

CONNECTICUT COMPETITIVE FOODS REGULATIONS

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies apply to all Connecticut public schools, 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), Afterschool Snack Program (ASP) and Special Milk Program (SMP). These state regulations address restrictions for accrual of income, and sale and dispensing of competitive foods to students.

- “**Competitive foods**” are all foods and beverages available for sale to students on school premises separately from reimbursable school meals. The state competitive foods regulations and USDA Smart Snacks nutrition standards (*National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School*) address sales of competitive foods during the **school day**. The Connecticut General Statutes (C.G.S.) for Healthy Food Certification (HFC) and allowable beverages address sales of competitive foods at **all times**, except for sales that meet specific exemption criteria.
- “**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.
- “**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 or the governing authority district or school.
- The “**school day**” is the period from midnight before to 30 minutes after the end of the official school day.



Regulations of Connecticut State Agencies for Competitive Foods

Section 10-215b-1

(a) No school food authority shall permit the sale or dispensing to students of extra food items anywhere on the school premises from thirty minutes prior to the start of any state or federally subsidized milk or food service program until thirty minutes after such program.

(b) “Extra food items” means tea, coffee, soft drinks and candy.

(c) “School food authority” means the governing body which has the legal authority to operate one or more school feeding programs and receive state or federal subsidies for the operation of any such program.

(d) The provisions of this section shall not apply to the Department of Corrections.

(Effective August 25, 1992)

Section 10-215b-23

The income from the sale to students of food items, anywhere on the school premises from 30 minutes prior to the start of any state or federally subsidized milk or food service program until thirty minutes after any such program, shall accrue to the school food authority for the benefit of state or federally subsidized milk or food service programs.

(Effective August 25, 1992)

Some stricter provisions of the C.G.S. and the USDA Smart Snacks nutrition standards require further restrictions. This document summarizes these restrictions. For more information, see the Connecticut State Department of Education’s (CSDE) *Guide to Competitive Foods in Schools*.

SECTION 10-215B-1 COMPETITIVE FOODS

Section 10-215b-1 of state regulations addresses restrictions for the sale and dispensing of candy, coffee, tea and soft drinks to students on school premises from **30 minutes before up through 30 minutes after** any school nutrition programs.

- **“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), 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 the requirements of C.G.S. Section 10-221q such as 100 percent fruit or vegetable juice, plain water (with or without carbonation) and beverages containing 100 percent juice diluted with water.



Candy in HFC Public Schools

Effective July 1, 2006, [C.G.S. Section 10-215f](#) supersedes the time period specified in state regulations (Section 10-215b-1) because the HFC statute applies at **all times**, except for sales that meet specific exemption criteria. HFC public schools must follow the Connecticut Nutrition Standards (CNS) for all foods sold to students separately from school meals at all times. Candy, and any other foods that do not comply with the CNS, can only be sold to students on school premises if the local board of education or school governing authority votes to allow exemptions, and the foods are sold at the location of an event that occurs after the school day or on the weekend. Noncompliant foods can never be sold from vending machines or school stores. 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. For information on the CNS and exemption criteria, see the CSDE’s [CNS](#) and [HFC](#) Web pages.

Candy in Non-HFC Public Schools, Private Schools and RCCIs

Effective July 1, 2014, the USDA Smart Snacks nutrition standards supersede the time period specified in state regulations (Section 10-215b-1) because the federal standards 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 in private schools and RCCIs **after** of the school day. For example, if the school day ends at 3:00 p.m., candy can be sold anytime during the period of 3:31 p.m. through 11:59 p.m. For more information, see the CSDE’s [Summary of Smart Snacks Nutrition Standards](#) and [Guide to Competitive Foods in Schools](#).

CONNECTICUT COMPETITIVE FOODS REGULATIONS, continued

Coffee, Tea and Soft Drinks in Public Schools (HFC and non-HFC)

Effective July 1, 2006, C.G.S. Section 10-221q supersedes the time period specified in state regulations (Section 10-215b-1) because the state beverage statute prohibits sales of coffee, tea and soft drinks to students at **all times**, except for sales that meet specific exemption criteria. Coffee, tea and soft drinks can only be sold to students in public schools if the local board of education or school governing authority votes to allow exemptions, and the beverages are sold at the location of an event that occurs after the school day or on the weekend. Coffee, tea and soft drinks can never be sold from vending machines or school stores. The state beverage statute applies to all public schools (HFC and non-HFC) regardless of whether they participate in the USDA school nutrition programs. For information on the state beverage statute, see the CSDE's handout, *Allowable Beverages in Connecticut Schools*, and PowerPoint presentation, *Beverage Requirements for Connecticut Public Schools* on the [Beverage Requirements](#) Web page.

Coffee, Tea and Soft Drinks in Private Schools and RCCIs

Effective July 1, 2014, some stricter provisions of the USDA Smart Snacks beverage standards for elementary and middle school students supersede the time period specified in Section 10-215b-1 of state regulations. However, the stricter time period of Section 10-215b-1 supersedes the Smart Snacks standards for high school students.

- For **elementary and middle school students**, Smart Snacks supersedes the time period specified in state regulations 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 **after** of the school day. For example, if the school day ends at 3:00 p.m., soda can be sold anytime during the period of 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 11:00 a.m. through 1:30 p.m. For information on the Smart Snacks beverage standards, see the CSDE's *Summary of Smart Snacks Nutrition Standards*.



CONNECTICUT COMPETITIVE FOODS REGULATIONS, continued

SECTION 10-215B-23 ACCRUAL OF INCOME

Section 10-215b-23 of state regulations addresses the accrual of income for competitive foods sold to students at school. This regulation 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 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 meet the CNS and Smart Snacks food standards and sales of beverages that meet the state beverage statute and the Smart Snacks beverage standards.



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 federal and state requirements.

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

Connecticut Nutrition Standards (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322422

Healthy Food Certification (CSDE Web Page):

www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322420

School Foods and Beverages (CSDE Web Page):

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

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



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/cf/ctcfreg.pdf.

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