

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

This document summarizes the federal and state requirements for selling and giving foods and beverages to students from vending machines 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 to implement the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.). For guidance on the federal and state requirements and how they apply to different sources of foods and beverages in HFC public schools, see the Connecticut State Department of Education's (CSDE) handouts, [Requirements for Competitive Foods in HFC Public Schools](#) and [Summary Chart: Federal and State Requirements for Competitive Foods in HFC Public Schools](#). For detailed guidance on the requirements for competitive foods in HFC public schools, see the CSDE's [Guide to Competitive Foods in HFC Public Schools](#). For information on HFC, visit the CSDE's [HFC](#) webpage.

## Overview of Federal and State Requirements

All foods available for sale to students from vending machines in HFC public schools must comply with the [Connecticut Nutrition Standards](#) (CNS). All beverages available for sale to students from vending machines in HFC public schools must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)) and any stricter requirements of the state beverage statute ([C.G.S. Section 10-221q](#)).

**Note:** While Smart Snacks addresses foods and beverages, only the beverage standards apply to HFC public schools. The food standards do not apply because the state HFC statute (C.G.S. Section 10-215f) requires compliance with the stricter CNS, which supersedes the Smart Snacks food standards. The references to Smart Snacks in this document refer to the beverage standards. For a comparison of the CNS and Smart Snacks, see the CSDE's handout, [Comparison of the Connecticut Nutrition Standards and the USDA's Smart Snacks Nutrition Standards](#).

In addition to the nutrition standards, vending machines must also 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 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



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- 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 vending machines on school premises in 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 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, 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 (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 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.

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The table below summarizes when the federal and state requirements 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.

Summary of requirements for vending machines in HFC public schools				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Connecticut Nutrition Standards (C.G.S. Section 10-215e)	All sales of foods to students from vending machines on school premises (see “Allowable Foods” on page 5).	At all times. <sup>2</sup>	Yes	No
State beverage statute (C.G.S. Section 10-221q) <sup>1</sup>	All sales of beverages to students from vending machines on school premises (see “Allowable Beverages” on page 6).	At all times. <sup>2</sup>	Yes	No
USDA’s Smart Snacks (81 FR 50131)	All sales of beverages to students from vending machines on school premises (see “Allowable Beverages” on page 6).  <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 because the state HFC statute (C.G.S Section 10-215f) requires compliance with the stricter CNS.	During the school day.	Yes	No
State statute for nutritious and low-fat foods (C.G.S. Section 10-221p) <sup>1</sup>	All sales of foods to students from vending machines on school premises (see “State Statute Requiring Nutritious and Low-fat Foods” on page 6).	During the school day.	Yes	No
<p><sup>1</sup> 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><sup>2</sup> Vending machines are ineligible for food exemptions under the state HFC statute and beverage exemptions under the state beverage statute; they can never sell noncompliant foods and beverages to students.</p>				

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Summary of requirements for vending machines in HFC public schools, <i>continued</i>				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from vending machines on school premises while any CNPs are operating (see “Section 10-215b-1” on page 7).	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students from vending machines 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 vending machines on school premises (see “USDA School Wellness Policy Requirements” on page 9).	During the school day.	Yes	Yes



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Summary of requirements for vending machines in HFC public schools, <i>continued</i>				
Requirement	Applies to	When applies	Applies to	
			Selling	Giving
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 vending machines on school premises (see “USDA Regulation for Revenue from Nonprogram Foods” on page 9).  <b>Note:</b> This regulation does not apply to vending machines unless foods and beverages are purchased using funds from the nonprofit school food service account. This is not common.	At all times.	Yes	No

## Allowable Foods

All foods available for sale to students from vending machines on school premises must comply with the CNS, including commercial products and foods made from scratch. The state HFC statute specifically prohibits food exemptions for vending machines. Foods that do not comply with the CNS can never be sold to students from vending machines. For information on the specific CNS requirements, see the CSDE’s handout, [Summary of Connecticut Nutrition Standards](#), and the CSDE’s presentation, [Connecticut Nutrition Standards](#). For additional resources, visit the CSDE’s [CNS](#) webpage.

The CSDE’s [List of Acceptable Foods and Beverages](#) webpage identifies commercial food products that comply with the CNS. For foods made from scratch, vending 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 CNS food category. If the recipe does not include nutrition information, the CSDE’s [CNS worksheet 9: Nutrient Analysis](#) can be used to calculate this information. The recipe’s nutrition information per serving must be entered into the appropriate CNS worksheet for the food category, using the CSDE’s CNS worksheets 1-8 in the [Documents/Forms](#) section of the CNS webpage. 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.

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## Allowable Beverages

All beverages available for sale to students from vending machines 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 vending machines on school premises during the school day. The state beverage statute applies to all beverages sold to students from vending machines on school premises at all times; it specifically prohibits beverage exemptions for vending machines. Noncompliant beverages (such as juice drinks, soda, coffee, tea, sports drinks, and sweetened water) can never be sold to students from 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. Vending machines in Connecticut public schools can only sell 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.

## 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.

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. 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*.

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

### 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 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, 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. 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 ineligible for exemptions under the state HFC state and state beverage statute; they can never sell candy, coffee, tea, and soft drinks to students.

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- **Giving candy, coffee, tea, and soft drinks:** The CNS, Smart Snack 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. 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., vending machines 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 vending machines that dispense candy, coffee, tea, and soft drinks to students; and vending machines 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](#).

### 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 vending machine income from sales of foods that comply with the CNS; vending machine income from sales of beverages that comply with Smart Snacks and the state beverage statute; and the income from sales of coupons, tickets, tokens, and similar items that students can use to obtain foods and beverages in vending machines. "Income" means gross income.

If any vending machines operate during this time, 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 vending machine contract specifies that the school food service department receives 20 percent of the total vending sales. If the vending machine operates from 30 minutes before up through 30 minutes after the operation of any CNPs, the school food service department must receive 100 percent of the total vending sales (gross income) during this time. 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 vending machine'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.

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Schools must ensure that all 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 vending machines must be turned off from 30 minutes before up through 30 minutes after the operation of any CNPs. 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](#).

## 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.



## USDA Regulations 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 and 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](#)

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*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.

## 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 10-215e: Nutrition standards for food that is not part of lunch or breakfast program:

[https://www.cga.ct.gov/current/pub/chap\\_169.htm#sec\\_10-215e](https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215e)

C.G.S. Section 10-215f: Certification that food meets nutrition standards:

[https://www.cga.ct.gov/current/pub/chap\\_169.htm#sec\\_10-215f](https://www.cga.ct.gov/current/pub/chap_169.htm#sec_10-215f)

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](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](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>

Complying with Healthy Food Certification (CSDE presentation):

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

Connecticut Competitive Foods Regulations (CSDE):

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

Connecticut Nutrition Standards (CSDE webpage):

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

Connecticut Nutrition Standards (CSDE presentation):

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

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

<https://portal.ct.gov/-/media/SDE/Nutrition/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 HFC Public Schools (CSDE):

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

Healthy Food Certification (CSDE webpage):

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

How to Evaluate Foods Made from Scratch for Compliance with the CNS (CSDE):

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

How to Evaluate Purchased Foods for Compliance with the CNS (CSDE):

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

Requirements for Beverages Containing Water and Juice (CSDE):

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

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

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

Resources for Healthy Foods and Beverages in Schools (CSDE):

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

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

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

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

Summary of Connecticut Nutrition Standards (CSDE):

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

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For more information, visit the CSDE's [Connecticut Nutrition Standards](#) and [Beverage Requirements](#) webpages or contact the [HFC Coordinator](#) 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/VendingHFC.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](mailto:program.intake@usda.gov).

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