

# Overview of State Requirements for School Foods and Beverages

This handout summarizes the Connecticut General Statutes (CGS) regarding the sale of foods and beverages to students in schools effective July 1, 2006, including the requirements for beverages in public schools (CGS section 10-221q); healthy food certification (CGS section 10-215f); and the requirement to sell healthy food choices when any food is sold (CGS section 10-221p). It also addresses the state regulations on competitive foods for schools that participate in the U.S. Department of Agriculture (USDA) Child Nutrition Programs. Additional guidance regarding the requirements and implementation of state statutes and regulations regarding school foods and beverages can be found on the Connecticut State Department of Education's (CSDE) School Foods and Beverages Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416>.

## ■ Requirements for Beverages (CGS Section 10-221q)

CGS section 10-221q specifies the beverages that can be sold to students in all public school districts (including regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies). Only five categories of beverages can be sold to students in public schools *at all times and from all sources*. These categories are:

CGS section 10-221p applies to all public schools, regardless of whether they participate in the USDA Child Nutrition Programs or HFC.

1. **Milk (flavored or plain)** with no more than 4 grams of sugar per fluid ounce and no artificial sweeteners.
2. **Nondairy milks such as soy or rice milk**, which may be flavored but contain no artificial sweeteners, 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.
3. **100 percent fruit juice, vegetable juice or combination of such juices**, containing no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners.
4. **Beverages that contain only water and fruit or vegetable juice** and have no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners. These beverages must also meet the requirements specified in *Requirements for Beverages Containing Water and Juice* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Water\\_Juice\\_Beverages.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Water_Juice_Beverages.pdf).
5. **Water**, which may be flavored but contains no added sugars, sweeteners (including nonnutritive sweeteners), artificial sweeteners or caffeine.

Portion sizes of allowable beverages are limited to no more than 12 fluid ounces, with the exception of water.

**Beverage Exemptions:** Beverages that are not specified above can be sold to students on school premises only if the local board of education or school governing authority votes to allow exemptions and the following three conditions are met: 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 vote to allow exemptions must occur *before* any beverages can be sold to students during any events on school premises that meet the three exemption conditions. For additional information on the state beverage requirements, see the CSDE Beverage Requirements Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418>.

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.

The **regular school day** is the period that begins with the arrival of the first child at school and ends after the last instructional period.

## ■ Healthy Food Certification (CGS Section 10-215f)

CGS section 10-215f requires that each board of education or governing authority for all public schools participating in the National School Lunch Program must certify annually to the CSDE whether they will follow the Connecticut Nutrition Standards (see next page) for all foods sold to students separately from a reimbursable school breakfast or lunch. The Connecticut Nutrition Standards apply to foods offered for sale to students *at all times, in all schools and from all sources* including school stores, vending machines, school cafeterias, fundraising activities on school premises and any other sources of food sales to students. Districts that opt to follow the Connecticut Nutrition Standards receive 10 cents per lunch, based on the total number of reimbursable lunches (paid, free and reduced) served in the district in the prior school year. For more information, see the CSDE Healthy Food Certification Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322420>.

CGS section 10-215f applies only to public schools that participate in the USDA National School Lunch Program.

## Overview of State Requirements for School Foods and Beverages, Continued

**Food Exemptions:** The requirements and procedure for food exemptions are the same as beverage exemptions. If a district implements healthy food certification under CGS section 10-215f, foods that do not meet the Connecticut Nutrition Standards can be sold to students on school premises only if the local board of education or school governing authority votes to allow exemptions and the following three conditions are met: 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*. The vote to allow exemptions must occur *before* any foods that do not meet the Connecticut Nutrition Standards can be sold to students during any events on school premises that meet the three exemption conditions.

### Connecticut Nutrition Standards

The Connecticut Nutrition Standards address all foods sold to students separately from a reimbursable school breakfast or lunch. They focus on limiting fat, saturated fats, trans fats, sodium and sugars, moderating portion sizes, and promoting increased consumption of nutrient-rich foods, such as fresh fruits, vegetables, whole grains, low-fat dairy, lean meats and legumes. For more information, see the CSDE Connecticut Nutrition Standards Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422>.

### ■ Requirement to Sell Healthy Food Choices (CGS Section 10-221p)

CGS section 10-221p requires that at all times when food is 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. These foods include, but are not limited to, low-fat dairy products and fresh or dried fruit. They must be sold either at the actual location of the food sales or elsewhere in the school. For more information, see *Questions and Answers on Connecticut Statutes for School Foods and Beverages* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF\\_Q&A.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf).

CGS section 10-221q applies to all public schools, regardless of whether they participate in the USDA Child Nutrition Programs or HFC.

### ■ Competitive Foods Regulations (Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies)

In addition to the statutes defined above, Connecticut's state competitive foods regulations apply to all schools participating in the USDA Child Nutrition Programs (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program). Section 10-215b-1 of the Regulations of Connecticut State Agencies prohibits schools from selling or dispensing candy (including breath mints and sugarless candy) to students anywhere on school premises from 30 minutes before the start of any state or federally subsidized milk or meal program until 30 minutes after the end of the program. Section 10-215b-23 specifies that the income from the sale of any foods or beverages sold or distributed anywhere on school premises during this same time frame must accrue to the food service account. For more information, see *Connecticut Competitive Foods Regulations* at [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT\\_Competitive\\_Food\\_Regulations.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT_Competitive_Food_Regulations.pdf)

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies apply to all public schools that participate in the USDA Child Nutrition Programs regardless of whether they implement HFC.

The federal competitive food services regulation for the National School Lunch Program (7 CFR Part 210.11) and School Breakfast Program (7 CFR Part 220.12) specifies that foods of minimal nutritional value (soda waters, water ices, chewing gum and certain candies) can be sold *only outside of the meal service periods*. However, state statutes and regulations supersede this regulation by extending the time frame and imposing additional restrictions regarding food and beverage sales to students in schools. For more information, see *Competitive Foods in Schools* at <http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/CompetitiveFoods.pdf>.



For more information, visit the CSDE School Foods and Beverages Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416> or contact: Susan S. Fiore, MS, RD, Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457, 860-807-2075, [susan.fiore@ct.gov](mailto:susan.fiore@ct.gov).

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