

Requirements for Foods and Beverages in Vending Machines

This handout summarizes the state and federal legislation regarding the sale of foods and beverages in all public schools. This legislation impacts what foods and beverages vending machines may sell, and the time frame in which vending machines can operate. All foods and beverages sold in vending machines must comply with these requirements.

Allowable Beverages

All beverages sold in vending machines must comply with section 10-221q of the Connecticut General Statutes (CGS). This statute specifies that only five categories of beverages can be sold to students in public schools *at all times and from all sources*, including vending machines. These categories are:

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.
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.

Beverages that are not included in the five categories listed above can **never** be sold from vending machines. This includes sports drinks, energy drinks, coffee (regular, decaffeinated and iced), tea (regular, herbal and iced), hot chocolate, soda (regular and diet), vitamin waters, and any other beverages that do not meet the statutory requirements. For more information, see *Allowable Beverages in Connecticut Schools* and *Requirements for Beverages in Connecticut Public Schools* (see “Resources”). The Connecticut State Department of Education’s (CSDE) *List of Acceptable Foods and Beverages* includes brand-specific beverages that meet the statutory requirements (see “Resources”).

Allowable Foods

The following state statutes and regulations apply to the sale of foods in vending machines.

- **Healthy Food Certification (CGS 10-215f):** This statute requires that all public school districts participating in the National School Lunch Program (NSLP) must certify annually to the CSDE whether they will follow the Connecticut Nutrition Standards for all foods sold to students separately from reimbursable school meals including school cafeterias, vending machines, school stores, fundraising activities on school premises and any other sources of food sales to students. Districts that opt to implement the Connecticut Nutrition Standards receive additional funding.

If a district implements healthy food certification (HFC), all foods sold to students in vending machines must **always** comply with the Connecticut Nutrition Standards. Operators of vending machines should check the CSDE *List of Acceptable Foods and Beverages* to determine which foods meet the Connecticut Nutrition Standards and can therefore be sold to students (see “Resources”). If a district does not participate in healthy food certification, vending machines are not required to follow the Connecticut Nutrition Standards. However, there are other requirements that apply (see next page).

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>.

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Regardless of whether the district implements HFC under CGS section 10-215f (see “Healthy Food Certification” on previous page), all vending machines in public schools must still comply with the following three requirements:

- **Requirement for Nutritious Low-Fat Foods (CGS Section 10-221p):** This statute specifies 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. These foods must include, but are not limited to, low-fat dairy products and fresh or dried fruit. If a vending machine sells any food, low-fat dairy products and fresh or dried fruit must also be available for sale *at the same time* that the vending machine is operating. These foods may be sold from the vending machine or elsewhere on school premises at the same time.
- **Competitive Foods (Section 10-215b-1 of the Regulations of Connecticut State Agencies)*:** This regulation 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 (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program. *If the district participates in HFC under CGS section 10-215f, candy can never be sold to students from vending machines on school premises.*
- **Income From the Sale of Food Items (Section 10-215b-23 of the Regulations of Connecticut State Agencies)*:** This regulation specifies that the income from the sale of any foods or beverages anywhere on school premises (including vending machines) 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 must accrue to the food service account.

* Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies apply only to schools participating in the U.S. Department of Agriculture (USDA) Child Nutrition Programs (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program). If a vending machine operates in a school that does not participate in any of the USDA Child Nutrition Programs, sections 10-215b-1 and 10-215b-23 do not apply.

Federal Law on School Wellness Policy

In addition to the state requirements above, districts may have other local requirements regarding what foods and beverages are allowed for sale to students, as part of federally required school wellness policy. The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) required that public school districts participating in USDA’s Child Nutrition Programs establish a local wellness policy by the first day of the 2006-07 school year. Among other things, 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. Operators of vending machines should check with the district’s administration regarding any additional local school wellness policy requirements for the sale of foods and beverages.

Resources

- *Allowable Beverages in Connecticut Schools:* http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Allowable_Beverages.pdf
- *Beverage Requirements Web page:* <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418>
- *Competitive Foods in Schools:* <http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/CompetitiveFoods.pdf>
- *Connecticut Competitive Foods Regulations:*
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/CT_Competitive_Food_Regulations.pdf
- *Connecticut Nutrition Standards Web page:* <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422>
- *List of Acceptable Foods and Beverages:* <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432>
- *Questions and Answers on Connecticut Statutes for School Foods and Beverages:*
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/HF_Q&A.pdf
- *Requirements for Beverages in Connecticut Public Schools (PowerPoint):*
<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Beverages.pdf>
- *School Wellness Policies:* <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&q=322438>
- *Summary of Connecticut Nutrition Standards:* <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/SummaryCTnutritionStandards.pdf>
- *Understanding Healthy Food Certification (PowerPoint):* http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Understanding_HFC.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.

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