

Requirements for Foods and Beverages in Vending Machines

PRIVATE SCHOOLS AND RESIDENTIAL CHILD CARE INSTITUTIONS

This document summarizes the state and federal requirements for food and beverage sales from vending machines in private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture (USDA) school nutrition programs, e.g., National School Lunch Program (NSLP), School Breakfast Program (SBP) and Afterschool Snack Program. All foods and beverages sold from vending machines must comply with the USDA [Smart Snacks](#) nutrition standards and Sections 10-215b-1 and 10-215b-23 of the [Regulations of Connecticut State Agencies](#).



USDA SMART SNACKS NUTRITION STANDARDS

The USDA Smart Snacks nutrition standards address the sale of competitive foods and beverages to students from all sources on school campus during the school day, including cafeterias, vending machines, school stores, fundraisers and any other sources. Foods and beverages that do not comply with Smart Snacks can only be sold in vending machines **after** the end of the school day.

- “**Competitive foods**” are all foods and beverages available for sale to students on the school campus during the school day, separately from reimbursable school meals.
- “**Sale**” means the exchange of foods and beverages for a determined amount of money or its equivalent, such as tickets, coupons, tokens and similar items. Sales also include any activities that suggest a student donation in exchange for foods and beverages.
- The “**school campus**” is all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
- The “**school day**” is the period from midnight before to 30 minutes after the end of the official school day.



For information on the Smart Snacks nutrition standards, see the Connecticut State Department of Education’s (CSDE) handout, [Summary of Smart Snacks Nutrition Standards](#), and the [Smart Snacks](#) 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.

STATE COMPETITIVE FOODS REGULATION

In addition to complying with the Smart Snacks nutrition standards, vending machines in private schools and RCCIs must comply with the state competitive foods regulations. These regulations apply to all USDA school nutrition programs, e.g., NSLP, SBP, Afterschool Snack Program and Special Milk Program. Section 10-215b-1 addresses restrictions for sales of **candy, coffee, tea and soft drinks** to students. Section 10-215b-23 addresses the **accrual of income** from food and beverage sales to students.

Some stricter provisions of Smart Snacks supersede the state competitive foods regulations. The requirements below summarize the stricter provisions of the state and federal regulations governing the sales of candy, coffee, tea and soft drinks, and the accrual of income from food and beverage sales in private schools and RCCIs.

Coffee, Tea and Soft Drinks (Section 10-215b-1)

Section 10-215b-1 of state regulations prohibits sales of coffee, tea and soft drinks to students anywhere on school premises from **30 minutes before up through 30 minutes after** any USDA school nutrition programs.

- For **elementary and middle school students**, Smart Snacks supersedes this time period because the federal beverage standards apply during the entire **school day** (the period from midnight before to 30 minutes after the end of the official school day). Beverages that do not comply with Smart Snacks can only be sold to elementary and middle school students from vending machines **after** the school day. For example, if the school day ends at 3:00 p.m., soda can be sold from 3:31 p.m. through 11:59 p.m.
- For **high school students**, Smart Snacks allows sales of coffee, tea and soft drinks if they meet the criteria for the category of “other flavored and/or carbonated beverages” and the portion size does not exceed 12 fluid ounces. Beverages must be evaluated **as served** including any **added accompaniments**, e.g., coffee with milk and sugar or tea with milk and honey. However, Section 10-215b-1 of state regulations supersedes the Smart Snacks standards for high school students by prohibiting sales of coffee, tea and soft drinks from **30 minutes before up through 30 minutes after** any USDA school nutrition programs. For example, if the lunch period is from 11:30 a.m. through 1:00 p.m., coffee, tea and soft drinks that comply with Smart Snacks cannot be sold to high school students from vending machines during 11:00 a.m. through 1:30 p.m.

“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), hot chocolate (regular, low-calorie and sugar-free), and sweetened beverages (with or without carbonation) that are not 100 percent juice such as lemonade and fruit punch drinks made with 10 percent juice. Soft drinks do not include any beverages that meet Smart Snacks such as 100 percent fruit or vegetable juice, plain water (with or without carbonation) and beverages containing 100 percent juice diluted with water.



Candy (Section 10-215b-1)

Section 10-215b-1 of state regulations prohibits the sale or dispensing of candy to students anywhere on school premises from **30 minutes before up through 30 minutes after** any USDA school nutrition programs. The Smart Snacks nutrition standards supersede this time frame because they apply during the entire **school day** (the period from midnight before to 30 minutes after the end of the official school day). Candy can only be sold to students from vending machines **after** the school day. For example, if the school day ends at 3:00 p.m., candy can be sold from 3:31 p.m. through 11:59 p.m.

“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.



Accrual of Income (Section 10-215b-23)

Section 10-215b-23 of state regulations requires that the income from any foods or beverages sold to students anywhere on school premises during the period of **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 foods and beverages that comply with Smart Snacks. For more information, see the CSDE’s handout, [Connecticut Competitive Foods Regulations](#).



FEDERAL SCHOOL WELLNESS POLICY REQUIREMENTS

Schools and institutions may have additional local requirements governing fundraisers 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 that all schools and institutions participating in the USDA school nutrition programs must establish a school wellness policy. 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, 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

Beverage Requirements (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322418

Competitive Foods (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=333772

Guide to Competitive Foods in Schools:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/cfg.pdf

List of Acceptable Foods and Beverages (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432

National School Lunch Program and School Breakfast Program: Nutrition Standards or All Foods Sold in School:

www.gpo.gov/fdsys/pkg/FR-2013-06-28/pdf/2013-15249.pdf

Questions and Answers on Smart Snacks:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacksqa.pdf

Requirements for Beverages Containing Water and Juice:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/waterjuicebev.pdf

Smart Snacks Nutrition Standards (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&pm=1&Q=335400

Summary of Smart Snacks Nutrition Standards:

www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/smartsnacks.pdf

VENDING MACHINES IN PRIVATE SCHOOLS AND RCCIS, continued



For more information, visit the CSDE's [Competitive Foods](#) and [Beverage Requirements](#) Web pages or contact the [school nutrition programs](#) staff in the CSDE Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457.

This handout is available at www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cj/vendpr.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.*

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