

# Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions

This document summarizes the federal and state laws for selling and giving competitive foods to students in Connecticut public schools, private schools, and residential child care institutions (RCCIs). These laws determine what and when foods and beverages may be sold or given to students. They also regulate the accrual of income from sales of competitive foods. Some 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](#) (CNPs) are operating. When the federal and state laws supersede each other, schools must follow the stricter requirements. The definitions below apply to the federal and state laws for competitive foods.

- “Competitive foods” are 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.
- The CNPs 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.
- “Sales” means 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.
- “Giving” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “School premises” include all areas of the property under the jurisdiction of the local or regional board of education, the regional vocational-technical school system (Connecticut Technical Education and Career System (CTECS)), or the governing authority district or school.

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

For detailed guidance on how these requirements apply to different sources of foods and beverages in public schools, private schools, and RCCIs, see the resources on page 9.

Law	Description	Does the law apply?					
		Sponsors of CNPs			Non-sponsors of CNPs		
		Public schools	Private schools	RCCIs	Public schools	Private schools	RCCIs
<b>State:</b> C.G.S. <a href="#">Section 10-215f</a> : Certification that food meets nutrition standards (Healthy Food Certification)	Effective July 1, 2006, the state Healthy Food Certification (HFC) statute requires that each board of education or school governing authority for all Connecticut public schools participating in the NSLP must certify annually to the Connecticut State Department of Education (CSDE) whether they will comply with the Connecticut Nutrition Standards (CNS), and whether they will allow exemptions for food sales that meet the exemption criteria of the state HFC statute. Schools that choose the healthy food option (i.e., comply with the CNS) receive additional state funding. Public schools are not required to comply with the CNS, but are required by the state HFC statute to certify each year whether they will or will not comply with the CNS. Private schools and RCCIs are not eligible for HFC. For more information, see the CSDE’s handout, <a href="#">Requirements for Competitive Foods in HFC Public Schools</a> , and the “Apply” section of the CSDE’s <a href="#">HFC</a> webpage.	Yes	No	No	No	No	No

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<p><b>State:</b> C.G.S. <a href="#">Section 10-215e</a>: Nutrition standards for food that is not part of lunch or breakfast program (Connecticut Nutrition Standards)</p>	<p>Effective July 1, 2006, this state statute required the CSDE to develop nutrition standards for all foods sold to students separately from reimbursable meals through the CNPs. The CNS also applies to foods served in reimbursable ASP snacks. These standards are required for all public schools that choose the healthy food option under the state HFC statute (C.G.S. 10-215f). For more information, see the CSDE’s handout, <a href="#">Summary of Connecticut Nutrition Standards</a> and the full standards document, <a href="#">Connecticut Nutrition Standards for Foods in Schools</a>, and visit the CSDE’s <a href="#">CNS</a> webpage.</p> <p><b>Food Exemptions:</b> Under the state HFC statute (C.G.S. Section 10-215f), foods that do not comply with the CNS cannot be sold to students on school premises unless the local board of education or school governing authority 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 foods are not sold from a vending machine or school store.</p> <ul style="list-style-type: none"> <li>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.</li> <li>“Location” means where the event is being held. For example, cupcakes could be sold to students on the side of the soccer field during a soccer game, but cannot be sold to students in the school cafeteria while a soccer game is played on the soccer field.</li> </ul> <p>For more information, see the CSDE’s handout, <a href="#">Exemptions for Foods and Beverages in Public Schools</a>.</p>	Yes <sup>1</sup>	No	No	No	No	No

<sup>1</sup> The CNS applies only to public schools that choose the healthy food option of HFC. Public schools are not required to comply with the CNS, but are required by the state HFC statute (C.G.S. Section 10-215f) to certify each year whether they will or will not comply with the CNS.

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<p><b>State:</b> C.G.S. <a href="#">Section 10-221q</a>: Sale of beverages</p> <p>Effective July 1, 2006, the state beverage statute defines five categories of beverages that are allowed for sale to students in Connecticut public schools: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet specific nutrition requirements. This statute apply to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs. For information on the specific federal and state beverage requirements, see the CSDE’s handout, <i>Allowable Beverages in Connecticut Public Schools</i>, and the CSDE’s presentation, <i>Beverage Requirements for Connecticut Public Schools</i>. For additional resources, visit the CSDE’s <a href="#">Beverage Requirements</a> webpage.</p> <p><b>Beverage Exemptions:</b> Beverages that do not comply with the state beverage statute cannot be sold to students in public schools unless the local board of education or school governing authority 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. The definitions for event and location are the same as food exemptions under the state HFC statute (C.G.S. Section 10-215f). For more information, see the CSDE’s handout, <i>Exemptions for Foods and Beverages in Public Schools</i>.</p>	Yes	No	No	Yes	No	No	

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<b>State:</b> C.G.S. <a href="#">Section 10-221p:</a> Nutritious and low-fat foods available for sale	Effective July 1, 2004, this state statute requires that whenever foods are available for purchase by students in Connecticut public schools 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. C.G.S. Section 10-221p does not apply to the ASP, unless it begins before the end of the school day. This statute apply to all Connecticut public schools, even if they do not choose the healthy food option of HFC or do not participate in the CNPs. For more information, see the CSDE’s handout, <a href="#">Questions and Answers on Connecticut Statutes for School Foods and Beverages</a> .	<b>Yes</b>	No	No	<b>Yes</b>	No	No

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		Sponsors of CNPs			Non-sponsors of CNPs		
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<p><b>State:</b> <a href="#">Section 10-215b-1 of the Regulations of Connecticut State Agencies</a>: Competitive foods (candy, coffee, tea, and soft drinks)</p>	<p>Effective August 25, 1992, this state regulation 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, including during and after the school day. This includes selling candy, coffee, tea, and soft drinks to students at events on school premises that meet the food exemption criteria of the state HFC statute (C.G.S Section 10-215f) and the beverage exemption criteria of the state beverage statute (C.G.S Section 10-221q).</p> <ul style="list-style-type: none"> <li>• “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, candy bars, hard candies, lollipops, caramels, taffy, licorice, jelly candies (e.g., gumdrops, gummies, and jelly beans), and breath mints.</li> <li>• “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal, and iced.</li> <li>• “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.</li> </ul> <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, see the CSDE’s handout, <a href="#">Connecticut Competitive Foods Regulations</a>.</p>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	No	No	No

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<p><b>State:</b> <a href="#">Section 10-215b-23 of the Regulations of Connecticut State Agencies: Accrual of Income</a></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 food service account. This includes the income from sales of foods and beverages to students at events on school premises that meet the food exemption criteria of the state HFC statute (C.G.S Section 10-215f) and the beverage exemption criteria of the state beverage statute (C.G.S Section 10-221q).</p> <ul style="list-style-type: none"> <li>• “Income” means gross income.</li> <li>• “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 (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 <a href="#">7 CFR 210.14(e)</a>, and proceeds from nonprogram foods as provided in <a href="#">7 CFR 210.14(f)</a>.</li> </ul> <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, see the CSDE’s handout, <a href="#">Connecticut Competitive Foods Regulations</a>, and <a href="#">CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools</a>.</p>	Yes	Yes	Yes	No	No	No

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		Sponsors of CNPs			Non-sponsors of CNPs		
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<b>Federal (USDA):</b> Smart Snacks Nutrition Standards ( <a href="#">81 FR 50131</a> )	<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 Smart Snacks categories include entrees sold only a la carte, side dishes, and beverages. For information on the specific Smart Snacks standards, see the CSDE’s handouts, <i>Summary of Smart Snacks Nutrition Standards</i> and <i>Questions and Answers on Smart Snacks</i>, and visit the CSDE’s <a href="#">Smart Snacks</a> webpage.</p> <p><b>Note:</b> While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply to HFC public schools because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. For a comparison of the CNS and Smart Snacks, see the CSDE’s handout, <i>Comparison of the Connecticut Nutrition Standards and the USDA’s Smart Snacks Nutrition Standards</i>.</p>	Yes	Yes	Yes	No	No	No
<b>Federal (USDA):</b> School Wellness Policy ( <a href="#">Public Law 108-265</a> ) and the <a href="#">Healthy, Hunger-Free Kids Act (HHFKA) of 2010</a>	<p>The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy (SWP) by the first day of school year 2006-07. The HHFKA of 2010 strengthened the SWP law by adding requirements for public participation, transparency, and implementation. Among other requirements, the school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. For more information on school wellness policies, visit the CSDE’s <a href="#">School Wellness Policies</a> webpage.</p>	Yes	Yes	Yes	No	No	No

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<p><b>Federal (USDA):</b> Revenue from Nonprogram Foods (<a href="#">7 CFR 210.14 (f)</a>)</p>	<p>This USDA regulation applies to all schools and institutions that participate in the CNPs, including public schools, private schools, and RCCIs. Effective July 1, 2011, the regulation requires that all revenue from sales of nonprogram foods must accrue to the nonprofit school food service account. “Nonprogram foods” are foods and beverages purchased using funds from the nonprofit school food service account, and sold to students (other than reimbursable meals and snacks served through the CNPs) and adults at any time or location on school premises. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. For more information, see <a href="#">USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods</a> and <a href="#">USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements</a>.</p> <p><b>Note:</b> Nonprogram foods are different from competitive foods. Some competitive foods are nonprogram foods because they are purchased using funds from the nonprofit school food service account, but many are not. For example, funds from the nonprofit school food service account might be used to purchase competitive foods that are sold from vending machines in the cafeteria; however, these funds are not typically used to purchase competitive foods that are sold from school stores and fundraisers. For most school food authorities (SFA), cafeteria a la carte sales account for the majority of nonprogram foods.</p>	Yes	Yes	Yes	No	No	No

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## Resources for HFC Public Schools

Allowable Beverages in Connecticut Public Schools (CSDE webpage):

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

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>

Connecticut Nutrition Standards (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Connecticut-Nutrition-Standards>

Guide to Competitive Foods in HFC Public Schools:

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

Healthy Food Certification (CSDE webpage)::

<https://portal.ct.gov/SDE/Nutrition/Healthy-Food-Certification>

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 Competitive Foods in HFC Public Schools:

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

Requirements for Food and Beverage Fundraisers in HFC Public Schools:

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

Requirements for Foods and Beverages in HFC Public Schools:

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

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

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

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

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

# Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions

## Resources for Non-HFC Public Schools

Allowable Beverages in Connecticut Public Schools (CSDE webpage):

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

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>

Guide to Competitive Foods in Non-HFC Public Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/CompetitiveFoodsGuideNonHFC.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 Competitive Foods in Non-HFC Public Schools:

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

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

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

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

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

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

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

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 Non-HFC Public Schools:

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

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## Resources for Private Schools and RCCIs

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>

Guide to Competitive Foods in Private Schools and RCCIs:

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

List of Acceptable Foods and Beverages (CSDE webpage):

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

Requirements for Competitive Foods in Private Schools and RCCIs:

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

Requirements for Food and Beverage Fundraisers in Private Schools and RCCIs:

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

Requirements for Foods and Beverages in School Stores in Private Schools and RCCIs:

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

Requirements for Foods and Beverages in Vending Machines in Private Schools and RCCIs:

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

Smart Snacks Calculator (Alliance for a Healthier Generation):

<http://rdp.healthiergeneration.org/calc/calculator/>

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 RCCIs:

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

For additional resources, see the CSDE's handout, *Resources for Healthy Foods and Beverages in Schools*, and visit the CSDE's [Competitive Foods in Schools](#) webpage.

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For more information, visit the CSDE's [Competitive Foods in Schools](#) and [Beverage Requirements](#) webpages or contact the [school nutrition programs staff](#) Connecticut State Department of Education, 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/OverviewFederalStateLaws.pdf>.

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- (1) mail: U.S. Department of Agriculture  
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](mailto:program.intake@usda.gov).

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