

Allowable Beverages in Connecticut Public Schools

The requirements for beverages sold in Connecticut public schools are governed by [Section 10-221q](#) of the Connecticut General Statutes (C.G.S.) and the U.S. Department of Agriculture's (USDA) Smart Snacks nutrition standards in the final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HFFKA of 2010*.

- “Sale” means the exchange of foods and beverages for a determined amount of money or its equivalent, such as tickets, coupons, tokens and similar items. This includes any activities that suggest a student donation in exchange for foods and beverages.
- “Public schools” include regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools, and endowed academies.



All beverages sold to students in Connecticut public schools must comply with the Smart Snacks beverage standards and any stricter beverage requirements of C.G.S. Section 10-221q. The state beverage statute applies to beverages sold to students at all times, both as part of school meals and separately from school meals, anywhere on school premises, such as cafeterias, vending machines, school stores, and fundraisers. It applies to all Connecticut public schools, even if they do not choose the healthy food option of HFC under C.G.S. [Section 10-215f](#) or do not participate in the USDA Child Nutrition Programs.

Beverage Categories

Table 1 lists the five categories of beverages allowed by C.G.S. Section 10-221q for sale to students in Connecticut public schools. **Note:** The beverage requirements in these resources include the stricter provisions of both the state and federal beverage standards.

Portion sizes of allowable beverages cannot exceed 8 fluid ounces for elementary schools and 12 fluid ounces for middle and high schools, except for plain water (with or without carbonation), which is unlimited. Flavored carbonated water (such as sparkling water and seltzer) is allowed only for high schools, and is limited to 1 fluid ounces.

For more information on the specific beverage requirements, see the Connecticut State Department of Education's (CSDE) presentation, [Beverage Requirements for Connecticut Public Schools](#); and visit the CSDE's [Beverage Requirements](#) webpage.

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Identifying Allowable Beverages

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



Table 1. Beverages allowed by C.G.S. Section 10-221q and Smart Snacks

- **Milk, low-fat (1%) and nonfat, flavored or unflavored**, with no more than 4 grams of sugar per fluid ounce and no artificial sweeteners.¹
- **Nondairy milk substitutes such as soy or rice milk (flavored or unflavored)** that comply with the USDA's nutrition standards for nutritionally equivalent milk alternatives², and contain no artificial sweeteners¹, no more than 4 grams of sugar per fluid ounce, no more than 35 percent of calories from fat and no more than 10 percent of calories from saturated fat.
- **100 percent juice (fruit, vegetable, or combination)**, containing no added sweeteners.¹
- **Beverages that contain only water and fruit or vegetable juice** with no added sweeteners¹ and that meet the requirements specified in the CSDE's handout, [Requirements for Beverages Containing Water and Juice](#).
- **Water (plain or carbonated)**, which may be flavored, but contains no added sweeteners or caffeine.¹

Note: Water sold in elementary and middle schools must be unflavored. Water sold in high schools may be flavored or unflavored.

¹ Sweeteners include nutritive (caloric) sweeteners (e.g., sugar, sucrose, honey, fruit juice concentrate, and high fructose corn syrup) and nonnutritive sweeteners without calories. Nonnutritive sweeteners include artificial sweeteners (e.g., acesulfame potassium, aspartame, and sucralose), "natural" sweeteners such as stevia (e.g., Rebiana, Reb A, Truvia, PureVia, and SweetLeaf), and sugar alcohols (e.g., sorbitol, mannitol, maltitol, and erythritol).

² For information on the USDA's nutrition standards for nondairy milk substitutes, see the CSDE's handout, [Allowable Milk Substitutes for Children without Disabilities in School Nutrition Programs](#).

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Prohibited Beverages

Table 2 lists examples of prohibited beverages. This list is not all-inclusive. Beverages that do not comply with the state beverage requirements of C.G.S. Section 10-221q cannot be sold to students on school premises, unless the sales meet the exemption criteria. For more information, see “Beverage Exemptions” on page 4.

Table 2. Examples of beverages prohibited by C.G.S. Section 10-221q

The mention of trade names and commercial products does not imply approval or endorsement by the CSDE or USDA. Product names are used solely for clarification.

- **Coffee** (regular, decaffeinated, herbal, and iced)
- **Tea** (regular, decaffeinated, herbal, and iced)
- **Sports drinks** (regular, low-calorie, and zero calorie), e.g., Gatorade and Powerade
- **Energy drinks**, e.g., Red Bull
- **Hot chocolate** (regular, low-calorie, and low-sugar)
- **Whole milk and reduced fat (2%) milk**
- **Nondairy milk substitutes** (such as soy milk, rice milk, and almond milk) that do not comply with the USDA’s nutrition standards for fluid milk substitutes
- **Sweetened juice drinks** (with or without carbonation) that are not 100 percent juice, e.g., Hawaiian Punch (contains high fructose corn syrup), Tropicana Twisters (contains high fructose corn syrup), Tropicana Trop50 (Reb A), Minute Maid Light Orange Juice Beverage (contains sucralose and acesulfame potassium), and Minute Maid Coolers (contains high fructose corn syrup, sugar) ¹
- **Milk-based beverages** that do not meet the federal standard of identify for fluid milk, e.g., Yoo-Hoo chocolate drink
- **Waters (with or without carbonation) with added sweeteners**, e.g., Propel Flavored Water Beverage with Vitamins (contains sucralose and acesulfame potassium), Glaceau Vitamin Water (contains crystalline fructose and cane sugar), Capri Sun Roarin’ Waters Fruit Flavored Water Beverage (contains high fructose corn syrup and sucralose), Kool-Aid Jammers (contains high fructose corn syrup), Fruit20 Flavored Sparkling Water Beverage (contains sucralose), Dasani Flavored Water Beverage (contains sucralose and acesulfame potassium), and Aquafina Flavorsplash Water (contains sucralose)

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Table 2. Examples of beverages prohibited by C.G.S. Section 10-221q, continued

- **Waters mixed with drink mix powders with added sweeteners** (regular and diet), e.g., Crystal Light Pure Fitness (contains evaporated cane juice, sugar, rebiana)
- **Water and juice beverages with added sweeteners or additional ingredients not allowed**, e.g., Minute Maid Fruit Falls Water Beverage (contains sucralose and acesulfame potassium) and Izze Sparkling Juice (contains additional fortification)

¹ A juice drink is a product resembling juice that contains some portion of full-strength juice with added water and possibly other ingredients such as sweeteners and flavorings. The label may indicate “contains juice,” “fruit flavored,” or give the percentage of juice such as “contains 15% juice.” A product labeled “100% natural” or “provides 100% vitamin C” might not be 100 percent juice. Examples of juice drinks include grape juice drink, pineapple-grapefruit beverage, and cranberry cocktail. These products may be labeled drink, beverage, cooler, cocktail, ade, (e.g., lemonade, limeade), nectar, or punch.

Beverage Exemptions

Beverages that do not comply with C.G.S. Section 10-221q cannot be sold to students on school premises unless the local board of education or school governing authority votes to allow beverage 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.

- “School premises” means all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system, or the governing authority district or school.
- The “school day” is the period from 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 is part of the regular school day.
- An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events, but soccer practices, play rehearsals, and debate team meetings are not.
- “Location” means where the event is being held. For example, lemonade can be sold at the baseball field during a baseball game, but cannot be sold in the school cafeteria while a baseball game is played on the baseball field.

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If the board of education or school governing authority votes to allow exemptions, noncompliant beverages can be sold to students at the location of an event that occurs after the school day or on the weekend. For example, if the school day ends at 3:00 p.m., beverages that do not comply with the requirements of state statute can be sold at the location of an event that occurs anytime between 3:31 p.m. through 11:59 p.m., or anytime on Saturday or Sunday.

However, if the event occurs while any USDA Child Nutrition Programs are operating, [Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations](#) require additional restrictions for sales of coffee, tea, and soft drinks; and the accrual of income from all foods and beverages sold to students on school premises.

State Competitive Foods Regulations

If any USDA Child Nutrition Programs are operating, Section 10-215b-1 of the Regulations of Connecticut State Agencies supersedes the beverage exemptions allowed by C.G.S. Section 10-221q, because it prohibits sales and dispensing of coffee, tea, and soft drinks from 30 minutes before up through 30 minutes after the program's operation. In addition, Section 10-215b-23 of the Regulations of Connecticut State Agencies requires that the income from any foods and beverages sold to students on school premises during this same time must accrue to the nonprofit food service account.

- The USDA Child Nutrition Programs include 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.
- “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners), and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.
- “Income” means gross income.
- “Nonprofit food service account” means the restricted account in which all of the revenue from all food service operations conducted by the school food authority principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service. This account shall include, as appropriate, non-federal funds

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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).

For example, if the ASP operates from 3:30 to 4:30 p.m. and a concession stand sells beverages to students at a football game (event) after the school day, Section 10-215b-1 of state regulations prohibits the concession stand from selling coffee, tea, and soft drinks to students from 3:00 p.m. to 5:00 p.m. In addition, Section 10-215b-23 of state regulations requires that the school food service program must receive the income from all foods and beverages sold to students from the concession stand during this same time (3:00 p.m. to 5:00 p.m.).

Beverage vending machines

If beverage vending machines operate while any USDA Child Nutrition Programs are operating, the gross income (not just the percentage of the income specified in the vending machine contract) must accrue to the nonprofit food service account. For example, a beverage vending machine contract specifies that the school food service department receives 20 percent of the total vending sales. If the vending machine operates anytime from 30 minutes before up through 30 minutes after the operation of any USDA Child Nutrition Programs, the school food service department must receive 100 percent of the total vending sales (gross income) during this period.

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

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating coffee, tea, and soft drinks on school premises; even when they are allowed by the beverages exemptions of C.G.S. Section 10-221q and Sections 10-215b-1 and 10-215b-23 of the state competitive foods regulations.

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Resources

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

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/SpecDiet/Milksub.pdf>

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Beverage Requirements for Connecticut Public Schools Presentation:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/BeveragesPresentation.pdf>

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

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

Competitive Foods in Schools (CSDE webpage)

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

Connecticut Competitive Foods Regulations:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CTCompFoodRegulation.pdf>

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

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHSFKA of 2010 (81 FR 50131).

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

Guide to Competitive Foods in Schools:

<https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards/-/media/SDE/Nutrition/CompFoods/CompetitiveFoodsGuide.pdf>

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

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

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/CTStatutesQA.pdf>

Requirements for Beverages Containing Water and Juice:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/WaterJuiceBev.pdf>

Summary of Smarts Snacks Nutrition Standards:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/SmartSnacks.pdf>

When State and Federal Food and Beverage Laws Apply to Public Schools Choosing the Healthy Food Option of Healthy Food Certification (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/WhenLawsApplyHFC.pdf>

When State and Federal Food and Beverage Laws Apply to Public Schools Not Choosing the Healthy Food Option of Healthy Food Certification (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/WhenLawsApplynonHFC.pdf>

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For more information, visit the CSDE's [Competitive Foods in Schools](#) and webpages or contact the [school nutrition programs staff](#) in the CSDE's Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at <https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/AllowableBeverages.pdf>.

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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