwiches; soups; cooked grains like rice or pasta with added salt and fat, e.g., oil, margarine, or butter; cooked vegetables with added salt and fat; salad with dressing; fruit smoothies; and baked goods like muffins and cookies.

- **Category 2: commercial foods with ingredients added after purchasing:** Examples include 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.

> Adding ingredients to a commercial product changes its nutrition information per serving. To determine CNS compliance, these foods require a standardized recipe that indicates the amount of each ingredient and the nutrition information per serving.

The required CNS documentation for foods made from scratch includes: 1) a standardized recipe with the nutrition information per serving (including any accompaniments served with the food); and 2) the appropriate completed CNS worksheet indicating that the serving with its accompaniments complies with the CNS (refer to "CNS Worksheets" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage).

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

Steps for evaluating foods made from scratch

Vending machine operators must complete the steps below to document that all foods made from scratch comply with the CNS. Foods without this documentation cannot be sold to students.

1. **Determine the nutrition information per serving:** Foods made from scratch must have an accurate standardized recipe that indicates the calories, fat, saturated fat, sodium, and sugars per serving, including any accompaniments served with the food. If this nutrition information is missing, the selling entity must conduct a nutrient analysis using a nutrient analysis software program, or a nutrient analysis database and the CSDE's *CNS Worksheet 9: Nutrient Analysis of Recipes*. For guidance on developing and using standardized recipes, visit the "Standardized Recipes" section of the CSDE's Crediting Documentation for the Child Nutrition Programs webpage.

2. **Verify that the nutrition information per serving complies with the CNS:** Enter the nutrition information for the standardized recipe's serving with its accompaniments into the CNS worksheet for the applicable CNS food category (refer to "CNS Worksheets" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage). The CNS worksheets compare the nutrition information per serving with the CNS and indicate if the serving complies.

3. **Maintain documentation of CNS compliance on file:** Maintain each standardized recipe and its completed CNS worksheet on file for the annual HFC documentation (due by 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 more information on the HFC documentation requirements, visit the "Annual HFC Documentation" section of the CSDE's HFC webpage and refer to the CSDE's resource, *Records Retention Requirements for the School Nutrition Programs*.

For additional guidance on evaluating 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 from Scratch for Compliance with the Connecticut Nutrition Standards*, and visit "Foods Made from Scratch" in the "Evaluating Foods for CNS Compliance" section of the CSDE's CNS webpage.

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

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: 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 resource, *Allowable Beverages in Connecticut Public Schools*, and visit the CSDE's Beverage Requirements webpage.

> Vending machines 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.



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

Vending Machines Cannot Sell Noncompliant Foods and Beverages

Vending machines cannot sell noncompliant foods and beverages to students. The state HFC and beverage statutes specifically prohibit exemptions for sales of noncompliant foods and beverages to students from vending machines.

- **Noncompliant foods** are foods that do not comply with the CNS. Examples include many snack foods (like tortilla chips, potato chips, cheese popcorn, and crackers), most baked goods and desserts (like brownies, cakes, pastries, and muffins), many entrees (like pizza, sausages, and ravioli), high-sugar breakfast cereals, many ice cream novelties, all condiments (like ketchup, mayonnaise, cream cheese, butter, syrup, and sauces), and all regular and sugar-free candy, gum, and breath mints.

- **Noncompliant beverages** are beverages that do not comply with the requirements of the state beverage statute. Some examples include coffee, tea, sports drinks, hot chocolate, juice drinks, and waters with added sweeteners. For more examples, refer to the CSDE's resource, *Allowable Beverages in Connecticut Public Schools*.

Vending machine operators must review individual products to verify that all foods comply with the CNS (refer to "Allowable Foods" in this document) and all beverages comply with the state beverage statute (refer to "Allowable Beverages" in this document).

Strategies to Ensure Compliance

To receive HFC funding, all district schools must comply with the CNS and HFC requirements. Districts are responsible for developing and implementing procedures to ensure that all vending machines comply with these requirements. The state HFC and beverage statutes specifically prohibit sales of noncompliant foods and beverages from vending machines.

The most common noncompliance issues for vending machines include: 1) not verifying that the commercial food or beverage product 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. To prevent these noncompliance issues, vending machine operators must implement the strategies below.

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

District-operated vending machines

The district's procedures for competitive foods must implement the strategies below for vending machines 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 includes 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.

    - Vending machine operators may submit products to the CSDE for review using the steps in the CSDE's resource, *Submitting Food and Beverage Products for Approval*.

    - Commercial products that are not included on the CSDE's List of Acceptable Foods and Beverages webpage cannot be sold to students.

2. **Review orders before submitting:** Review all 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 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 guidance on the different requirements, refer to the CSDE's resource, *Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards*.

4. **Check deliveries when received:** Ordering products that are on the CSDE's List of Acceptable Foods and Beverages webpage does not guarantee they will be delivered. Communicate with vendors that substitutions are not allowed. Train school staff to a) check deliveries to verify that vendors do not substitute noncompliant products; and b) refuse any noncompliant products. Noncompliant products discovered after an order is delivered must be returned to the vendor.

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

Vending company contracts

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

1. **Clearly communicate 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.

Districts must ensure that vending companies meet all federal and state requirements.

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

Allowable Sales of Noncompliant Foods and Beverages

Vending machines may sell noncompliant foods and beverages to adults, such as school staff and parents) at any time, but never to students (refer to "Vending Machines Cannot Sell Noncompliant Foods and 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 this Act 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 that sell foods to students during the school day must also sell low-fat dairy foods and fresh or dried fruit unless these foods are available for sale to students elsewhere on school premises at the same time. For more information on C.G.S. Section 10-221p, refer to section 4 of the CSDE's resource, *Questions and Answers on Connecticut Statutes for School Foods and Beverages*.

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

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 all entities that sell or give 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; student orders for foods and beverages; and distribution of foods and beverages to students. Sections 10-215b-1 and 10-215b-23 apply regardless of when students will receive or consume the foods and beverages.

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

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates; 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.

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

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 and 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 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. Candy, coffee, tea, and soft drinks can never be given to students during this time.

    - **Example:** The NSLP operates from 11:00 a.m. to 1:00 p.m. Candy coffee, tea, and soft drinks cannot be given or distributed to students anywhere on school premises from 10:30 a.m. to 1:30 p.m.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises, even when allowed by federal and state laws.

Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit school food service account (NSFSA). The NSFSA is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All 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; student orders for foods and beverages from vending machines; and sales of tickets, coupons, tokens, and similar items that students can exchange for foods and beverages in vending machines. The example below shows how Section 10-215b-23 applies.

- **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.

For more information on the competitive foods regulations, refer to the CSDE's resources, *Overview of Connecticut's Competitive Foods Regulations* and Operational Memorandum No. 1-18: *Accrual of Income from Sales of Competitive Foods in Schools*.

State Statute for ADS-BESB Right of First Refusal for Vending Machines in Public Schools

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.

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

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

C.G.S. Section 10-215e: Nutrition standards for food that is not part of lunch or breakfast program:
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

C.G.S. Section 10-221p: Nutritious and low-fat foods available for sale:
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221p

C.G.S. Section 10-221q: Sale of beverages:
https://www.cga.ct.gov/current/pub/chap_170.htm#sec_10-221q

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:
https://www.cga.ct.gov/current/pub/chap_319l.htm#sec_17a-818

CNS Worksheets ("Evaluating Foods for CNS Compliance" section of CSDE's Connecticut Nutrition Standards webpage):
https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards/evaluating-foods-for-cns-compliance#CNSWorksheets

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

Complying with Healthy Food Certification (CSDE training program):
https://portal.ct.gov/sde/nutrition/healthy-food-certification/hfc-training-program

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/state-statutes-and-regulations-for-school-foods-and-beverages#ConnecticutGeneralStatutes

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

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

Evaluating Foods for CNS Compliance (CSDE's Connecticut Nutrition Standards webpage):
https://portal.ct.gov/sde/nutrition/connecticut-nutrition-standards/evaluating-foods-for-cns-compliance

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

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

Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/nslp/memos/om2018/om01-18.pdf

Overview of Connecticut 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

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

Placement of Vending Machines (ADS-BESB) ("Laws/Regulations" section of 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

Records Retention Requirements for the School Nutrition Programs (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/nslp/adminrev/records_retention_snp.pdf

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

Summary Chart of 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 of Connecticut Nutrition Standards (CSDE):
https://portal.ct.gov/-/media/sde/nutrition/hfc/cns/connecticut_nutrition_standards_summary.pdf

USDA Final Rule: Expanding Fluid Milk Options in Child Nutrition Programs:
https://www.fna.usda.gov/cn/fr-050826

USDA Final Rule: Local School Wellness Policy Implementation Under the HHFKA of 2010:
https://www.fna.usda.gov/cn/fr-072916c

USDA 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:
https://www.fna.usda.gov/cn/fr-072916d

USDA Memo SP 03-2007: Vending Machines in the School Meal Programs:
https://www.fna.usda.gov/cn/vending-machines-school-meal-programs

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

USDA 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 (USDA): https://www.fns.usda.gov/cn/fr-072916d

USDA Memo SP 03-2007: Vending Machines in the School Meal Programs: https://www.fns.usda.gov/cn/vending-machines-school-meal-programs

For more information, visit the CSDE's Healthy Food Certification webpage and Connecticut Nutrition Standards webpage 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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Requirements for Foods and Beverages in Vending Machines in HFC Public Schools

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2. fax: (833) 256-1665 or (202) 690-7442; or
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