

# Food and Beverage Requirements for Vending Machines

## PUBLIC SCHOOLS CHOOSING HEALTHY FOOD CERTIFICATION

This document summarizes the requirements for the sale of foods and beverages to students from vending machines in public schools that choose the healthy food option of Healthy Food Certification (HFC) under [Section 10-215f](#) of the Connecticut General Statutes (C.G.S.). “Sale” means the exchange of foods and beverages for a determined amount of money or its equivalent, including tickets, coupons, tokens, and similar items. This includes any activities that suggest a student donation in exchange for foods and beverages.



- The requirements for **foods** sold in school stores are governed by the Connecticut Nutrition Standards (CNS) of C.G.S. [Section 10-215e](#), the state competitive foods regulations (Section 10-215b-23 of the Regulations of Connecticut State Agencies) and the state requirement to sell healthy food choices (C.G.S. [Section 10-221p](#)).
- The requirements for **beverages** sold in school stores are governed by the state beverage requirements (C.G.S. Section 10-221q) and the U.S. Department of Agriculture (USDA) Smart Snacks nutrition standards for competitive foods, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010* (Federal Register, Vol. 81, No. 146, July 29, 2016).

These federal and state laws determine what foods and beverages can be sold from vending machines in HFC districts, and the time frame in which vending machines can operate.

### ALLOWABLE FOODS

All foods sold to students from vending machines must comply with the CNS at all times. **Foods that do not comply with the CNS can never be sold from vending machines.** The state HFC statute (C.G.S. Section 10-215f) specifically prohibits food exemptions for vending machines. For more information, see the Connecticut State Department of Education’s (CSDE) handout, *Summary of Connecticut Nutrition Standards*, available on the CSDE’s [Connecticut Nutrition Standards](#) Web page.

### ALLOWABLE BEVERAGES

All beverages sold to students from vending machines must comply with the Smart Snacks beverage standards and the stricter provisions of the state beverage statute (C.G.S. Section 10-221q). The Smart Snacks standards apply only to beverages sold to students during the **school day**. The state beverage statute applies to beverages sold to students at **all times**, regardless of whether public schools participate in the USDA school nutrition programs. **Beverages that do not comply with C.G.S. Section 10-221q can never be sold from vending machines.** The state beverage statute specifically prohibits beverage exemptions for vending machines. For more information on the beverage requirements, see the CSDE’s



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handouts, *Allowable Beverages in Connecticut Public Schools* and *Summary of Smart Snacks Nutrition Standards*, the CSDE's [Beverage Requirements](#) Web page.

The CSDE's [Guide to Competitive Foods in Schools](#) provides detailed information on how the state and federal requirements apply to specific categories of foods and beverages. The CSDE's [List of Acceptable Foods and Beverages](#) identifies foods and beverages that comply with all state and federal requirements.

### OTHER STATE REQUIREMENTS

In addition to meeting the state and federal nutrition standards for foods and beverages, all public schools must comply with the state competitive foods regulations (Section 10-215b-23 of the Regulations of Connecticut State Agencies) and the state statute requiring nutritious low-fat foods (C.G.S. Section 10-221p). These requirements are summarized below.

#### State Competitive Foods Regulations (Section 10-215b-23)

The state regulations apply to all USDA school nutrition programs, e.g., National School Lunch Program (NSLP), School Breakfast Program (SBP), Afterschool Snack Program, and Special Milk Program. Section 10-215b-23 requires that the income from any foods and beverages sold to students anywhere on school premises from **30 minutes before up through 30 minutes** after any USDA school nutrition programs must accrue to the nonprofit **food service account**. For example, if the breakfast period is from 7:00 a.m. through 8:00 a.m. and the lunch period is from 11:30 a.m. through 1:00 p.m., the school food service program must receive the income from all competitive foods and beverages sold anywhere on school premises from 6:30 a.m. through 8:30 a.m. and 11:00 a.m. through 1:30 p.m. This includes sales of foods that comply with the Smart Snacks nutrition standards and sales of beverages that comply with the state beverage statute and the Smart Snacks nutrition standards. For more information, see the CSDE's handout, [Connecticut Competitive Foods Regulations](#).



#### Requirement to Sell Nutritious Low-Fat Foods (C.G.S. Section 10-221p)

C.G.S. [Section 10-221p](#) applies to all public schools regardless of whether they participate in the USDA school nutrition programs. This statute requires that whenever foods are available for purchase by students during the regular 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.



“Nutritious and low-fat foods” include low-fat dairy products and fresh or dried fruit. Examples of low-fat dairy products include low-fat or nonfat yogurt, cheese, and cottage cheese. Low-fat milk is a beverage and cannot be used to meet the statutory requirement for low-fat foods. Schools may choose to sell other nutrient-dense foods in addition to the minimum requirements, such as vegetables, whole grains, nuts and seeds, and lean protein sources. For more information, see the CSDE's handout, [Questions and Answers on Connecticut Statutes for School Foods and Beverages](#).

### FEDERAL SCHOOL WELLNESS POLICY REQUIREMENTS

Public schools may have additional local requirements governing food and beverage sales as part of their local school wellness policy. The Child Nutrition and WIC Reauthorization Act of 2004 ([Public Law 108-265](#)) and the [Healthy, Hunger-Free Kids Act of 2010](#) require school wellness policies for all schools and institutions that participate in the USDA school nutrition programs. Among other criteria, the policy must include “*nutrition guidelines for all foods available at school during the school day*” with the objectives of promoting student health and reducing childhood obesity. For more information on school wellness policies, see the CSDE’s [Action Guide for School Nutrition and Physical Activity Policies](#) and [School Wellness Policy](#) Web page, and the USDA’s [School Wellness Policy](#) Web Page.

### RESOURCES

*Allowable Beverages in Connecticut Public Schools:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/allowbev.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/allowbev.pdf)

Beverage Requirements (CSDE Web Page):

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418)

*Beverage Requirements for Connecticut Public Schools PowerPoint:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/beverages.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/beverages.pdf)

Competitive Foods (CSDE Web Page):

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333772](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333772)

*Complying with Healthy Food Certification PowerPoint:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/complyhfc.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/complyhfc.pdf)

*Connecticut Competitive Foods Regulations:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/ctcfreg.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/ctcfreg.pdf)

Connecticut Nutrition Standards (CSDE Web Page):

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422)

*Connecticut Nutrition Standards PowerPoint:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/cnsppt.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/cnsppt.pdf)

*Guide to Competitive Foods in Schools:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/cfg.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/cfg.pdf)

Healthy Food Certification (CSDE Web Page):

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322420](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322420)

List of Acceptable Foods and Beverages:

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432)

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

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/cgsqa.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/hfc/cgsqa.pdf)

*Requirements for Beverages Containing Water and Juice:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/waterjuicebev.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/waterjuicebev.pdf)

School Foods and Beverages (CSDE Web Page):

<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416>

## VENDING MACHINES IN HFC PUBLIC SCHOOLS, continued

*Summary of Connecticut Nutrition Standards:*

[www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422](http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422)

*Summary of Smart Snacks Nutrition Standards:*

[www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacks.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacks.pdf)

*USDA Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010* (Federal Register, Vol. 81, No. 146, July 29, 2016): [www.fns.usda.gov/school-meals/fr-072916d](http://www.fns.usda.gov/school-meals/fr-072916d)



For more information, visit the CSDE's [Healthy Food Certification](#) and [Competitive Foods](#) Web pages or contact Susan S. Fiore, M.S., R.D., Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103, 860-807-2075, [susan.fiore@ct.gov](mailto:susan.fiore@ct.gov).

This handout is available at [www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/bfc/vendhfc.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/bfc/vendhfc.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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