

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

This document summarizes the federal and state requirements for selling and giving foods and beverages to students from school stores, kiosks, and other school-based enterprises on school premises in Connecticut public schools that participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.). "Competitive foods" are all foods and beverages available for sale to students on school premises, separately from reimbursable meals and snacks served through the USDA's Child Nutrition Programs (CNPs). Under Section 10-215b-1 of the Regulations of Connecticut State Agencies, competitive foods also include certain foods and beverages that are given to students while CNPs are operating.

Overview of Federal and State Requirements

All foods and beverages available for sale to students from school stores in non-HFC public schools must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)). Beverages must also comply with any stricter requirements of the state beverage statute ([C.G.S. Section 10-221q](#)). In addition to these nutrition standards, school stores must comply with the following federal and state requirements:

- Connecticut's statute requiring the sale of nutritious and low-fat foods ([C.G.S. Section 10-221p](#));
- Connecticut's state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#));
- the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)); and
- the USDA's regulation for revenue from nonprogram foods ([7 CFR 210.14 \(f\)](#)).



These federal and state requirements determine what and when foods and beverages may be sold or given to students from school stores in non-HFC public schools. They also regulate the accrual of income from sales of foods and beverages to students.

- "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

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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 certain foods and beverages. However, Smart Snacks does 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.

When the Requirements Apply

Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) 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 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.
- The CNPs include the [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.

The table on page 3 summarizes when the federal and state requirements apply to school stores in non-HFC public schools, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.



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Summary of requirements for school stores in non-HFC public schools				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
USDA’s Smart Snacks (81 FR 50131)	All sales of foods and beverages to students from school stores on school premises (see “Allowable Foods” and “Allowable Beverages” on page 5).	During the school day	Yes	No
State beverage statute (C.G.S. Section 10-221q) ¹	All sales of beverages to students from school stores on school premises (see “Allowable Beverages” on page 5).	At all times. ²	Yes	No
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p) ¹	All sales of foods to students from school stores on school premises (see “State Statute Requiring Nutritious and Low-fat Foods” on page 6).	During the school day.	Yes	No
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from school stores on school premises while any CNPs are operating (see “Section 10-215b-1” on page 6).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
<p>¹ These state statutes 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.</p> <p>² School stores are ineligible for beverage exemptions under the state beverage statute; they can never sell noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) to students.</p>				

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Summary of requirements for school stores in non-HFC public schools, <i>continued</i>				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students from school stores on school premises while any CNPs are operating (see “Section 10-215b-23” on page 8).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from school stores on school premises (see “USDA School Wellness Policy Requirements” on page 8).	During the school day.	Yes	Yes
USDA’s regulation for revenue from nonprogram foods (7 CFR 210.14 (f))	All foods and beverages purchased using funds from the nonprofit school food service account, and sold to students and adults from school stores on school premises (see “USDA Regulation for Revenue from Nonprogram Foods” on page 9). Note: This regulation does not apply to school stores unless foods and beverages are purchased using funds from the nonprofit school food service account. This is not common.	At all times.	Yes	No

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Allowable Foods

All foods available for sale to students from school stores during the school day must comply with Smart Snacks, including commercial products and foods made from scratch. For information on the specific Smart Snacks requirements, see the CSDE's handout, *Summary of Smart Snacks Nutrition Standards*, and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial food products that comply with Smart Snacks. School store operators may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks. **Note:** This tool cannot be used to identify allowable beverages because some requirements of the state beverage statute are stricter and supersede the Smart Snacks beverage standards.

For foods made from scratch, school store operators must review the recipe's nutrition information per serving (included added accompaniments such as butter, cream cheese, syrup, ketchup, mustard, and salad dressing) to determine if the serving complies with the appropriate Smart Snacks food category. If the recipe does not include nutrition information, school store operators must conduct a nutrient analysis; the CSDE's [CNS worksheet 9: Nutrient Analysis](#) can be used to calculate this information. For more information, see the CSDE's handout, *Guidance on Evaluating Recipes for Compliance with the CNS*, and visit the "How To" section of the CSDE's CNS webpage.

Allowable Beverages

All beverages available for sale to students from school stores in Connecticut public schools must comply with the Smart Snacks beverage standards and any stricter requirements of the state beverage statute (C.G.S. Section 10-221q). The Smart Snacks beverage standards apply to all beverages sold to students from school stores on school premises during the school day. The state beverage statute applies to all beverages sold to students from school stores on school premises at all times; it specifically prohibits beverage exemptions for school stores. Noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) can never be sold to students from school stores.

The CSDE's [List of Acceptable Foods and Beverages webpage](#) identifies commercial beverage products that comply with the state beverage statute and Smart Snacks. School stores in Connecticut public schools can sell only the following five categories of beverages to students: milk; 100 percent juice; nondairy milk substitutes; beverages containing only water and juice; and water. Each category must meet the specific nutrition requirements of the federal and state beverage standards. For information on these requirements, see the CSDE's handout, *Allowable Beverages in Connecticut Public Schools*, and the CSDE's presentation, *Beverage Requirements for Connecticut Public Schools*. For additional resources, visit the CSDE's [Beverage Requirements](#) webpage.

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State Statute Requiring Nutritious and Low-fat Foods

C.G.S. Section 10-221p requires that whenever foods are available for purchase by students separately from reimbursable meals 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.

School stores 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. C.G.S. Section 10-221p applies 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 on C.G.S. Section 10-221p, see the CSDE’s handout, [*Questions and Answers on Connecticut Statutes for School Foods and Beverages*](#).

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 while CNPs are operating; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises while CNPs are operating. In addition to selling and giving foods and beverage to students from school stores, these restrictions apply to coupons, tickets, tokens, and similar items that students can exchange for foods and beverages in school stores (including coupons and similar items that are sold or given to students); student orders for foods and beverages from school stores; and distribution of foods and beverages to students from school stores.

Section 10-215b-1

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, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), 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 and artificial or natural

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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.

Depending on when CNPs operate, Smart Snacks and the state beverage statute may supersede Section 10-215b-1, or Section 10-215b-1 may supersede Smart Snacks and the state beverage statute. These requirements are summarized below.

- **Selling Candy:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy 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. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., school stores cannot sell candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.
- **Selling coffee, tea, and soft drinks:** The state beverage statute supersedes Section 10-215b-1 because it applies to school stores at all times, not just when CNPs are operating. School stores are ineligible for beverage exemptions under the state beverage statute; they can never sell coffee, tea, and soft drinks to students.
- **Giving candy, coffee, tea, and soft drinks:** Smart Snacks and the 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. For example, if 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., school stores cannot give candy, coffee, tea, and soft drinks 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. Examples include school stores that dispense candy, coffee, tea, and soft drinks to students; and school stores where students can exchange coupons, tickets, tokens and similar items for candy, coffee, tea, and soft drinks.

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, see the CSDE's handouts, *Healthy Fundraising*, *Healthy Celebrations*, and *Alternatives to Food Rewards*.

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Section 10-215b-23

Section 10-215b-23 of the state competitive foods regulations 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 must accrue to the nonprofit food service account. This includes school store income from sales of foods that comply with Smart Snacks; school store income from sales of beverages that comply with Smart Snacks and the state beverage statute; income from student orders for foods and beverages from school stores; and income from sales of coupons, tickets, tokens, and similar items that students can exchange for foods and beverages in school stores. “Income” means gross income.

For example, if 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 nonprofit food service account must receive the school store’s 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, see the CSDE’s handout, [Connecticut Competitive Foods Regulations](#), and CSDE’s [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).

USDA School Wellness Policy Requirements

The LEA’s school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act 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. At a minimum, the LEA’s school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE’s [School Wellness Policies](#) webpage.



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USDA Regulation for Revenue from Nonprogram Foods

Section 7 CFR 210.14 (f) of the NSLP regulations requires that all revenue from the sale 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 or adults at any time or location on school premises, other than reimbursable meals and snacks served through the CNPs. Nonprogram foods include all foods and beverages sold in schools, adult meals, outside-of-school hours, and catering or vending activities. They also include competitive foods purchased using funds from the nonprofit school food service account, such as cafeteria a la carte sales or foods and beverages for vending machines operated by the food service department. For most school food authorities (SFA), cafeteria a la carte sales account for the majority of nonprogram foods.

This regulation also requires that when school food service labor is used to prepare foods for an outside entity (such as catering), the SFA must ensure that all costs, including labor and any other costs incurred, are covered by the entity being served by the school food service program. For more information, see [USDA Memo SP 13-2014: School Food Service Account Revenue from the Sale of Nonprogram Foods](#) and [USDA Memo SP 20-2016: Nonprofit School Food Service Account Nonprogram Food Revenue Requirements](#).

Note: Nonprogram foods are different from 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. Some competitive foods 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, but they are not typically used to purchase competitive foods that are sold from school stores and fundraisers.

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Resources

Allowable Beverages in Connecticut Public Schools (CSDE):

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

Beverage Requirements (CSDE webpage):

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

Beverage Requirements for Connecticut Public Schools (CSDE presentation):

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

C.G.S. Section 10-221p: Boards to make available for purchase nutritious and low-fat foods

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

Competitive Foods in Schools (CSDE webpage)

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

Connecticut Competitive Foods Regulations (CSDE):

<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 HHFKA of 2010 (81 FR 50131).

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

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

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

Guide to Competitive Foods in Non-HFC Public Schools (CSDE):

<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>

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

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

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

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

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

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

School Wellness Policies (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/School-Wellness-Policies>

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

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

Smart Foods Planner (Alliance for a Healthier Generation):

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

Smart Snacks Calculator (Alliance for a Healthier Generation):

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

Smart Snacks Nutrition Standards (CSDE webpage):

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

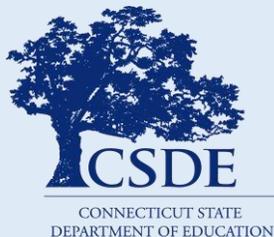
Summary Chart: Federal and State Requirements for Competitive Foods in Non-HFC Public Schools (CSDE):

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

Summary of Smart Snacks Nutrition Standards (CSDE):

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

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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](#) at the 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/HFC/StoresNonHFC.pdf>.

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Office of the Assistant Secretary for Civil Rights
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- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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