Food and Beverage Requirements for School Stores

PUBLIC SCHOOLS NOT CHOOSING HEALTHY FOOD CERTIFICATION

This document summarizes the state and federal requirements for the sale of foods and beverages from school stores, kiosks and other school-based enterprises in public schools that choose **not** to implement the healthy food option of Healthy Food Certification (HFC) under Section 10-215f of the Connecticut General Statutes (C.G.S.), and therefore do not follow the Connecticut Nutrition Standards (CNS).

The requirements for **foods** sold from school stores in non-HFC public schools are governed by the U.S. Department of Agriculture (USDA) Smart Snacks nutrition standards for competitive foods, and Connecticut General Statutes (C.G.S.) and state competitive foods regulations. The requirements for **beverages** sold from school stores in all public schools are governed by Smart Snacks, C.G.S. Section 10-221q and state competitive foods regulations.

- "**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. This includes 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.

ALLOWABLE FOODS

All competitive foods sold during the school day from school stores in non-HFC public schools must comply with the USDA Smart Snacks nutrition standards. Foods that do not comply with Smart Snacks can only be sold **after** the school day. For example, if the school day ends at 3:00 p.m., school stores can sell noncompliant foods from 3:31 p.m. through 11:59 p.m. 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.

ALLOWABLE BEVERAGES

All beverages sold to students from school stores in public schools 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 school stores.** The state beverage statute specifically prohibits beverage exemptions for school stores. For information on the state beverage requirements, see the CSDE's handout, *Allowable Beverages in Connecticut Public Schools,* and Beverage Requirements Web page.

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 healthy food choices (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, School Breakfast Program, 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 lunch period is from 11:30 a.m. through 1:00 p.m., the school food service program must receive the income from any foods and beverages sold in school stores from 11:00 a.m. through 1:30 p.m. This includes sales of foods that comply with Smart Snacks and sales of beverages that comply with the state beverage statute and Smart Snacks. 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.

> 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.

RESOURCES

Allowable Beverages in Connecticut Public Schools:
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

Beverage Requirements for Connecticut Public Schools PowerPoint:
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

Connecticut Competitive Foods Regulations:
www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/cf/ctcfreg.pdf

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 for All Foods Sold in School:
www.gpo.gov/fdsys/pkg/fr-2013-06-28/pdf/2013-15249.pdf

School Foods and Beverages (CSDE Web Page):
www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416

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

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/storenonhfc.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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