

STATE WAIVER REQUESTS AND APPROVAL LETTERS

COLORADO

SNAP Healthy Choice Demonstration Waiver Request

United States Department of Agriculture Food and Nutrition Service

SNAP HEALTHY CHOICE/FOOD RESTRICTION STATE DEMONSTRATION REQUEST

Section 17(b) of the Food and Nutrition Act of 2008, as amended (the Act), allows FNS to waive statutory requirements of the Act to conduct pilot projects designed to test program changes to increase the efficiency of the Supplemental Nutrition Assistance Program (SNAP) and improve the delivery of SNAP benefits to eligible households. The Act limits the provisions that may be waived. Projects may be approved for a period of 5 years and the Act requires that each project must include an evaluation component that demonstrates the effects of the project.

This template intends to guide and assist States in submitting a SNAP Food Restriction Demonstration Project Request. States should follow the guided prompts and questions and offer any additional detail, if applicable, under each section to ensure a complete understanding of the State's proposed project.

States should review the impermissible projects prohibited by Section 17 (b)(1)(B)(iv) of the Act and additional restrictions on demonstration projects in the appendix below before requesting a SNAP Food Restriction demonstration project. Additionally, to facilitate the demonstration review process, FNS strongly suggests States inform their Regional Office to discuss the project and provide any necessary technical assistance prior to submission of a request. The FNS National Office SNAP Food Restriction demonstration pilot team is also open to join Regional or State Agency calls to provide technical assistance.

SNAP Food Restriction demonstration projects are intended to test innovative ideas that develop and implement modernized programmatic systems, infuse SNAP with new programmatic energy and vision, and strengthen State strategies to encourage healthy choices, healthy outcomes, and healthy families. FNS looks forward to working with States on potential changes to program operations that align with the Secretary's vision for nutrition assistance programs.

FNS reserves the right to withdraw its waiver approval and terminate demonstration projects at any time if FNS determines that the project is inconsistent with SNAP goals to increase the efficiency of the program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals. If the State is unable to provide the data required as part of the terms and conditions of waiver approval or if FNS determines that the project is associated with significant increases in payment errors or access concerns, **FNS may suspend or terminate the project at any time.**

SNAP Healthy Choice Demonstration Waiver Request**Type of Request:** SNAP HEALTHY CHOICE/FOOD RESTRICTION**Date of Request:** 8/1/2025**State:** Colorado**Region:** MPRO**Statutory Citations:**

Provide the statutory citations from the [Act](#) the State seeks to waive. FNS will work with the State to identify any additional statutory waivers needed for the proposed demonstration project.

7 USC Ch. 51 §2012 (k)

Regulatory Citations:

Provide the regulatory citations from [7 CFR](#) the State seeks to waive. FNS will work with the State to identify any additional regulatory waivers needed for the proposed demonstration project.

7 CFR 271.2

Summary of Food Restriction Demonstration Project Request:

According to 7 U.S.C. § 2012(k), recipients of the Supplemental Nutrition Assistance Program (SNAP) are authorized to purchase any food or food product for home consumption, as well as seeds and plants intended for food production. Certain eligible populations may also utilize SNAP benefits to procure prepared meals from designated facilities, including senior centers, domestic violence shelters, substance misuse treatment centers, and homeless shelters. Federal regulations prohibit the use of SNAP benefits to acquire alcoholic beverages, tobacco products, and hot foods or hot food products prepared for immediate consumption, except as permitted under specific provisions. The State of Colorado proposes an alternative procedure to impose additional purchase restrictions on “soft drinks” within the SNAP program.

Proposed Alternative Procedures to Operate Project:

Provide a detailed explanation of the proposed Food Restriction demonstration project, and how the State intends to operate the food restriction choice project that differs from how SNAP currently operates.

SNAP-Eligible Food and Food Products Amended by the Food Restriction Demonstration Waiver

- *Describe the food(s) of interest that will be restricted under this demonstration waiver. What are the desired outcomes of limiting these food(s)?*
- *If applicable, describe incentivization projects to entice SNAP-eligible households to increase purchasing of fruits and/or vegetables.*

The State of Colorado Department of Human Services (CDHS) is requesting to exercise Section 17 of the Food and Nutrition Act of 2008 to modify the definition of eligible foods under the Supplemental Nutrition Assistance Program (SNAP). Colorado will exclude from the definition of eligible foods “soft drinks” as defined at §39-26-707, C.R.S.

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Soft drinks: nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

This request abides by the provisions outlined in Section 17, 7 U.S. Code § 2026, permitting States to conduct projects on a trial basis to align the goals of Colorado to the goal of SNAP—providing food assistance to raise levels of nutrition among low-income individuals.

SNAP-Eligible Household Considerations:

Please complete the next section with possible impacts and considerations to SNAP-eligible households.

Participating households and individuals

- *Describe the target population included in this waiver.*
 - *Will the State limit the project to households that meet certain requirements? For example, targeting households of a certain size, households with individuals participating in SNAP-Ed, households with individuals participating in WIC, households receiving medical assistance, or households with pregnant women and/or young children?*
- *Describe the pilot approach for households.*
 - *Will all households be participating at once?*
 - *Will there be a phased in approach based on certain household factors?*
 - *If yes, describe the household types and phase in approach below.*

The proposed initiative will be implemented on a statewide basis and apply to all SNAP participants purchasing food within the State of Colorado upon implementation of the Waiver.

Colorado will work with FNS to finalize and implement a SNAP Participant Communication Plan, which outlines how the State will leverage existing contracts, programs, and partnerships to communicate the change to SNAP households. Participant communication will include print and digital communication materials.

SNAP-Authorized Retailers Considerations:

Please complete the next section with possible impacts and considerations to SNAP-authorized retailers.

SNAP-Authorized Retailers Participating in the Food Restriction Demonstration Waiver

- *List the retailers participating in this pilot. Include brick-and-mortar stores, participating retailers' online platforms (e.g., Amazon.com, Walmart.com), and specialty retailer types (e.g., farmers' markets, direct marketing farmers, etc.). Write "all" if all retailers in the state will be subject to the pilot.*
- *Explain how the participating retailers were selected.*
- *Will retailer participation in the pilot be phased in? If yes, what does that plan look like?*

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Colorado intends for all authorized SNAP retailers across the state to participate in the Waiver. This will include retail chains, large- and medium-sized retailers, convenience stores, wholesale suppliers, online retailers, and smaller locally owned businesses. At this time, no phased implementation is planned.

Consideration of retailer size

- *Provide the State's plan to adjust implementation time based on retailer size and system capabilities, if applicable.*

Colorado will work with retailers of all sizes to develop strategies based on retailer size and technology. Knowing that a one-size model doesn't fit the different types of retailers, the State will collaborate with other states to identify effective and successful retailer size-based approaches.

Retailer-Level System Changes

Describe any retailer-level system changes and/or updates the retailer(s) will incur in the operation of this demonstration project, for example:

- *Describe how the retailer systems will be able to support all alternative procedures required of the project, or will it require an upgrade or enhancements?*
- *Describe any exemptions for retailers that are unable to make the necessary system changes.*

Colorado will work with all SNAP retailers throughout the state through approved Retailer Communications and Retailer Monitoring/Compliance Plans, which will include implementation, technical assistance, and support with integration into point of sale systems or any other effective alternative procedures.

Impacts to the State Agency:

Please complete the next section with possible impacts to the State agency.

State-Level System Changes

Describe any State-level system changes and/or updates the State will incur in the operation of this demonstration project, for example:

- *If applicable, describe how the State system will be able to support all alternative procedures required of the project, or will it require any upgrade or enhancements?*
- *If your state operates Summer EBT, will it also be subject to these restrictions or will EBT system changes be required to ensure no impact to that program?*

The implementation of the “soft drink” waiver will require amendment of Colorado SNAP regulation 10 CCR 2506-1-4.130.2, which defines eligible foods. That regulatory modification process will begin upon implementation of the waiver. No other state-level systems will need modifications.

Colorado operates a Summer EBT program. Summer EBT participants will also be subject to the statewide “soft drink” restriction.

SNAP Healthy Choice Demonstration Waiver Request**Healthy Choice Waiver Compliance Plans**

- *Describe the State's plans for enforcing compliance with the pilot among SNAP-authorized retailers in the targeted geographical location (e.g., county-wide, regional, statewide).*
 - *How will the State work with retailers to ensure compliance?*
 - *Once implemented, how will the State confirm restrictions have been implemented at the retailer level?*
 - *How will retailers be held responsible if their equipment is not updated and clients are able to make ineligible purchases?*
 - *How will retailers authorized after project launch be notified of the pilot parameters?*

Colorado will work with all SNAP retailers throughout the state through an approved Retailer Monitoring/Compliance Plan. This plan includes an implementation and annual Attestation by all Colorado retailers of their compliance with the “soft drink” restrictions. Retailers who fail to submit the required Attestation by the specified deadlines will be subject to follow-up outreach from the State to address any barriers to compliance and offer additional support. If a retailer continues to be non-compliant despite these efforts, the State will coordinate with the FNS to determine the appropriate course of action.

Staff Capacity and Training

- *Describe the State's staffing capacity to administer the project and the policy training plan on the alternative procedures required by the project.*
 - *Will the State designate a specific team for the project? If so, please describe it.*

Colorado plans to use existing staff resources from the SNAP program, CDHS communications team, and agency leadership to support planning, outreach, and implementation activities for the Waiver. The SNAP program will lead efforts working with retailers and key stakeholders. The Department's communication teams will develop messaging and materials to be used by all stakeholders for consistent messaging. The SNAP team will educate and work with County eligibility staff who will help answer SNAP participant questions and complaints.

Communication Plan:

States must develop a strategic roll out plan for communicating this project to impacted populations for FNS approval. FNS expects ongoing and frequent outreach to SNAP-eligible individuals and retailers throughout the planning process and implementation phase of this project. We also encourage outreach to relevant stakeholder groups and local media to raise awareness of the impending program changes.

- *Describe the anticipated timeframe and details of the State's plan, including any training and communication, to reach the target SNAP population for the project.*
 - *Also describe how communication and training will be provided to SNAP households that become eligible after the project launch.*

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- *If applicable, describe any nutrition education (ex- SNAP-ed) provided, or planned to be provided, to SNAP-eligible households.*
- *Describe the anticipated timeframe and details of the State's outreach plan, including any training and communication, to reach the participating retailers for the project.*
 - *Also describe how communication and training will be conducted with newly authorized retailers over the course of the demonstration project.*

Colorado will implement SNAP Participant and Retailer Communication Plans after approval by FNS.

Key components of these communication plans include:

- SNAP Participant communication materials, including print and digital materials, and the use of existing State communications.
- Leveraging existing contracts and partnerships such as SNAP Outreach Partners, SNAP Employment and Training Partners, and other Colorado organizations.
- Training for CDHS and county staff, particularly those conducting SNAP interviews or handling customer interactions, to ensure they are prepared to explain the changes and answer questions accurately and confidently.
- Retailer-facing resources available through a dedicated website and regular updates such as email updates.

Timeline:

- *Provide an overall timeline of expected timeframes and end dates for specific tasks required to achieve project outcomes. This may be presented as a chart or other format (e.g., Gant Chart, Visio). At a minimum, the timeline should include:*
 - *SNAP target population and household communication plans;*
 - *Retailer communication plans;*
 - *Retailer readiness target date(s);*
 - *Go-live implementation, including phases if applicable.*

Target Approval Date: August 8, 2025

Pre-Implementation Phase One: August 2025 to October 2025

- Partnership meetings with retailers and key stakeholders
- Collaboration with FNS to finalize required Plans
 - Retailer Communications Plan
 - Client/SNAP Participant Communications Plan
 - Evaluation Plan
 - Monitoring/Compliance Plan
- Research and review identified strategies implemented in other approved states

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- Develop retailer and SNAP participant initial website content

Pre-Implementation Phase Two: November 2025 to January 2026

- Develop the final project implementation plan and additional dates
- Create communication materials for retailers, SNAP participants, and County/State staff
- Create staff training and materials for communicating with customers
- Launch retailer and SNAP participant initial websites
- Begin pre-launch Waiver evaluation activities
- Provide retailers with pre-implementation support

Implementation Phase: February 2026 to March 2026

- Continue retailer support and technical assistance in preparation for implementation
- Distribute retailer informational and training materials
- Send SNAP Participants pre-implementation informational materials
- State and county staff training

Post Implementation and Monitoring Phase: April 2026 and onwards

- Collect Attestation Forms from all retailers (initial and annual) and modify any compliance processes
- Collect data and information for the Evaluation
- Update retailer and SNAP participant websites on a recurring basis

Justification for Request:

Explain how the demonstration project will benefit the administration of SNAP in the State and improve the delivery of SNAP benefits to eligible households. Use the space below to describe how implementing this demonstration project will achieve the intended objectives, for example:

- *Describe how the project will impact administrative burden.*
- *Describe how the project will strengthen strategies to encourage healthy choices, healthy outcomes, and healthy SNAP families.*

The Declaration of Policy, which prefaces the Food and Nutrition Act of 2008 (P.L. 88-525, as amended via P.L. 118-5), emphasizes the health and well-being of the Nation, as well as a nutritious diet. Supporting the health of Coloradans is of paramount importance. The proposed package of changes in this waiver request ensures that SNAP dollars are not being spent on sweetened beverages with no or negative nutritional value and that SNAP participants can instead spend those SNAP dollars on foods that provide meaningful nutritional support. This expands not only the positive nutritional and health impact of SNAP benefit spending but also enhances the impact of the purchasing power of a household's SNAP benefits.

SNAP Healthy Choice Demonstration Waiver Request**Proposed Evaluation Procedures:**

Demonstration projects must include an evaluation component to determine the project's effects. FNS will require quarterly evaluation reports during the first year of implementation. Thereafter, States will be required to report on an annual basis.

Use the space below to describe how the State plans to evaluate the demonstration project and measure the intended outcomes and benefits, for example:

- *Describe what data will be collected as part of this project.*
 - *FNS strongly encourages the State to collect data on food and beverage purchase consumption and health outcomes by interviewing recipients and collecting qualitative data on food purchasing habits and non-SNAP spending either through a collection of food purchase receipts or a 24-hour dietary recall.*

SNAP-Eligible Individuals

- *Describe how the State will evaluate the impact of this project on program administration and program access.*
- *Describe how the State will measure client satisfaction.*

Colorado's current Waiver Evaluation Plan/study will be conducted through a collaboration with the Colorado Department of Human Services and The Colorado School of Public Health's Rocky Mountain Prevention Research Center. The evaluation will be an outcome study (examination of the extent to which an intervention program achieves its stated goals; does not establish cause and effect conclusions) using a convenience sampling approach to analyze participant food purchasing and consumption behaviors at two time points: pre-implementation and post-implementation of the SNAP demonstration project. Regular planning meetings will be held with The Colorado Department of Human Services and The University of Colorado, Denver's Rocky Mountain Prevention Research Center.

The target population will be SNAP-enrolled Coloradans. Participants will receive survey questions about their shopping and consumption behaviors. Implementing agencies in Colorado that work with SNAP-eligible populations will enroll participants through established recruitment channels and/or use existing data to establish baseline measures. The state will also survey SNAP-enrolled individuals about their purchasing and consumption behaviors before and after the waiver implementation.

A survey instrument will be developed to address the research questions. The instrument will be created using the SNAP-Ed Evaluation Framework and Interpretive Guide: specifically, indicators ST1 and MT1, which measure goals and behaviors around dietary intake; as well as ST2 and MT2, which measure goals and behaviors around grocery shopping. The measures

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reflect the Transtheoretical model (Stages of Change). Study design and instruments will be approved by the Colorado Multiple Institutional Review Board (COMIRB).

SNAP-Authorized Retailers

- *Describe how the State will evaluate the impact of this project on program administration and program access as it relates to retailers.*
- *Describe how the State will measure retailer satisfaction.*

Colorado will obtain aggregate EBT redemption data to identify SNAP purchasing behaviors prior to the implementation of the healthy choice waiver and at intervals throughout the demonstration project. Data elements may include the following information:

- Establishing baseline data collection prior to the demonstration implementation.
- Regular analysis of transaction data following implementation to monitor:
 - In-state vs. out-of-state SNAP usage,
 - Shifts in redemption trends related to excluded items,
 - Changes in where and how SNAP benefits are spent,
 - Potential retailer or customer adaptations in response to the restricted items policy.

This data collection will help Colorado measure the direct impacts of the demonstration over time and assess whether the intended outcomes, such as healthier purchasing decisions, are effective. Findings will also inform adjustments and future modifications of the Waiver and associated processes.

Redemption and Transaction Data

- *Describe how the State will track and evaluate out-of-state transactions in bordering states.*

Colorado will use aggregate EBT transaction data to track the volume and locations of out-of-state transactions to evaluate changes and trends.

- *FNS will require the following additional data be provided:*
 - *Client complaints about the pilot project;*
 - *Retailer complaints about the pilot project;*
 - *Any additional feedback on the pilot project provided by key stakeholders (e.g., grocer associations or community-based organizations); and*
 - *Out of state transaction data to determine cross-border shopping transactions.*

Colorado has a number of established processes for receiving customer complaints at both the state and county level. CDHS will require County SNAP offices to collect data on complaints tied to the Waiver. CDHS will use communication channels created through the Retailer Communications and Monitoring/Compliance Plans to track complaints from retailers.

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Anticipated Implementation Date:

Provide the anticipated implementation date. FNS will provide technical assistance, as it relates to this waiver, to help the State reach the goal implementation date.

February - March 2026

Note: States should submit a demonstration request at least six months before their anticipated implementation date.

Anticipated Program Costs:

Use the space below to describe what additional expenses will be incurred to implement this pilot project. This could reflect costs associated with notifying clients and retailers, EBT system changes, evaluation contract support, or other items not listed here.

Colorado plans to utilize existing resources and staffing to absorb the costs for this demonstration.

Anticipated Expiration Date: January 2031

Signature of Requesting Official: 

State Contact:

Name: Teri Chasten

Email: teri.chasten@state.co.us

Telephone: 303.889.9661

Regional Office Contact:

Name:

Email:

Telephone:

SNAP Healthy Choice Demonstration Waiver Request**Appendix****Impermissible Projects**

Section 17(b)(1)(B)(iv) of the Act explicitly prohibits waivers of certain provisions of the Act. FNS is unable to approve projects that involve a waiver of these provisions.

Impermissible eligibility criteria waivers

Food Restriction demonstration projects may not:

- Change the definition of household for those living in Federally subsidized housing for older adults, group living arrangements, domestic violence shelters, homeless shelters, and drug and alcohol treatment centers), institutions, or boarding houses (Sec. 3(m)(4) and (5));
- Change the gross income standards of eligibility for households that do not have an elderly or disabled member to a level other than 130 percent of the Federal Poverty Level (Sec. 5(c)(2));
- Change the work requirements exemption for parents or household members caring for with dependent children under the age of 6 or caring for an incapacitated person (Sec. 6(d)(2)(B));
- Increase the shelter deduction for households with low or no out-of-pocket housing costs; or
- Deny benefits to an otherwise eligible individual or household (last sentence of Sec. 5(a)).

Impermissible State operations waivers

Food Restriction demonstration projects may not:

- Waive the requirements (Sec. 11(e)(2)(B)) for States to:
 - Provide timely, accurate and fair service to SNAP applicants and participants;
 - Develop a SNAP application; and if the State has a website, make the application available on their website in every language a printed application is available;
 - Allow a household to apply on the same day they first contact a SNAP office during office hours;
 - Consider an application with only name, address, and signature to be filed on the date of application;
 - Require an adult representative to certify that the information on the application is true and that all members are citizens or eligible aliens;
 - Provide a method of certifying and issuing benefits to homeless households; or
 - Determine applicant eligibility within 30 days of the date of the filing of an application (time standard in Sec. 11(e)(3)).
- Change the provisions outlining which parts of the Act are not allowed to be waived;
- Absolve a State from acting with reasonable promptness on substantial reported changes in income or household size;
- Prohibit States from operating a Workfare Program or change the 50/50 matching provisions for workfare activities, including reimbursements for participants in workfare activities;

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- Waive provisions of the Simplified SNAP (an optional program for TANF households);
- Waive the State Option to issue benefits to individuals who are not compliant with the work requirements established by welfare reform. If the State issues benefits to these individuals, they must pay the Federal Government back and will not receive Federal match for those recipients.
- Change the 50/50 Federal reimbursement provisions;
- Change QC system requirements, payment error rate, and associated liability process for payment error rates; or
- Change 50/50 Federal reimbursement provisions for eligibility systems.

FNS is available to answer questions and provide technical assistance to States requesting demonstration projects. If you are unsure whether your State's request would require an impermissible waiver, please contact FNS.

Additional Restrictions on Demonstration Projects

- Demonstration projects may be approved for up to five years with extensions possible thereafter.
- If a demonstration project reduces benefits by more than 20 percent for more than 5 percent of households in the project area (excluding households whose benefits are reduced for failure to comply with work requirements), the demonstration project:
 - cannot affect more than 15% of households in the State AND
 - may not continue for more than 5 years unless the Secretary approves an extension request.
- Demonstration projects **may not**:
 - Provide benefits in the form of cash or a manner otherwise non-restricted to food (except for a project approved before August 22, 1996);
 - Allow SNAP funds to be used to fund other public assistance programs, or use the funds for any purpose other than the purchase of food, program administration, or employment and training activities; or
 - Count SNAP benefits as income or resources for tax purposes, welfare, public assistance programs or any other Federal, State, or local assistance program (Sec. 8(b)).



Secretary Brooke L. Rollins

August 4, 2025

The Honorable Jared Polis
Governor of Colorado
State Capitol Bldg
200 E. Colfax Ave.,
Rm. 136,
Denver, CO 80203

Teri Chasten
Deputy Director of the Food and Energy
Assistance Division
Colorado Department of Human Services
1575 Sherman St.
Denver, CO 80203

Dear Governor Polis:

The Food and Nutrition Service (FNS) is pleased to approve the request dated May 13, 2025, from the Colorado Department of Human Services to allow the State to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients from "any food or food product for home consumption" to exclude "soft drinks," as defined by §39-26-707, Colorado Revised Statutes (C.R.S). This approval, subject to the enclosed terms and conditions, is for 2 years, effective March 1, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00012862. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices, and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooke L. Rollins".

Brooke L. Rollins
Secretary
U.S. Department of Agriculture

WAIVER SUMMARY

COLORADO SNAP FOOD RESTRICTION WAIVER DEMONSTRATION PROJECT

The Colorado SNAP Food Restriction Waiver Demonstration Project (the Project) is approved in accordance with the requirements to operate demonstration projects under Section 17 [7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act).

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list food items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Colorado. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “soft drinks”.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Colorado. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “soft drinks”. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Colorado SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Colorado may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to evaluate the impact of excluding “soft drinks” from eligible purchases under SNAP on participant’s consumption of these products. As part of the evaluation of the Project the State is developing key metrics and data collection methods including, but not limited to, surveys and interviews. SNAP households’ participation in these evaluation and data collection methods is voluntary, and any household may opt into or out of the corresponding evaluation tools.

Alternative Procedures: Colorado’s proposed alternative procedure is to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as

“Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Colorado. Colorado specifically will include as an exception, and ineligible for purchase with SNAP, “soft drinks”.

COLORADO SPECIFIC INFORMATION ON RESTRICTED ITEMS/CATEGORIES

Excluded Beverages:

- “Soft drinks” are defined as nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

Colorado’s proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

TERMS AND CONDITIONS

Prior to the Project's implementation date, March 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Colorado to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on March 1, 2026, and end on January 29, 2028, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on March 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.
- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.

- The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires creating, updating or amending existing contracts between the State and another entity, the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.
 - Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP-authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.
- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration Project's impact. Any request for extension must be submitted by September 2, 2027, at

least six (6) months prior to the end of the initial 2-year Project period.

- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Colorado.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.
- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond February 29, 2028, the State should send a request to FNS by September 2, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

Colorado Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	March 1, 2026 - May 30, 2026	July 14, 2026
Year 1, Quarter 2	May 31, 2026- August 29, 2026	October 13, 2026
Year 1, Quarter 3	August 30, 2026- November 28, 2026	January 12, 2027
Year 1, Quarter 4	November 29, 2026- February 27, 2027	April 13, 2027
Year 2, Quarter 1	February 28, 2027- May 29, 2027	July 13, 2027
Year 2, Quarter 2	May 30, 2027- August 28, 2027	October 12, 2027
Year 2, Quarter 3	August 29, 2027- November 27, 2027	January 11, 2028
Year 2, Quarter 4	November 28, 2027- February 29, 2028	April 11, 2028
Extension Request	Submitted by September 2, 2027	

To evaluate the Project, the State will implement a longitudinal study of SNAP households to assist them in tracking and analyzing changes to participant behavior and outcomes. The State plans to use surveys to learn the shopping, spending, and eating patterns of Coloradan SNAP households regarding the restricted food of "soft drinks". Moreover, the State will work with retailers to review SNAP purchases and determine the reduction in purchases and consumption of soft drinks by SNAP households in Colorado. The State will also evaluate retailer participation, such as feedback relating to concerns, barriers, and outcomes of the Project.

Based on previous and ongoing technical assistance calls with FNS, the State may revise its evaluation plan subsequent to this approval. Any updates or revisions to the State's evaluation plan needs to be communicated to FNS.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.



U.S. DEPARTMENT OF AGRICULTURE

January 23, 2026

Michelle Barnes, Executive Director
Colorado Department of Human Services
1575 Sherman St.
Denver, CO 80203

Dear Executive Director Barnes:

On January 7, 2026, the Colorado Department of Human Services requested to modify the State agency's Supplemental Nutrition Assistance Program (SNAP) Food Restriction Waiver implementation date from March 1, 2026, to April 30, 2026.

The Food and Nutrition Service (FNS) approves this modification request. As expressed in the State agency's request letter, this modification is intended to provide necessary additional time for the State agency to engage in preparatory activities with SNAP-authorized retailers, especially those located in rural areas. In addition, it will allow the State agency more time to thoroughly communicate the upcoming changes to SNAP households. Postponing implementation to April 30, 2026, will prevent inconsistent implementation amongst retailers and ensure more thorough client communication and readiness, both of which will provide a stronger foundation for success.

This approval is for 2 years, from April 30, 2026, through April 29, 2028. FNS provides an adjusted project reporting schedule in the enclosure. All other terms and conditions of FNS's August 4, 2025, approval remain in effect.

FNS applauds Colorado and its SNAP team for the significant efforts you have made towards implementation of your SNAP Food Restriction pilot thus far. We look forward to continuing to support your efforts to successfully implement this innovative and impactful project on April 30, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. Penn", with a stylized flourish at the end.

Patrick A. Penn
Deputy Under Secretary
Food, Nutrition, and Consumer Services
U.S. Department of Agriculture

Enclosure

Colorado Project Reporting Schedule

Report	Date Range Covered	Due Date
Year 1, Quarter 1	April 30, 2026 — July 29, 2026	September 12, 2026
Year 1, Quarter 2	July 30, 2026 — October 28, 2026	December 12, 2026
Year 1, Quarter 3	October 29, 2026 — January 27, 2027	March 13, 2027
Year 1, Quarter 4	January 28, 2027 — April 28, 2027	June 12, 2027
Year 2, Quarter 1	April 29, 2027 — July 28, 2027	September 11, 2027
Year 2, Quarter 2	July 29, 2027 — October 27, 2027	December 11, 2027
Year 2, Quarter 3	October 28, 2027 — January 26, 2028	March 11, 2028
Year 2, Quarter 4	January 27, 2028 — April 26, 2028	June 10, 2028
Extension Request	Submitted by October 29, 2027	

IOWA

Standard Demonstration Waiver Request Template

United States Department of Agriculture Food and Nutrition Service

STATE DEMONSTRATION REQUEST

Section 17(b) of the Food and Nutrition Act of 2008, as amended (the Act), allows FNS to waive statutory requirements of the Act to conduct pilot projects designed to test program changes to increase the efficiency of SNAP and improve the delivery of SNAP benefits to eligible households. The Act limits the provisions that may be waived. Projects may be approved for a maximum five-year term, maintain cost neutrality, and include an evaluation component.

Type of Request: Initial**Date of Request** 4/1/2025**State** IA**Region:** MWRO**Statutory Citations:** 7 USC Ch. 51 §2012 (k)**Regulatory Citations:** 7 CFR 271.2**Proposed Alternative Procedures:**

7 USC Ch. 51 §2012 (k) provides that SNAP recipients may purchase any food or food product for home consumption and seeds and plants to produce food at home. Additionally, there are provisions for certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters. SNAP recipients are barred from purchasing alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption (unless authorized by specific provisions).

Iowa's proposed alternative procedure is to specify the definition of "any food or food product for home consumption" to mean "all nontaxable food items as defined by the Iowa Department of Revenue". Iowa defines taxable and nontaxable food items in Chapter 423 of the Code of Iowa and Iowa Administrative Code chapter 701-220. In Iowa, sugar sweetened beverages with less than 50% juice and items designated as candy are taxable, as are seeds for food producing plants and food producing plants.

Iowa's proposed alternative procedure makes no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products.

Standard Demonstration Waiver Request Template

The Iowa Department of Revenue subjects the following general classifications of food products to sales tax:

<u>Food Items</u>	<u>Beverages</u>
Seeds for food producing plants and food producing plants.	Carbonated and noncarbonated soft drinks, including but not limited to colas, ginger ale, near-beer, root beer, lemonade, orangeade
Candy, candy-coated items, and candy products, including gum, candy primarily intended for decorating baked goods, and hard or soft candies including jelly beans, taffy, licorice, and mints and breath mints	All other drinks or punches with natural fruit or vegetable juice which contain 50 percent or less by volume natural fruit or vegetable juice; a typical example is Hi-C
Dried fruit leathers or other similar products prepared with natural or artificial sweeteners	Beverage mixes and ingredients intended to be made into taxable beverages; liquid or frozen, concentrated or non-concentrated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned or unseasoned
Sweetened baking chocolate in bars, pieces, or chips	
Fruits, nuts, or other ingredients in combination with sugar, chocolate, honey, or other natural or artificial sweeteners in the form of bars, drops, or pieces	Concentrates intended to be made into beverages which contain 50% or less by volume natural fruit or vegetable juice
Caramel wraps, caramel or other candy-coated apples or other fruit; sweetened coconut, marshmallows; Granola bars, unless they contain flour	Sweetened naturally or artificially sweetened water
Mixes of candy pieces, dried fruits, nuts, and similar items when candy is more than an incidental ingredient in the product	
Ready-to-eat caramel corn, kettle corn, and other candy-coated popcorn	

Justification for Request:

Iowa is seeking a permission for this pilot to increase the efficiency of SNAP.

“7 CFR 271.1(a) Purpose of SNAP. SNAP is designed to promote the general welfare and to safeguard the health and well-being of the Nation's population by raising the levels of nutrition among low-income households.” and “To alleviate hunger and malnutrition, SNAP permits low-income households to obtain a more nutritious diet...”

Standard Demonstration Waiver Request Template

SNAP is inefficient at delivering on purpose of “promoting general welfare and safeguarding health and well-being” and “alleviating malnutrition” because the program does not regulate the types of items that can be purchased with SNAP benefits. The lack of specification means that participants are encouraged to spend their limited benefit amounts on objectively unhealthy and non-nutritious items like sugar-sweetened beverages and candy items.

According to the Centers for Disease Control and Prevention, sugar-sweetened beverages are the leading source of added sugar in the American diet and provide little to no nutritional value. These beverages are associated with weight gain, obesity, type 2 diabetes, heart disease, kidney diseases, non-alcoholic liver disease, tooth decay and cavities, and gout.¹

Iowa wishes to refocus the SNAP program on its designed intent, “to promote the general welfare and safeguard the health and wellbeing” by encourage SNAP participants to purchase healthier food items by modifying the definition of “food and food products”.

Caseload Information:

- a. Percent of caseload expected to be affected by this waiver
100%
- b. Description of population expected to be affected by this waiver
This demonstration waiver will apply to the entire Iowa SNAP population.

Anticipated Impact on Households & State agency operations:

There is no anticipated impact on State agency operations. Iowa HHS will work with the Iowa Grocery Industry Association and others to ensure POS system updates are in place to carry out this waiver.

Proposed Evaluation Procedures:**Approach**

To evaluate this demonstration waiver, a mixed-methods approach will seek to understand the programmatic impacts, participant shopping patterns, change in health behaviors, and changes in youth health outcomes. Activities would include:

- **Assessment of program implementation:**
 - Track and analyze program participation and benefit usage throughout year
- **Assessment of participant behavior change and health outcomes:**
 - Conduct an impact study using a stratified sampling method to survey and analyze participant shopping and eating patterns at pre, mid, and post checkpoints. The sample size would include participants in both urban and rural areas of Iowa. Pre would mean surveying before this demonstration goes into effect, mid would mean surveying halfway through this demonstration period, and post would be surveying at the conclusion of the demonstration period. The purpose of this study would be to assess how participants health is impacted by this demonstration and

Standard Demonstration Waiver Request Template

if additional nutritional supports and education for participants leads to higher health behavior change efficacy. The question we would seek to answer is:

1. Are there differences in participants healthy eating behaviors who receive nutrition education in addition to SNAP benefits vs those who receive no education?

To accomplish this, we would use one control group and one treatment group to see if any statistically significant differences are identified in the study population:

- Treatment group:
 - SNAP participants that receive nutrition education
 - Education can be tracked through WIC or SNAP-Ed participation
 - Health status data can come from Medicaid and/or WIC
 - Looking at if modifying what can be purchased with SNAP, coupled with education, provides better healthy eating outcomes

Control group:

- SNAP participants who do not participate in WIC or SNAP-Ed
 - Health status data can come from Medicaid and/or WIC
 - Look at BMI of kids ages 0-5 and ages 6-10

Anticipated Impact on Program Costs:

There is no anticipated impact on SNAP program costs for the state. There may be additional costs to the state for the evaluation component.

Anticipated Implementation Date:

1/1/2026

Anticipated Expiration Date:

Five years from date of FNS approval.

Proposed quality control review procedures:

Cases will be reviewed using standard review procedures contained in the Food and Nutrition Service (FNS) Handbook 310.

References

1. Division of Nutrition, Physical Activity, and Obesity, National Center for Chronic Disease Prevention and Health Promotion. (2022, April) *Get the Facts: Sugar-Sweetened Beverages and Consumption*
<https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html>

Standard Demonstration Waiver Request Template

Signature of requesting official: Erin Drinnin Digitally signed by Erin Drinnin
Date: 2025.04.01 15:17:38
-05'00'
Print Name: Erin Drinnin
Title: Division Director, Community Access and Eligibility

State Agency Contact

Name: Stacie Gordon, Financial, Food, and Work Supports Bureau Chief
Email: stacie.gordon@hhs.iowa.gov
Telephone: 515-229-7627

Regional Office Contact

Name: Richard Uthoff
Name: richard.uthoff@usda.gov
Telephone: 563-205-2809



Secretary Brooke L. Rollins
Washington, D.C. 20250

May 22, 2025

The Honorable Kim Reynolds
Governor of Iowa
Office of the Governor/State Capitol
1007 East Grand Avenue
Des Moines, IA 50319

Erin Drinnin
Division Director
Community Access and Eligibility
Iowa Department of Health and Human Services
312 East 12th Street
Des Moines, IA 50319

Dear Governor Reynolds:

The Food and Nutrition Service (FNS) is pleased to approve the request dated April 1, 2025, from the Iowa Department of Health and Human Services to allow the State to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients from "any food or food product for home consumption" to "all nontaxable food items as defined by the Iowa Department of Revenue." This approval, subject to the enclosed terms and conditions, is for 2 years, effective January 1, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State, and its evaluation contractor to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters such as a threshold standard for retailers.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00011993. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooke L. Rollins".

Brooke L. Rollins
Secretary
U.S. Department of Agriculture

Enclosures

WAIVER SUMMARY

IOWA SNAP HEALTHY CHOICE WAIVER DEMONSTRATION PROJECT

The Iowa SNAP Healthy Choice Waiver Demonstration Project (the Project) waiver is approved in accordance with the requirements to operate demonstration projects under Section 17[7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act)

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list of items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Iowa. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “all taxable food items as defined by the Iowa Department of Revenue.” The State will use Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220 to define taxable and nontaxable food items.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods.” Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Iowa. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except...” to include as an exception, and therefore be ineligible or purchase with SNAP, “all taxable food items as defined by the Iowa Department of Revenue.” The State will use Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220 to define taxable and nontaxable food items. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Iowa SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Iowa may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to assess how SNAP participants’ health and health behaviors are impacted by this pilot with additional nutrition supports and education through the SNAP-Ed program. Participation in the SNAP-Ed program is voluntary, and any household may opt into or out of the SNAP-Ed program and any corresponding evaluation tools, such as surveys,

interviews, or dietary recalls.

Alternative Procedures: Iowa's proposed alternative procedure is to modify the list of items that can be excepted from the definition of "Eligible foods." Items that are not defined as "Eligible foods" cannot be purchased with SNAP benefits at SNAP authorized retailers in Iowa. Iowa specifically will include as an exception, and ineligible for purchase with SNAP, "all taxable food items as defined by the Iowa Department of Revenue" Iowa defines taxable and nontaxable food items in Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220. In Iowa, sugar sweetened beverages with less than 50% juice and items designated as candy are taxable, as are seeds for food producing plants and food producing plants.

Iowa's proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

The Iowa Department of Revenue subjects the following general classifications of food products to sales tax:

Food Items	Beverages
Candy, candy-coated items, and candy products, including gum, candy primarily intended for decorating baked goods, and hard or soft candies including jellybeans, taffy, licorice, and mints and breath mints	Carbonated and noncarbonated soft drinks, including but not limited to colas, ginger ale, near-beer, root beer, lemonade, orangeade
Dried fruit leathers or other similar products prepared with natural or artificial sweeteners	All other drinks or punches with natural fruit or vegetable juice which contain 50 percent or less by volume natural fruit or vegetable juice; a typical example is Hi-C
Sweetened baking chocolate in bars, pieces, or chips	Beverage mixes and ingredients intended to be made into taxable beverages; liquid or frozen, concentrated or non-concentrated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned or unseasoned
Fruits, nuts, or other ingredients in combination with sugar, chocolate, honey, or other natural or artificial sweeteners in the form of bars, drops, or pieces	Concentrates intended to be made into beverages which contain 50 percent or less by volume natural fruit or vegetable juice
Caramel wraps, caramel or other candy-coated apples or other fruit; sweetened	Sweetened naturally or artificially sweetened water

Food Items	Beverages
coconut, marshmallows; Granola bars, unless they contain flour	
Ready-to-eat caramel corn, kettle corn, and other candy-coated popcorn	

Iowa will continue to allow SNAP recipients to purchase seeds for food producing plants and food producing plants under this waiver approval.

TERMS AND CONDITIONS

Prior to the Project's implementation date, January 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Iowa to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on January 1, 2026, and end on December 31, 2027, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on January 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.
- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.

- The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires updating or amending existing contracts between the State and another entity (including, but not limited to Alterum, Conduit, Iowa University SNAP-Ed contract) the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.
 - Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.
- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration

Project's impact. Any request for extension must be submitted by June 30, 2027, at least 6 months prior to the end of the initial 2-year Project period.

- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants' shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Iowa.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - SNAP-Ed programming data:
 - i. Quarterly number of cohorts participating in the Project
 - ii. Number of individuals in each cohort
 - iii. Monthly attrition rates for each cohort
 - iv. Reporting on any SNAP-Ed evaluation framework or indicators used with each cohort
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.

- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond December 31, 2027, the State should send a request to FNS by June 30, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

Iowa Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	January 1, 2026—March 31, 2026	May 15, 2026
Year 1, Quarter 2	April 1, 2026- June 30, 2026	August 14, 2026
Year 1, Quarter 3	July 1, 2026- September 30, 2026	November 16, 2026
Year 1, Quarter 4	October 1, 2026- December 31, 2026	February 15, 2027
Year 2, Quarter 1	January 1, 2027- March 31, 2027	May 17, 2027
Year 2, Quarter 2	April 1, 2027-June 30, 2027	August 16, 2027
Year 2, Quarter 3	July 1, 2027- September 30, 2027	November 15, 2027
Year 2, Quarter 4	October 1, 2027-December 31, 2027	February 14, 2028
Extension Request	Submitted by July 31, 2027	

To evaluate the Project the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and SNAP-Ed program participation and an assessment of participant changes to behavior and health outcomes.

Based on previous and ongoing technical assistance calls the State will amend its contract with

the State's SNAP-Ed evaluation contractor, Altarum, to provide evaluation services including, but not limited to, further defining health outcomes, Institutional Review Board (IRB) submission and approval, and statistical analysis. The State also informed FNS that the State's contract with Iowa State for its SNAP-Ed programming will be updated to account for the Project and increase the cadence of SNAP-Ed reporting. Other evaluation tools will potentially include, but are not limited to, retailer and SNAP participant surveys, dietary recalls, food logging, SNAP-authorized retailer point-of-sale transaction log data.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.



U.S. DEPARTMENT OF AGRICULTURE

December 12, 2025

Larry Johnson
Director
Iowa Department of Health and Human Services
312 East 12th Street
Des Moines, IA 50319

Dear Director Johnson:

On May 22, 2025, the Food and Nutrition Service (FNS) approved the Iowa Department of Health and Human Services to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients from “any food or food product for home consumption” to “all nontaxable food items as defined by the Iowa Department of Revenue.” Subsequently, the Iowa Department of Health and Human Services notified FNS that the chart on page three of the May 22, 2025, approval letter, which lists taxable items as defined by the Iowa Department of Revenue, inadvertently omits “prepared foods.” Iowa asked FNS to please address the omission to ensure FNS’s approval letter fully conveys the list of taxable items.

FNS has taken action to address Iowa’s request in this amended approval letter. The implementation period (2 years, effective January 1, 2026) and all terms and conditions remain the same as those provided in FNS’s initial May 22, 2025, approval letter.

FNS will continue to collaborate with the State, and its evaluation contractor to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters such as a threshold standard for retailers.

FNS appreciates the State’s willingness to test innovative approaches to support healthy choices, and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. Penn", with a stylized flourish at the end.

Patrick A. Penn
Deputy Under Secretary
Food, Nutrition, and Consumer Services
U.S. Department of Agriculture

Enclosures

WAIVER SUMMARY

IOWA SNAP HEALTHY CHOICE WAIVER DEMONSTRATION PROJECT

The Iowa SNAP Healthy Choice Waiver Demonstration Project (the Project) waiver is approved in accordance with the requirements to operate demonstration projects under Section 17[7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act)

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list of items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Iowa. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “all taxable food items as defined by the Iowa Department of Revenue.” The State will use Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220 to define taxable and nontaxable food items.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods.” Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Iowa. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except...” to include as an exception, and therefore be ineligible or purchase with SNAP, “all taxable food items as defined by the Iowa Department of Revenue.” The State will use Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220 to define taxable and nontaxable food items. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Iowa SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Iowa may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to assess how SNAP participants’ health and health behaviors are impacted by this pilot with additional nutrition supports and education through the SNAP-Ed program. Participation in the SNAP-Ed program is voluntary, and any household may opt into or out of the SNAP-Ed program and any corresponding evaluation tools, such as surveys,

interviews, or dietary recalls.

Alternative Procedures: Iowa’s proposed alternative procedure is to modify the list of items that can be excepted from the definition of “Eligible foods.” Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP authorized retailers in Iowa. Iowa specifically will include as an exception, and ineligible for purchase with SNAP, “all taxable food items as defined by the Iowa Department of Revenue” Iowa defines taxable and nontaxable food items in Chapter 423 of the Code of Iowa and Iowa Administrative Code Chapter 701-220. In Iowa, sugar sweetened beverages with less than 50% juice and items designated as candy are taxable, as are seeds for food producing plants and food producing plants.

Iowa’s proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

The Iowa Department of Revenue subjects the following general classifications of food products to sales tax:

Food Items	Beverages
Candy, candy-coated items, and candy products, including gum, candy primarily intended for decorating baked goods, and hard or soft candies including jellybeans, taffy, licorice, and mints and breath mints	Carbonated and noncarbonated soft drinks, including but not limited to colas, ginger ale, near-beer, root beer, lemonade, orangeade
Dried fruit leathers or other similar products prepared with natural or artificial sweeteners	All other drinks or punches with natural fruit or vegetable juice which contain 50 percent or less by volume natural fruit or vegetable juice; a typical example is Hi-C
Sweetened baking chocolate in bars, pieces, or chips	Beverage mixes and ingredients intended to be made into taxable beverages; liquid or frozen, concentrated or non-concentrated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned or unseasoned
Fruits, nuts, or other ingredients in combination with sugar, chocolate, honey, or other natural or artificial sweeteners in the form of bars, drops, or pieces	Concentrates intended to be made into beverages which contain 50 percent or less by volume natural fruit or vegetable juice

Food Items	Beverages
Caramel wraps, caramel or other candy-coated apples or other fruit; sweetened coconut, marshmallows; Granola bars, unless they contain flour	Sweetened naturally or artificially sweetened water
Ready-to-eat caramel corn, kettle corn, and other candy-coated popcorn	
“Prepared foods.” Prepared foods means: • Food sold in a heated state or heated by the seller, including food sold by a caterer (already prohibited on a federal level). • Two or more food ingredients mixed or combined by the seller for sale as a single item. • Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport food.	

Iowa will continue to allow SNAP recipients to purchase seeds for food producing plants and food producing plants under this waiver approval.

TERMS AND CONDITIONS

Prior to the Project's implementation date, January 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Iowa to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on January 1, 2026, and end on December 31, 2027, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on January 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.
- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and

behaviors tracked throughout the Project.

- The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires updating or amending existing contracts between the State and another entity (including, but not limited to Alterum, Conduit, Iowa University SNAP-Ed contract) the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.
 - Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.
- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative

measures prior to renewal so that FNS can continue to assess this demonstration Project's impact. Any request for extension must be submitted by June 30, 2027, at least 6 months prior to the end of the initial 2-year Project period.

- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants' shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Iowa.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - SNAP-Ed programming data:
 - i. Quarterly number of cohorts participating in the Project
 - ii. Number of individuals in each cohort
 - iii. Monthly attrition rates for each cohort
 - iv. Reporting on any SNAP-Ed evaluation framework or indicators used with each cohort
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and

monthly retailer data on SNAP shopping cart transaction data.

- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond December 31, 2027, the State should send a request to FNS by June 30, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

Iowa Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	January 1, 2026—March 31, 2026	May 15, 2026
Year 1, Quarter 2	April 1, 2026- June 30, 2026	August 14, 2026
Year 1, Quarter 3	July 1, 2026- September 30, 2026	November 16, 2026
Year 1, Quarter 4	October 1, 2026- December 31, 2026	February 15, 2027
Year 2, Quarter 1	January 1, 2027- March 31, 2027	May 17, 2027
Year 2, Quarter 2	April 1, 2027-June 30, 2027	August 16, 2027
Year 2, Quarter 3	July 1, 2027- September 30, 2027	November 15, 2027
Year 2, Quarter 4	October 1, 2027-December 31, 2027	February 14, 2028
Extension Request	Submitted by July 31, 2027	

To evaluate the Project the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and SNAP-Ed program participation and an assessment of participant changes to behavior and health outcomes.

Based on previous and ongoing technical assistance calls the State will amend its contract with the State's SNAP-Ed evaluation contractor, Altarum, to provide evaluation services including, but not limited to, further defining health outcomes, Institutional Review Board (IRB) submission and approval, and statistical analysis. The State also informed FNS that the State's contract with Iowa State for its SNAP-Ed programming will be updated to account for the Project and increase the cadence of SNAP-Ed reporting. Other evaluation tools will potentially include, but are not limited to, retailer and SNAP participant surveys, dietary recalls, food logging, SNAP-authorized retailer point-of-sale transaction log data.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.

NEBRASKA

**REQUEST FOR THE SECRETARY OF THE U.S. DEPARTMENT OF AGRICULTURE TO PILOT
PROJECTS MEANT TO IMPROVE APPROACHES TO NUTRITION UNDER THE
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

DATE: April 14, 2025

1. **Type of Request:** To operate a project modifying eligible foods under the Supplemental Nutrition Assistance Program (SNAP).
2. **Statutory Citation:** 7 U.S. Code § 2026(b)
3. **Primary Regulation Citation:** 7 CFR § 282.1
4. **State:** Nebraska
5. **Statutory and Regulatory Requirements to be Waived:** 7 U.S. Code § 2012(k) and 7 CFR § 271.2
6. **Proposed Alternative Procedure:** The State of Nebraska Department of Health and Human Services (DHHS), Office of Economic Assistance, is requesting to implement a demonstration project authorized by Section 17 of the Food and Nutrition Act of 2008 to modify the definition of eligible foods under the Supplemental Nutrition Assistance Program (SNAP). The State of Nebraska will exclude from the definition of eligible foods the following beverages:
 - a. Soda or "Soft Drinks." Soda or "Soft Drinks" are any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation.
 - b. "Energy drink." Energy drinks are carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.
 - c. For the purposes of this definition, both soft drinks and energy drinks are intended for human consumption and are available in various flavors, formulations, and packaging. However, beverages marketed primarily as sports drinks to increase hydration, like Gatorade or medically necessary nutritional products, are not included.
 - d. "Soft drinks" and "energy drinks" do not include beverages that contain milk or milk products; soy, rice, or similar milk substitutes; mineral water sold in containers; specialty foods that are liquids or that are to be added to a liquid and that are intended to be a substitute in the diet for more commonly used

food items are not included as soft drinks or energy drinks. This can include, but is not limited to, infant formula or meal replacement shakes.

This request is permitted by Section 17 of the Food and Nutrition Act of 2008, 7 U.S. Code § 2026, allowing States to conduct projects on a trial basis to better align the goals of Nebraska to the goal of SNAP—providing food assistance to raise nutrition levels among low-income individuals.

7. **Justification for Request:** The Declaration of Policy, which prefaces the Food and Nutrition Act of 2008 (P.L. 88-525, as amended through P.L. 118-5), emphasizes the health and well-being of the nation, as well as a nutritious diet. However, data shows Nebraska, like many others, is experiencing a health epidemic further induced by diet-related chronic disease. Numerous studies equate consumption of unhealthy food and drink, including soft drinks, sweetened beverages, candy, and other junk food, to instances of disease, including obesity, diabetes, high blood pressure, heart disease, and even some cancers.¹ Notably, the diet quality of SNAP families has worsened over the past decade regardless of incentive programs and nutrition education. In Nebraska, obesity rates have been rising since 1990. Multiple studies have shown that SNAP participation is associated with increased obesity risk.² In 2023, 36.6% of Nebraska adults were medically obese, which is defined as a body mass index (BMI) of 30 or higher. Between 2020 and 2021, 28.7% of Nebraska children ages 10-17 were overweight or medically obese.³ Multiple studies have shown that SNAP participation is associated with increased obesity risk.⁴ While SNAP was initially aimed at alleviating food shortfalls, many low-income individuals today are overeating the wrong foods. Studies have shown that low-income adults and children have higher obesity rates than other Americans.⁵ A recent review by Jerold Mande and Grace Flaherty found that children participating in SNAP were more likely to have elevated disease risk and consume more sugar-sweetened beverages, more high-fat dairy, and more processed meats than nonparticipants.⁶ According to the American Diabetes Association, obesity is linked to up to 53% of new cases of type 2 diabetes each year.⁷ Individuals with diabetes have medical expenses approximately 2.6 times higher than those who do not.⁸ Implementing this waiver may assist Nebraskans in consuming healthier options and reduce chronic

¹ <https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html#:~:text= Frequently%20drinking%20sugar%2Dsweetened%20beverages,gout%2C%20a%20type%20of%20arthritis.>

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC4580337/#:~:text= Obesity%20prevalence%20among%20SNAP%20participants,when%20compared%20to%20eligible%20nonparticipants>

³ <https://dhhs.ne.gov/CDPCP%20Fact%20Sheets/FINAL%20Obesity%20Facts.pdf>

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC4580337/#:~:text= Obesity%20prevalence%20among%20SNAP%20participants,when%20compared%20to%20eligible%20nonparticipants>

⁵ <https://www.cdc.gov/obesity/childhood-obesity-facts/childhood-obesity-facts.html>

⁶ <https://www.downsizinggovernment.org/food-stamps-and-obesity>

⁷ <https://diabetes.org/advocacy/federal-connected-congress#:~:text= Addressing%20the%20Obesity%20Epidemic,type%20of%20diabetes%20every%20year.&text= There%20is%20strong%20and%20consistent,be%20reduced%20and%20even%20avoided.>

⁸ <https://diabetesjournals.org/care/article/47/1/26/153797/Economic-Costs-of-Diabetes-in-the-U-S-in-2022>

disease and the costs surrounding their medical care, which is a necessary component in the move to make Nebraska healthy again. Nebraska DHHS requests this waiver so Nebraska can work to improve the health of low-income SNAP recipients and increase responsible spending of federal SNAP dollars.

8. **Implementation of Request:** The statistics discussed previously reiterate the growing crisis surrounding chronic disease in Nebraska. Nebraska DHHS' mission is to ensure that the health and wellness of Nebraska children and families is at the forefront of the work done by DHHS. The Nebraska Healthy SNAP waiver to omit soda and energy drinks from the SNAP-eligible purchase list is just one more step in the right direction toward making Nebraska healthy again. Through this restriction households are expected to use SNAP benefits to purchase healthier beverages to improve their overall health. Thereby helping people live better lives and aligning to the mission of Nebraska DHHS.

Nebraska DHHS will be responsible for overseeing the waiver and ensuring that the implementation plan is created in conjunction with all the stakeholders and participants impacted by the waiver. Efforts will be necessary to inform retailers of the new restrictions included within the waiver and ensure they know the definitions that will now be in effect. This will allow time for the grocers to update their systems prior to the implementation date. In addition, information and education will be necessary for SNAP participants to inform them of the new restrictions on spending on SNAP. Nebraska DHHS would ensure that all participants are informed of the changes and the impacts they may have when making purchases with their SNAP cards. In addition, Nebraska will ensure that this waiver is implemented "The Nebraska Way" with additional touchpoints with SNAP recipients to ensure they have the tools and knowledge to eat healthy, nutritious foods that will support brain development, healthy growth, and reduce or prevent chronic diseases. These outreach efforts will be completed through multiple avenues including text messages, collaboration with community partners, current nutrition education efforts, and mailings, recipes and nutrition information made available on websites and in-person classes and programs focused on healthy nutritious food choices.

SNAP interoperability will continue, knowing that participants coming to Nebraska will have their purchases restricted, while participants traveling to other states may be allowed to purchase the restricted items outside of Nebraska. In addition, working with grocers to ensure that information is available in the stores so out-of-state travelers are aware of Nebraska's restrictions and what other healthy and nutritious options are available for purchase. Nebraska DHHS will work with FNS to ensure retailer compliance is maintained. Additionally, efforts have been made to ensure that proposed definitions in other states align with Nebraska's definitions. Nebraska will continue conversations to ensure that interoperability continues as implementation planning is finalized.

PRE-DECISIONAL | DELIBERATIVE | PRIVILEGED

The state will work to maintain cost neutrality. The project will not affect household eligibility for SNAP or the overall benefit allotments. Any increased costs associated with the waiver would be due to information being shared with the retailers or the SNAP participants about the waiver which can be absorbed within the current costs of the program administration.

9. **Anticipated Impact on Households:** The benefit allotment and eligibility parameters for individuals and households will not change and no additional costs are anticipated. SNAP-authorized retailers currently restrict households from purchasing many items not included as SNAP "eligible food" in code or regulation. This waiver will only expand the list to exclude soft drinks and energy drinks as eligible foods. There is no federal mandate for retailers to participate in the program and accept SNAP benefits. It is a voluntary program for retailers.
10. **Proposed Implementation Date:** Upon technical assistance review and approval, within 90 days, DHHS will begin working with SNAP retailers to provide additional information about the definitions of soda and energy drinks that will need to be excluded, system updates that will be made, and communication to ensure consistent information is shared across the state. DHHS anticipates full implementation by January 2026.
11. **Time Period of Request:** Nebraska requests this waiver remain in place indefinitely.
12. **Proposed Evaluation of Request:** Nebraska DHHS will work with FNS to determine the appropriate evaluation measures. Preliminary plans for evaluation include a pulse study for all SNAP participants on a quarterly basis to evaluate their spending habits prior to the waiver implementation and in each quarter following implementation. In addition, Nebraska will work with the retailers and FNS to review SNAP purchases and determine the reduction in purchases of soda and energy drinks. Additionally, outreach efforts will be increased through SNAP Education (SNAP-Ed) to share information about the changes and additional educational opportunities to ensure participants know healthy options and recipes. This information will be shared broadly to increase participation. The increased participation should result in increased survey responses, demonstrating that clients purchase and consume soda and energy drinks less than before the waiver implementation. Nebraska DHHS will also continue to review reports and data regarding obesity rates for both adults and children in Nebraska.



Secretary Brooke L. Rollins
Washington, D.C. 20250

May 19, 2025

The Honorable Jim Pillen
Governor of Nebraska
Lincoln Office/State Capitol
1445 K Street
Lincoln, NE 68508

Shannon Grotrian
Director of the Office of Economic Assistance
Nebraska Department of Health and Human
Services
301 Centennial Mall South
Lincoln, NE 68509

Dear Governor Pillen:

The Food and Nutrition Service (FNS) is pleased to approve the request dated April 14, 2025, from the Nebraska Department of Health and Human Services to allow the State to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients from "any food or food product for home consumption" to exclude soda, "soft drinks," and energy drinks. This approval, subject to the enclosed terms and conditions, is for 2 years, effective January 1, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State, and its evaluation contractor to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters such as a threshold standard for retailers.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00012120. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices, and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

A handwritten signature in blue ink, reading "Brooke L. Rollins".

Brooke L. Rollins
Secretary
U.S. Department of Agriculture

Enclosures

WAIVER SUMMARY
NEBRASKA SNAP HEALTHY CHOICE WAIVER DEMONSTRATION PROJECT

The Nebraska SNAP Healthy Choice Waiver Demonstration Project (the Project) waiver is approved in accordance with the requirements to operate demonstration projects under Section 17[7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act)

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list of items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Nebraska. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “soda”, “soft drinks” and “energy drinks.” Nebraska’s definition of “soda” or “soft drinks” is any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation. Additionally, Nebraska’s definition of “energy drinks” is carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance. Under Nebraska’s definition, both soft drinks and energy drinks are intended for human consumption and are available in various flavors, formulations, and packaging. However, beverages marketed primarily as sports drinks to increase hydration, like Gatorade or medically necessary nutritional products, are not included.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Nebraska. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, “soda”, “soft drinks” and “energy drinks.” Nebraska’s definition of “soda” or “soft drinks” is any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation. Additionally, Nebraska’s definition of energy drinks is carbonated or non-carbonated beverages containing a stimulant such as fortified

caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance. Under Nebraska's definition, both soft drinks and energy drinks are intended for human consumption and are available in various flavors, formulations, and packaging. However, beverages marketed primarily as sports drinks to increase hydration, like Gatorade or medically necessary nutritional products, are not included. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Nebraska SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Nebraska may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to evaluate the impact of excluding soda, soft drinks and energy drinks from eligible purchases under SNAP on participants' consumption of these products. As part of the evaluation of the Project the State is developing key metrics and data collection methods including, but not limited to, surveys, interviews, and collection of retailer Point-of-Service (POS) data. The State will also assess how SNAP participants' health and health behaviors are impacted by this pilot with additional nutrition support and education through the SNAP-Ed program. Participation in the SNAP-Ed program is voluntary, and any household may opt into or out of the SNAP-Ed program and any corresponding evaluation tools, such as surveys, or interviews.

Alternative Procedures: Nebraska's proposed alternative procedure is to modify the list of items that can be excepted from the definition of "Eligible foods". Items that are not defined as "Eligible foods" cannot be purchased with SNAP benefits at SNAP authorized retailers in Nebraska. Nebraska specifically will include as an exception, and ineligible for purchase with SNAP, "soda", "soft drinks" and "energy drinks." Under Nebraska's definition of "soda" or "soft drinks" is any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation. Additionally, Nebraska's definition of energy drinks is carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance. Under Nebraska's definition, both soft drinks and energy drinks are intended for human consumption and are available in various flavors, formulations, and packaging. However, beverages marketed primarily as sports drinks to increase hydration, like Gatorade or medically necessary nutritional products, are not included.

Nebraska's proposed alternative procedures make no changes to the provisions that allow certain

populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

TERMS AND CONDITIONS

Prior to the Project's implementation date, January 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Nebraska to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on January 1, 2026, and end on December 31, 2027, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on January 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.
- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for

notifying and educating SNAP households of the Project.

- The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.
 - The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increased nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires updating or amending existing contracts between the State and another entity (including, but not limited to Public Consulting Group, Fidelity Information Services, Nebraska University SNAP-Ed contract) the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.
 - Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.

- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration Project's impact. Any request for extension must be submitted by June 30, 2027, at least 6 months prior to the end of the initial 2-year Project period.
- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Nebraska.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - SNAP-Ed programming data:
 - i. Quarterly number of cohorts participating in the Project
 - ii. Number of individuals in each cohort
 - iii. Monthly attrition rates for each cohort
 - iv. Reporting on any SNAP-Ed evaluation framework or indicators

used with each cohort

- Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.
- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond December 31, 2027, the State should send a request to FNS by June 30, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

Nebraska Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	January 1, 2026—March 31, 2026	May 15, 2026
Year 1, Quarter 2	April 1, 2026- June 30, 2026	August 14, 2026
Year 1, Quarter 3	July 1, 2026- September 30, 2026	November 16, 2026
Year 1, Quarter 4	October 1, 2026- December 31, 2026	February 15, 2027

Year 2, Quarter 1	January 1, 2027- March 31, 2027	May 17, 2027
Year 2, Quarter 2	April 1, 2027-June 30, 2027	August 16, 2027
Year 2, Quarter 3	July 1, 2027- September 30, 2027	November 15, 2027
Year 2, Quarter 4	October 1, 2027-December 31, 2027	February 14, 2028
Extension Request	Submitted by July 31, 2027	

To evaluate the Project the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and SNAP-Ed program participation and an assessment of participant changes to behavior and health outcomes. The State will also evaluate retailer participation, such as feedback relating to concerns, barriers and outcomes of Project.

Based on previous and ongoing technical assistance calls with FNS, the State will contract with the Public Consulting Group as its evaluation contractor, to provide evaluation services including, but not limited to, retailer point-of-sale data to include both SNAP and non-SNAP shoppers and statistical analysis.

The State's evaluation plan will focus on three survey component efforts through its SNAP-Ed partners. For example, assessing changes in what is learned, skills gained and purchasing behavior changes; frequency of purchase and consumption for same major food groups; and quality of life questions. The goal is to evaluate how these changes contribute to overall health and wellbeing pre and post Project. The State also informed FNS that the State's contract with Nebraska University for its SNAP-Ed plan will be updated to account for the Project and increase the cadence of SNAP-Ed surveys and reporting. Other evaluation tools will potentially include, but are not limited to, retailer and SNAP participant surveys, food logging, SNAP-authorized retailer point-of-sale transaction log data.

Based on previous and ongoing technical assistance calls with FNS and the proposed evaluation partners, the State may revise its evaluation plan subsequent to this approval. Any updates or revisions to the State's evaluation plan needs to be communicated to FNS.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.

TENNESSEE

TN SNAP Food Restriction Demonstration Waiver Request

Type of Request: SNAP FOOD RESTICTION

Date of Request: 8/12/2025

Revised: 9/29/2025

State: TN

Region: SERO

Statutory Citations:

7 U.S. Code § 2026(b)

Regulatory Citations:

7 CFR § 282.1

Summary of Food Restriction Demonstration Project Request:

Tennessee requests a demonstration project to modify the definition of foods allowable for purchase under the Supplemental Nutrition Assistance Program (SNAP) as authorized by Section 17 of the Food and Nutrition Act of 2008. The State's goal is to promote healthier eating habits among participants, supporting improved health outcomes and reducing diet-related conditions by encouraging the use of SNAP benefits for more nutritious food options.

Proposed Alternative Procedures to Operate Project:

SNAP-Eligible Food and Food Products Amended by the Food Restriction Demonstration Waiver

Under the proposed demonstration project, Tennessee will exclude from the definition of eligible SNAP foods the following items:

- a) Processed foods that list sugar, cane sugar, corn syrup, or high fructose corn syrup as the first ingredient, excluding granulated sugar, raw sugar, and other single-ingredient sugars used for cooking and baking.
- b) Beverages that list carbonated water and sugar, cane sugar, corn syrup, and high fructose corn syrup as the first two ingredients. Beverages that list aspartame or other low- or non-caloric sweeteners as the first two ingredients remain eligible for purchase.

This change supports efforts to address poor nutrition and chronic disease among families with low-income. The project will leverage retailer systems to ensure compliance through UPC-based filtering.

SNAP-Eligible Household Considerations:

Participating Households and Individuals

This initiative will be implemented statewide and apply to all SNAP recipients purchasing food within the State of Tennessee.

TN SNAP Food Restriction Demonstration Waiver Request

To provide consistency in compliance, minimize customer confusion, and facilitate a seamless transition for both recipients and retailers, the project will be implemented across all SNAP-approved retail locations within a defined timeframe. The State will not explore a phased approach based on household factors.

SNAP-Authorized Retailers Considerations:

SNAP-Authorized Retailers Participating in the Food Restriction Demonstration Waiver

This initiative will be implemented statewide and apply to all authorized SNAP retailers within the State of Tennessee. This includes online retailers, retail chains, large- and medium-sized retailers, convenience stores, wholesale suppliers, and small, locally owned businesses.

To provide consistency in compliance, minimize customer confusion, and facilitate a seamless transition for both recipients and retailers, the project will be implemented across all SNAP-approved retail locations by July 31, 2025.

TN will engage retailers and stakeholders to gather input, identify potential barriers, and ensure implementation is collaborative and practical. Retailer associations will help identify key stakeholders from a range of retailers including large chains, medium-sized stores, small businesses, convenience stores, mom-and-pop shops, and online retailers. Communications resources will be developed based on retailer and stakeholder input and made available through a TN Department of Human Services (TDHS) webpage. Available assets will include an FAQ, standardized messaging, signage templates, talking points for retailer staff, and other information that supports clear, uniform communication.

Consideration of Retailer Size

TN will work with the retail community to develop strategies that support retailers of varying size. The State will also collaborate with other states to identify approaches in use elsewhere that can be adapted for use in TN.

Retailer-Level System Changes

TN will work closely with the retail community during the discovery phase of this project to identify retailer-level impacts and system changes. The State will provide initial and ongoing information to support retailers during implementation, including clear definitions of what products are allowable and unallowable under SNAP to comply with modifications included in this waiver. TN's goal is for all retailers statewide to implement modifications while allowing flexibility in how retailers integrate the modifications within point-of-sale systems.

Costs and technical requirements of implementing system changes to comply with this waiver will be borne by retailers. TDHS will collaborate with other states to identify opportunities to leverage existing technology and cost-effective approaches to implementing eligible product modifications.

Impacts to the State Agency:

State-Level System Changes

TN SNAP Food Restriction Demonstration Waiver Request

TN does not anticipate any state-level system changes as part of this demonstration. The proposed item exclusions are designed to be implemented solely through retailer systems at the point-of-sale. Changes will be operationalized by retailers using UPC-based restrictions and will not require modification of the State's eligibility or benefit issuance systems.

Food Restriction Pilot Compliance Plans

Like other states requesting healthy food choice waivers, TN does not have regulatory authority to approve, sanction, or monitor retailers for compliance with federal program regulations. TN will ask retailers to complete an attestation form affirming compliance with the terms of this waiver.

TN is committed to effective implementation and stakeholder collaboration and will engage with the retail community throughout the demonstration period. Strategies to support full implementation may include:

- a) A dedicated webpage where retailers can access up-to-date information, FAQs, and training materials
- b) A retailer email listserv to distribute updates, key implementation milestones, and technical guidance
- c) Ongoing stakeholder meetings with retailers of all sizes to address questions, gather feedback, and ensure broad representation and engagement

The State will also collaborate with other states to identify strategies in use elsewhere that can be adapted for use in TN.

Staff Capacity and Training

TDHS Family Assistance, Public Information and Legislative Office (PILO), and leadership teams will contribute to implementation efforts. The Department will develop messaging and materials used by stakeholders to deliver consistent messaging about changes to allowable product purchases. TDHS Family Assistance operations staff at all levels, including eligibility workers and customer service staff, will help answer customer questions.

Communication Plan:

TN's communications plan will support recipient and retailer awareness of the demonstration project and emphasize simple and clear messaging about changes. Components of the communications strategy will include:

- a) Customer communication materials with clear messaging to support understanding of the changes
- b) Training materials for TDHS and partner staff who interact with SNAP customers, to ensure staff are prepared to explain the changes and answer questions accurately and confidently
- c) Retailer-facing resources available through a dedicated webpage and electronic updates, such as signage templates, informational posters, and FAQs to support communication at the point of sale
- d) Dedicated webpage to support customers throughout the demonstration

TN SNAP Food Restriction Demonstration Waiver Request

The State's communications strategy will ensure that customers are not surprised at checkout, retail staff are not burdened with unexpected questions, and TDHS and partner staff are equipped to deliver consistent, accessible messaging statewide.

Timeline:

TN's implementation timeline is estimated to last nine (9) months from inception to full implementation. The timeline below may change based on information gathered during the engagement and discovery phase.

Milestone	Date
Target approval date	Oct 1, 2025
Engagement and discovery phase begins - Partnership meetings with retailers and key stakeholders - Identification of existing data sources for evaluation and reporting - Research and review of peer state strategies - Website development	Oct 2025
Project development phase begins - Finalize implementation plan - Retailers begin developing UPC restriction list - Develop communication materials - Create training materials - Website updates - Identify data sources for evaluating project	Jan 2026
Training - Launch public information campaign - Distribute retailer materials - Release TDHS and staff partner training	Mar 2026
Full Implementation All retailers in compliance by July 31, 2026	Jun 2026 – July 2026
Ongoing support Continued communication with retailers and stakeholders	Aug 2026 Forward

Justification for Request:

The Food and Nutrition Act of 2008 of 2008 as amended emphasizes nutrition and health. This demonstration project will encourage nutritious choices that improve health outcomes for SNAP participants. Limiting the purchase of products with high sugar content under SNAP aligns SNAP benefits with public health goals while preserving access to essential groceries, ensuring SNAP dollars are used for foods that contribute to, rather than harm, health.

This demonstration project is a public health strategy intended to support informed purchasing choices for all participants. TN believes this initiative will strengthen SNAP's mission.

Proposed Evaluation Procedures:

TN SNAP Food Restriction Demonstration Waiver Request

The State will develop retailer and customer experience surveys to collect data on food purchasing habits, non-SNAP spending, and qualitative data.

SNAP-Eligible Individuals

TN's evaluation strategy will include an assessment of the demonstration's impact on program access as it pertains to customers. Data elements may include changes to the number and locations of approved retailers over time, and the State's customer experience survey will include questions that measure customer satisfaction.

SNAP-Authorized Retailers

TN's evaluation strategy will include an assessment of the demonstration's impact on program access as it pertains to retailers. Data elements may include changes to the number and locations of approved retailers over time, and the State's retailer experience survey will include questions that measure retailer satisfaction.

Redemption and Transaction Data

TN borders eight (8) states, the most of any state in the nation, and TN's SNAP customers are known to shop in bordering states. TDHS will rely on relationships with the retail community and FNS to obtain the necessary data to identify any significant changes in purchase patterns after the demonstration is implemented.

TDHS maintains a structured process for receiving and addressing customer complaints and will collect customer service data obtained through these channels related to the demonstration project. TN will work with key stakeholders to collect feedback about the initiative.

Anticipated Implementation Date:

Retailers will be in compliance by July 31, 2026. This timeline assumes an October 1, 2025 approval date. TN may adjust this timeline based on information gathered from key stakeholders.

Anticipated Program Costs:

TN plans to use existing resources and staffing to absorb the costs associated with this demonstration project.

Anticipated Expiration Date:

September 30, 2027, with continued approval/extension of the project contingent upon the results of ongoing project evaluation.

TN SNAP Food Restriction Demonstration Waiver Request

Signature of Requesting Official:

Michelle
Joyner

 Digitally signed by
Michelle Joyner
Date: 2025.09.29
15:50:07 -05'00'

State Contact

Name: Michelle Joyner

Email: michelle.joyner@tn.gov

Telephone: 615-626-2595

Regional Office Contact

Name:

Email:

Telephone:



Secretary Brooke L. Rollins

December 10, 2025

The Honorable Bill Lee
Governor of Tennessee
State Capitol, 1st Floor
600 Dr. Martin Luther King Jr, Blvd.
Nashville, TN 37243

Clarence H. Carter, Commissioner
Tennessee Department of Human Services
505 Deaderick Street
Nashville, TN 37243

Dear Governor Lee:

The Food and Nutrition Service (FNS) is pleased to approve the Tennessee Department of Human Services' request to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients. The Tennessee State agency has requested to amend the SNAP definition of food for purchase to exclude processed foods and beverages such as soda, energy drinks, and candy. The State agency formally requested this waiver on August 13, 2025, then provided a revised request on September 29, 2025. This approval, subject to the enclosed terms and conditions, is for 2 years, effective July 31, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State, and any potential evaluation contractor to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters such as a threshold standard for participating retailers.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00013291. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices, and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

Brooke L. Rollins
Secretary

U.S. Department of Agriculture

Enclosures

WAIVER SUMMARY
TENNESSEE SNAP FOOD RESTRICTION WAIVER DEMONSTRATION PROJECT

The Tennessee SNAP Food Restriction Waiver Demonstration Project (the Project) is approved in accordance with the requirements to operate demonstration projects under Section 17 [7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act).

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list food items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Tennessee. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, processed foods and beverages such as soda, energy drinks, and candy.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Tennessee. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, processed foods and beverages such as soda, energy drinks, and candy. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Tennessee SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Tennessee may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to evaluate the impact of excluding select food items including soda, energy drinks, candy, and prepared desserts from eligible purchases under SNAP on participant’s consumption of these products. As part of the evaluation of the Project the State is developing key metrics and data collection methods including, but not limited to, surveys, interviews, and dietary recalls. SNAP households’ participation in these evaluation and data

Alternative Procedures: Tennessee's proposed alternative procedure is to modify the list of items that can be excepted from the definition of "Eligible foods". Items that are not defined as "Eligible foods" cannot be purchased with SNAP benefits at SNAP-authorized retailers in Tennessee. Tennessee specifically will include as an exception, and ineligible for purchase with SNAP, processed foods and beverages such as soda, energy drinks, and candy.

TENNESSEE SPECIFIC INFORMATION ON RESTRICTED ITEMS/CATEGORIES

Excluded Foods:

- "Processed foods" that list sugar, cane sugar, corn syrup, or high fructose corn syrup as the first ingredient, excluding granulated sugar, raw sugar, and other single-ingredient sugars used for cooking and baking. "Processed foods" are foods that include any food altered from its natural state through processes including, but not limited to, heating, mixing, milling, canning, freezing or adding ingredients.

Excluded Beverages:

- "Beverages" that list carbonated water and sugar, cane sugar, corn syrup, and high fructose corn syrup as the first two ingredients. Beverages that list aspartame or other low-or-non-caloric sweeteners as the first two ingredients remain eligible for purchase.

Tennessee's proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. The State is not seeking to propose alternative procedures for items already banned from SNAP purchase such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

TERMS AND CONDITIONS

Prior to the Project's implementation date, July 31, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Tennessee to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on July 31, 2026, and end after July 31, 2028, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on July 31, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project

implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.

- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.
 - The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires creating, updating or amending existing contracts between the State and another entity, the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.

- Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP-authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration Project's impact. Any request for extension must be submitted by January 31, 2028, at least 6 months prior to the end of the initial 2-year Project period.
- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars,

more frequent shopping trips, etc.).

- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Tennessee.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.
- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond July 31, 2028, the State should send a request to FNS by January 31, 2028, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting

schedule.

Tennessee Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	July 31, 2026-October 29, 2026	December 13, 2026
Year 1, Quarter 2	October 30, 2026-January 28, 2027	March 14, 2027
Year 1, Quarter 3	January 29, 2027-April 29, 2027	June 13, 2027
Year 1, Quarter 4	April 30, 2027-July 29, 2027	September 12, 2027
Year 2, Quarter 1	July 30, 2027-October 28, 2027	December 12, 2027
Year 2, Quarter 2	October 29, 2027-January 27, 2028	March 12, 2028
Year 2, Quarter 3	January 28, 2028-April 27, 2028	June 11, 2028
Year 2, Quarter 4	April 28, 2028-June 27, 2028	September 10, 2028
Extension Request	Submitted by January 31, 2028	

To evaluate the Project the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and their purchasing habits. If possible, the State will use retailer transaction data, loyalty card purchase records, and macro spending EBT utilization data to track longitudinal shifts in purchasing patterns for specific food and beverage categories over time. The State plans to establish a baseline using calendar year 2025 transaction data and provide quarterly trends for the first year of the Project and annual trends for subsequent years. Outcome indicators for the Project will be an increase in nutrient dense purchases (fresh fruits, vegetables, etc.), increase in non-SNAP spending on restricted items, and increase in out of state and online transactions.

The State also plans to evaluate the impact and readiness for SNAP participants' and SNAP-authorized retailers' awareness, understanding, and adaptation to policy changes through measuring the effectiveness of communication and implementation efforts. SNAP participants' assessment will be conducted using customer call center logs, internal ticketing and tracking systems, social media monitoring, additional questions added to the customer portal and targeted surveys. SNAP-authorized retailers' assessment will be conducted using webinars, surveys, self-evaluation tools, and transaction-level data.

Based on previous and ongoing technical assistance calls with FNS, the State may revise its evaluation plan subsequent to this approval. Any updates or revisions to the State's evaluation plan needs to be communicated to FNS.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.

WEST VIRGINIA

SNAP Healthy Food Choice Demonstration Waiver Request Template

United States Department of Agriculture Food and Nutrition Service

SNAP HEALTHY FOOD CHOICE STATE DEMONSTRATION REQUEST

Section 17(b) of the Food and Nutrition Act of 2008, as amended (the Act), allows FNS to waive statutory requirements of the Act to conduct pilot projects designed to test program changes to increase the efficiency of the Supplemental Nutrition Assistance Program (SNAP) and improve the delivery of SNAP benefits to eligible households. The Act limits the provisions that may be waived. Projects may be approved for a period of 5 years and the Act requires that each project must include an evaluation component that demonstrates the effects of the project.

This template intends to guide and assist States in submitting a SNAP Healthy Food Choice Demonstration Project Request. States should follow the guided prompts and questions and offer any additional detail, if applicable, under each section to ensure a complete understanding of the State's proposed project.

States should review the impermissible projects prohibited by Section 17 (b)(1)(B)(iv) of the Act and additional restrictions on demonstration projects in the appendix below before requesting a SNAP Healthy Food Choice demonstration project. Additionally, to facilitate the demonstration review process, FNS strongly suggests States inform their Regional Office to discuss the project and provide any necessary technical assistance prior to submission of a request. The FNS National Office SNAP Healthy Choice team is also open to join Regional or State Agency calls to provide technical assistance.

SNAP Healthy Food Choice demonstration projects are intended to test innovative ideas that develop and implement modernized programmatic systems, infuse SNAP with new programmatic energy and vision, and strengthen State strategies to encourage healthy choices, healthy outcomes, and healthy families. FNS looks forward to working with States on potential changes to program operations that align with the Secretary's vision for nutrition assistance programs.

FNS reserves the right to withdraw its waiver approval and terminate demonstration projects at any time if FNS determines that the project is inconsistent with SNAP goals to increase the efficiency of the program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals. If the State is unable to provide the data required as part of the terms and conditions of waiver approval or if FNS determines that the project is associated with significant increases in payment errors or access concerns, **FNS may suspend or terminate the project at any time.**

SNAP Healthy Food Choice Demonstration Waiver Request Template**Type of Request:** SNAP HEALTHY FOOD CHOICE**Date of Request:** June 10, 2025**State:** West Virginia**Region:** MARO**Statutory Citations:** 7 U.S.C. 2012(k)**Regulatory Citations:** 7 CFR 271.2(1), 7 CFR 278.2(a)**Summary of Healthy Food Choice Demonstration Project Request:**

West Virginia is seeking a waiver to restrict the purchase of soda. Soda includes regular soda, diet soda, and zero sugar/calorie soda. The long-term intended outcome is for SNAP households to transition to healthy drink options, and produce positive health impacts as a result.

Proposed Alternative Procedures to Operate Project:

The State of West Virginia (Department of Human Services) is seeking approval for a waiver to exclude **sugar sweetened beverages (also known as soft drinks or soda)** from purchase with Supplemental Nutrition Assistance Program (SNAP) benefits. WV will implement this waiver to improve the overall health of its population, particularly SNAP recipients who experience challenges to healthy choice access. Soda has no nutritional value and has been linked to excessive weight gain as a result of poor satiating properties of sugar in liquid form¹. WV believes the purchase of sugar sweetened beverages is detrimental to the health of its SNAP population and is antithetical to the purpose of the SNAP program. The State of West Virginia requests that the United States Department of Agriculture (USDA) expediently review and approve this waiver so that WV can work to improve the health of low-income SNAP recipients and increase responsible spending of federal SNAP dollars.

The 1964 Food Stamp Act's original intent was to strengthen the agricultural economy and provide improved levels of nutrition among low-income households. The House version of the 1964 bill would have prohibited the purchase of soft drinks². Additionally, on August 2, 1962, President John F. Kennedy provided the following quote about the eight state pilot Food Stamp program (which included WV)...*"During the past year, the Department of Agriculture has been conducting a food stamp program in eight pilot areas. There have been encouraging results from this program. Low income families are receiving better diets--they have been able to obtain meat, poultry, fish, milk, eggs, fruits and vegetables. Retail food store sales in these areas increased 8 percent in dollar volume. There have been savings in distribution costs and benefits to the economy of the food stamp communities"*³.

For the purposes of this waiver, soda is defined as the following:

"Soda pop" or "soda" means any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and

¹ U.S. Department of Agriculture/U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025 edition*. https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf

² U.S. Department of Agriculture, Food and Nutrition Services. *A Short History of SNAP*. [A Short History of SNAP | Food and Nutrition Service](#)

³ The American Presidency Project. *Statement by the President on the Food Stamp Program*. [Statement by the President on the food Stamp Program](#).

SNAP Healthy Food Choice Demonstration Waiver Request Template

carbon dioxide gas to create carbonation. This term includes beverages with added caffeine or other ingredients but does not include carbonated water without sweeteners or flavoring.

The following drink options are not included in this waiver and will remain available for purchase with SNAP: *milk and milk products, fruit and vegetable juice, or water and water products.*

Justification for Request:

The intent of this waiver is to reduce the expenditure of taxpayer funds on unhealthy drink options that contribute to poor health outcomes for participants in a program that is designed to enhance the nutrition (and therefore the health) of low income families. Recently, U.S. Secretary of Agriculture, Brooke Rollins stated... “Huge thanks to WV Governor Morrisey for leading the way, I look forward to your Food Stamp pilot request as we build a healthier and safer food supply. Governor Morrisey is a visionary, and willing to cut through the D.C. noise to help families move toward healthier behaviors and healthier outcomes.” <https://x.com/secrollins>

West Virginia, like other states, is experiencing a health epidemic of obesity and other chronic diseases such as type 2 diabetes and heart disease resulting from consumption of foods with high sugar content. One of the most commonly purchased items in this category includes sugar sweetened beverages (soda). Numerous studies have shown the detrimental impact of consumption of items with high sugar content, and it has been shown that more than half of sugar consumption is from sugar sweetened beverages (soda)⁴. USDA has already set a precedent for defining food with “minimal nutritional value” in its National School Lunch Program (NSLP) guidelines.

West Virginia recently became the first state in the United States to create a state law to ban harmful food additive dyes, including blue #1, blue #2, red #3, red #40 and yellow #5 through WV HB2354, which will apply to W.VA State Code §16-7-2. The request to exclude soda will assist West Virginia in aligning our SNAP program goals with the overall health goals of our state.

According to the Centers for Disease Control and Prevention (CDC), as of 2023, WV was one of only three states to have an obesity prevalence of 40% or greater (41.2%). Also, according to recent reports, approximately 73.9% of all West Virginians are either overweight or obese⁵. These statistics highlight significant public health challenges in the Mountain State, with obesity being linked to various health issues. Several articles have been published related to WV’s overall obesity amongst children and adults⁶.

According to evaluation research conducted from 1998 to present by WVU Extension Services through the Coronary Artery Risk Detection in Appalachian Communities (CARDIAC) Program, as funded by WV SNAP-Ed, the following data points can in part be attributed to unhealthy diet options:

- The number of students with a Body Mass Index (BMI) of greater than 85% to 94% increased from 413 in the year 1998 to 931 in the year 2022. ***This represents a 125.4% increase of negative health contributors.*** These children are considered overweight.

⁴ PubMed Central. “Ending SNAP Subsidies for Sugar Sweetened Beverages Could Reduce Obesity and Type 2 Diabetes (study). [Ending SNAP Subsidies For Sugar-Sweetened Beverages Could Reduce Obesity And Type 2 Diabetes](#)

⁵ Centers for Disease Control and Prevention. Obesity Prevalence Map and overview study. <https://www.cdc.gov/obesity/data-and-statistics/adult-obesity-prevalence-maps.html>

⁶ Trust for America’s Health. The State of Obesity 2024: Better Policies for a Healthy America. https://www.tfah.org/wp-content/uploads/2024/09/TFAH_Obesity_One-Pager_West-Virginia_09.10.24_vfinal_1.pdf

SNAP Healthy Food Choice Demonstration Waiver Request Template

- The number of students with a BMI of greater than 95% increased from 635 in the year 1998 to 1,656 students in the year 2022. ***This represents a 160.8% increase of negative health contributors.*** These children are considered obese.
- The number of children with abnormal insulin levels increased from 11.1 in the year 1998 to 63.9 in the year 2022. ***This represents a 475.7% increase of negative health contributors.***
- The number of students with a positive marker (%) for Acanthosis Nigricans (AN) increased from 111 in the year 2001 to 459 in the year 2022. ***This represents a 313.5% increase of negative health contributors.***

The WV SNAP-Ed CARDIAC program is a public health initiative that screens 5th grade public education students across the state for risk factors associated with heart disease and diabetes. CARDIAC commonly measures factors such as blood pressure, lipid profile, blood glucose levels, and acanthosis nigricans screenings, as well as family health history, behaviors and lifestyle⁷.

The United Health Foundation for American Health Rankings in 2021 reported that 22.5% of West Virginia high school students indicated they drink a can, bottle, or glass of soda two or more times per day in a given week. WV had the highest soda consumption of any state reported amongst high school students⁸.

In federal fiscal year 2024, West Virginia Medicaid (excluding CHIP) paid \$157,271,330.13 in pharmacy claims for medications related to diabetes and weight management. This substantial expenditure underscores the financial burden that obesity-related chronic illnesses impose on public healthcare programs. Allowing SNAP benefits to be used for the purchase of nutritionally void, sugar-sweetened beverages may be contributing to these preventable health conditions and their associated costs. Implementing policies that promote healthier food choices within SNAP – such as restricting the purchase of soda pop – has the potential to reduce the prevalence of diet-related disease and, in turn, generate long-term savings for Medicaid and other taxpayer-funded healthcare programs.

SNAP-Eligible Food and Food Products Amended by the Healthy Food Choice Demonstration Waiver

- Proposed restricted items: All types of soda.

SNAP-Eligible Household Considerations:

As of March 2025, West Virginia had a statewide SNAP caseload of 146,488 households and 273,981 individual recipients. 100% of WV's SNAP caseload will be affected by this waiver. The waiver will span the entire population as well as including both metropolitan and rural areas for all ages.

It is anticipated that this waiver will restrict the purchase of soda. It is anticipated that through this waiver, households will shift the use of SNAP funds to purchase healthier drink options. The State will provide additional education to the public and SNAP households about available healthy drink choices. A public communications campaign will be launched two months prior to the implementation to give households time to adjust to the change. The SNAP agency has the oversight responsibility of this waiver.

Participating households and individuals

- *Describe the target population included in this waiver.*
This waiver impacts the entire WV SNAP population.

⁷ WVU Extension Family Nutrition Program. CARDIAC Project: A 23 Year Summary. <https://cardiacwv.org/docs/1998%20-%202022-%20ALL%20YEARS%20SUMMARY%20-%205th%20Grade.pdf>

⁸ United Health Foundations: America's Health Rankings. [Explore Soda Consumption - Youth in West Virginia | AHR](#)

SNAP Healthy Food Choice Demonstration Waiver Request Template

- *Describe the pilot approach for households.*
This waiver impacts all SNAP households once approved.

SNAP-Authorized Retailers Considerations:

This waiver will impact all SNAP retailers (2,118) in West Virginia. All retailers must comply within 12 months of the waiver implementation date, or they will not be eligible to be SNAP retailers. Gaining buy-in from retailers will be a critical component of this waiver. Communications regarding implementation of this waiver will be required at both the federal and state level. Since USDA enrolls and regulates retailers as it administers the SNAP program, it will need to communicate new requirements to new retailers. The state will work to educate existing retailers about which items may be purchased with SNAP.

SNAP-Authorized Retailers Participating in the Healthy Food Choice Demonstration Waiver

- *List the retailers participating in this pilot.*
All SNAP retailers must participate. WV can provide a list of all 2,118 WV retailers to FNS if required.
- *Explain how the participating retailers were selected.*
All SNAP retailers within the bounds of WV will participate.
- *Will retailer participation in the pilot be phased in?*
Retailers will have 12 months to change systems and be waiver compliant.

Consideration of retailer size

- *Provide the State's plan to adjust implementation time based on retailer size and system capabilities, if applicable.*
N/A.

Retailer-Level System Changes

- *Describe how the retailer systems will be able to support all alternative procedures required of the project, or will it require an upgrade or enhancements?*

Retailers participating in SNAP in West Virginia will be required to implement point-of-sale (POS) system changes that support real-time transaction adjudication. This functionality allows for the transmission of Universal Product Code (UPC) or Price Look-Up (PLU) data at the time of purchase to determine whether items are eligible under the waiver. The system adjudicates items on a per-transaction basis, authorizing or denying each item based on a restricted product list defined by the State and integrated into the EBT processing platform.

Retailers with existing experience processing Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) transactions are expected to have similar capabilities in place and can adopt the necessary modifications relatively quickly. All retailers will have 12-months from the waiver approval date to become compliant with the terms of the waiver.

The State's EBT vendor, FIS, will not require modification to the West Virginia ebtEDGE system, provided that enforcement remains the responsibility of the retailer POS systems. Retailers must transmit item-level data to the EBT processor for adjudication, receive a list of

SNAP Healthy Food Choice Demonstration Waiver Request Template

allowable items, and submit only approved values for authorization. Transactions involving restricted items will be automatically declined at the point of sale.

- *Describe any exemptions for retailers that are unable to make the necessary system changes.*

West Virginia does not anticipate granting permanent exemptions to SNAP-authorized retailers that are unable to implement the required POS upgrades. All retailers operating in West Virginia and participating in SNAP will be expected to comply with the purchase restriction within 12 months of waiver approval. During the implementation window, the State will provide clear guidance and technical specifications to retailers and work with the West Virginia Retailers Association and other stakeholders to support compliance.

Retailers that fail to make the necessary changes within the required time frame may be referred to USDA FNS for compliance action or reconsideration of SNAP authorization status in the state. Temporary allowances may be considered on a case-by-case basis for retailers actively working toward compliance, but no permanent carve-outs will be allowed.

Impacts to the State Agency:

West Virginia foresees increases in call volume, constituent services inquiries, media inquiries, and additional social media information externally to the public. The State is committed to helping SNAP households over the hurdle of this new waiver. WV will utilize our SNAP-Ed implementing agency to offer alternative drink options to SNAP households.

West Virginia does not foresee a Program cost increase for State or Federal partners. Rather, the cost of changing systems and upgrading to comply with this waiver will be shifted to SNAP retailers operating within WV.

West Virginia maintains a comprehensive list of SNAP retailers. As of March 2025, WV had 2,118 active SNAP retailers. SNAP retailers will be notified via mail of the new restrictions on SNAP purchases and provide instructions on how to implement the change. Prior to implementation, the State of West Virginia staff will meet with representatives from the WV Retailers Association, as well as small groceries in rural areas (where food deserts exist) to discuss the impending changes and find ways to make the change easier for retailers. The State will offer technical assistance to any retailer who requests help with the changes associated with this waiver.

State-Level System Changes

- *If applicable, describe how the State system will be able to support all alternative procedures required of the project, or will it require any upgrade or enhancements?*

N/A - The People's Access to Help (PATH) WV's eligibility system will not require changes. Furthermore, the customer agreement with WV's EBT processor, Fidelity Information Services (FIS) will also not require changes.

- *If your state operates Summer EBT, will it also be subject to these restrictions or will EBT system changes be required to ensure no impact to that program?*

Summer EBT will follow suit and restrict soda to align with the SNAP Healthy Choices demonstration waiver.

SNAP Healthy Food Choice Demonstration Waiver Request Template

Healthy Food Purchases Compliance Plans

The West Virginia Office of Inspector General (WV OIG) is the entity responsible for investigating fraud within public benefits for the state. WV OIG will work with USDA FNS for an appropriate and operable plan to ensure WV SNAP retailers do not allow the purchase of soda using SNAP benefits. WV OIG will utilize existing procedures to monitor compliance for this waiver.

- *How will the State work with retailers to ensure compliance?*

DoHS and the Office of Shared Administration (OSA) will provide written guidance to all SNAP retailers related to the changes that will occur as a result of implementing this waiver.

- *Once implemented, how will the State confirm restrictions have been implemented at the retailer level?*

Existing SNAP retailers must provide written confirmation to DoHS acknowledging that changes have been made at the processor level to ensure compliance of this waiver.

- *How will retailers be held responsible if their equipment is not updated and clients are able to make ineligible purchases?*

12 months following full implementation of this waiver, WV OIG will utilize credible tips from the public to investigate SNAP retailers who are allowing the purchase of soda with SNAP. Upon an initial citation of non-compliance, the retailer will be notified via certified mail that DoHS is aware they are allowing the sale of soda using SNAP benefits and that this is not allowed. The State will work with the retailer to understand why they are not compliant with the statewide waiver. Upon the second/later citation of non-compliance the SNAP retailer will receive an official notice that they are not eligible to be a SNAP retailer for a specified amount of time. Upon a third/final citation of non-compliance the SNAP retailer will receive an official notice that they are permanently ineligible to be a WV SNAP retailer.

- *How will retailers authorized after project launch be notified of the pilot parameters?*

USDA FNS is the entity responsible for authorizing SNAP retailers. FNS will need to assist the state in providing initial information to the prospective retailer, prior to authorization. Once authorized DoHS will provide technical assistance to any retailer who needs assistance complying with this statewide waiver.

Staff Capacity and Training

This waiver request will not impact WV's eligibility staff capacity. There are no alternative procedures to conferring eligibility. Each staff member will be provided with talking points for the general public that includes information about the waiver, the waiver's impact, and alternative healthy drink options. The Office of Constituent Services will track client complaints related to waiver implementation.

- *Will the State designate a specific team for the project? If so, please describe it.*
N/A

SNAP Healthy Food Choice Demonstration Waiver Request Template

Communication Plan:

- *Describe the anticipated timeframe and details of the State's plan, including any training and communication, to reach the target SNAP population for the project.*

West Virginia will begin a comprehensive communications rollout two months prior to the implementation date of this waiver. The communications plan will be targeted specifically to SNAP households, while informing the general public and stakeholder groups in food advocacy. A second communication plan will be targeted specifically to statewide retailers. WV understands that smaller retailers may have less capacity than larger retailers. The state will provide technical assistance to any retailer who requests additional information and help.

- *Also describe how communication and training will be provided to SNAP households that become eligible after the project launch.*

WV will update the DoHS BFA website and PATH website with banner messages for this change for a year following implementation. Also, the state will request SNAP eligibility workers to inform new SNAP households about restricted items. Furthermore, the State will provide ongoing social media messages for a year following implementation.

- *If applicable, describe any nutrition education (ex- SNAP-ed) provided, or planned to be provided, to SNAP-eligible households.*

SNAP-Ed will create targeted graphs and one-page documents related to the availability of healthy drink options.

- *Describe the anticipated timeframe and details of the State's outreach plan, including any training and communication, to reach the participating retailers for the project.*

WV has already begun engaging with the SNAP retailer community about the SNAP Healthy Choices demonstration waiver. Retailers have concerns as to be expected. WV will also provide talking points to SNAP retailers targeted toward SNAP households about not being able to purchase soda using SNAP benefits.

- *Also describe how communication and training will be conducted with newly authorized retailers over the course of the demonstration project.*

Any new SNAP retailer will be informed of the restricted items prior to receiving retailer approval.

Timeline:

West Virginia SNAP Healthy Choices Implementation Timeline

- Upon submission of the waiver, WV will begin engaging with SNAP retailers
- Upon receipt of FNS waiver approval, WV will begin social media messaging regarding changes to both SNAP households and the general public
- Retailer communication will also begin immediately upon FNS waiver approval

SNAP Healthy Food Choice Demonstration Waiver Request Template

- Two months prior to implementation, WV will provide strategic talking points to all eligibility staff and SNAP retailers
- Retailer readiness target date will be 30 days prior to the implementation of the waiver
- Implementation will occur by January 1, 2026, or 6 months following FNS approval of the waiver

Proposed Evaluation Procedures:

West Virginia will incorporate an analysis of Medicaid claims data to assess changes in obesity-related health outcomes over the course of the demonstration period. Specifically, the state will monitor trends in the diagnosis and treatment of conditions closely associated with high consumption of sugar-sweetened beverages, including Type 2 diabetes, hypertension, obesity, and related cardiovascular diseases. By analyzing claims data before and after implementation of the waiver, the state aims to identify any correlation between reduced soda consumption – encouraged through the restriction – and positive shifts in Medicaid utilization patterns.

The evaluation will involve longitudinal analysis of claims data across affected SNAP households, using comparison groups to account for confounding variables. West Virginia will also explore stratified data by region, age group, and demographic characteristics to better understand the waiver's effects on subpopulations. As part of the evaluation plan, the state may engage an external research partner to ensure methodological rigor and to provide USDA with an independent analysis of the health-related impacts. These findings will be used not only to assess the effectiveness of the waiver in promoting public health, but also to inform the potential for permanent policy adoption.

Stakeholder Engagement

The State agency will assess potential impacts (economic, nutritional, emotional), as well as understanding concerns such as stigma and food access for SNAP households. This engagement will allow for improvement for future policy designs.

- *Describe what data will be collected as part of this project.*

The State agency through its partnership with WVU Extension Family Nutrition Program (the implementing agency for WV SNAP-Ed) will gather state specific data on soda consumption trends before and after the restriction waiver, to determine improved health outcomes as a result of decreased soda consumption. WV will utilize data from the CARDIAC program to measure future health metrics for students.

WV SNAP-Ed will collect data about recipient beverage behavior and consumption and related health outcomes, through adult direct education outreach. This will include collecting surveys and interviews related to beverage purchases consumption based on a 24-hour dietary recall. SNAP-Ed will also build into their "Rethink your Drink" program evaluation criteria for this waiver.

"Rethink Your Drink" is a campaign promoting healthier beverage choices, particularly for children, by encouraging water consumption and reducing the intake of sugary drinks. It emphasizes the negative health impacts of sugar-sweetened beverages and provides educational resources to help individuals make informed choices about their drinks.

West Virginia will report to FNS on a quarterly basis during year one about the waiver implementation and setup of the planned evaluation. In year two through the remainder of the waiver period, WV will report annually on the progress and outcomes of the demonstration project.

SNAP-Eligible Individuals

SNAP Healthy Food Choice Demonstration Waiver Request Template

- *Describe how the State will evaluate the impact of this project on program administration and program access.*

The State agency will assess potential impacts (economic, nutritional, emotional), as well as understanding concerns such as stigma and food access for SNAP households. This engagement will allow for improvement for future policy designs. WV foresees increased administrative burden with retailer compliance and technical assistance that will be shared between BFA, OSA, and WV OIG. There is potential for some SNAP access issues in more rural areas where food deserts exist, but WV feels the potential health outcomes of reducing soda consumption outweighs this concern.

- *Describe how the State will measure client satisfaction.*

West Virginia will measure client satisfaction through existing tracking mechanisms within the Office of Constituent Services. This entity is the group responsible for receiving and addressing client complaints and relaying that information to state-level and district-level DoHS leadership.

SNAP-Authorized Retailers

- *Describe how the State will evaluate the impact of this project on program administration and program access as it relates to retailers.*

The West Virginia Department of Human Services (DoHS) will evaluate the administrative and operational impact of the waiver on retailers through a phased assessment process. In partnership with the West Virginia Retailers Association, DoHS will:

- Conduct a statewide retailer readiness and needs assessment to identify technical capabilities, implementation costs, and barriers to adoption.
- Track retailer progress toward compliance through periodic check-ins at 3, 6, and 12 months post-approval.
- Monitor administrative burdens reported by retailers and assess potential impact on the number and distribution of SNAP-authorized vendors in the state.
- Evaluate any change in SNAP recipient access to retailers by analyzing redemption trends, retailer participation rates, and geographic coverage before and after implementation.
- *Describe how the State will measure retailer satisfaction.*

Retailer satisfaction will be measured through a multi-pronged evaluation process developed in partnership with retail stakeholders. Planned strategies include:

- A formal survey administered at 6 and 12 months post-implementation to collect feedback from participating SNAP retailers on system changes, cost burdens, and customer experience.
- Targeted listening sessions or interviews with representatives of both large and small retailers to identify challenges, opportunities, and recommendations for improvement.
- A follow-up assessment at 24 months to evaluate long-term satisfaction and determine whether the restriction has affected retailer operations or SNAP participation.

Redemption and Transaction Data

- *Describe how the State will track and evaluate out-of-state transactions in bordering states.*

SNAP Healthy Food Choice Demonstration Waiver Request Template

While West Virginia does not receive item-level data on SNAP purchases made out-of-state, the State's EBT vendor (FIS) provides monthly reports on all out-of-state transactions completed with Mountain State EBT cards. These reports include:

- Total number of transactions
- Total redemption value
- State and zip code of transaction origin

DoHS will use these reports to monitor changes in cross-border shopping behavior following implementation of the waiver. Increases in the volume or dollar amount of out-of-state redemptions—particularly in zip codes adjacent to West Virginia's border—will be analyzed to assess potential displacement effects. Where patterns indicate a significant shift in purchasing behavior, DoHS will include this information in quarterly evaluations submitted to USDA FNS.

- *FNS will require the following additional data be provided:*
 - *Client complaints about the pilot project;*
 - *Retailer complaints about the pilot project;*
 - *Any additional feedback on the pilot project provided by key stakeholders (e.g., grocer associations or community-based organizations); and*
 - *Out of state transaction data to determine cross-border shopping transactions.*

The Office of Constituent Services will track client complaints, retailer complaints, and any additional feedback on the demonstration project by key stakeholders. The Office of EBT is the entity with the knowledge to track out of state transaction data to determine cross-border shopping transactions, but FIS does not provide this data and FNS does not currently require granular shopping data.

Anticipated Program Costs:

WV does expect to incur expenses related to noticing retailers, both prior to the implementation and after the implementation to monitor compliance. There will be no change to our FIS EBT customer agreement. There will be an evaluation expense with SNAP-Ed This will be funded using prior year's SNAP-Ed carry over funds. There is also expected to be a minor contractual cost to the State associated with the longitudinal study of Medicaid Claims Data.

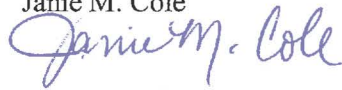
Anticipated Implementation Date: January 1, 2026, or 6 months following approval of the waiver (whichever is later).

Anticipated Expiration Date: December 31, 2030

SNAP Healthy Food Choice Demonstration Waiver Request Template

Signature of requesting official:

Janie M. Cole



Bureau for Family Assistance, Commissioner

State Contact:

Name: Marsha Stowers, Director

Email: Marsha.L.Stowers@wv.gov

Telephone: 304-352-4556

Regional Office Contact:

Name: Alyssa Hayes

Email: alyssa.hayes@usda.gov

SNAP Healthy Food Choice Demonstration Waiver Request Template

Appendix

Impermissible Projects

Section 17(b)(1)(B)(iv) of the Act explicitly prohibits waivers of certain provisions of the Act. FNS is unable to approve projects that involve a waiver of these provisions.

Impermissible eligibility criteria waivers

Healthy Food Choice demonstration projects may not:

- Change the definition of household for those living in Federally subsidized housing for older adults, group living arrangements, domestic violence shelters, homeless shelters, and drug and alcohol treatment centers), institutions, or boarding houses (Sec. 3(m)(4) and (5));
- Change the gross income standards of eligibility for households that do not have an elderly or disabled member to a level other than 130 percent of the Federal Poverty Level (Sec. 5(c)(2));
- Change the work requirements exemption for parents or household members caring for with dependent children under the age of 6 or caring for an incapacitated person (Sec. 6(d)(2)(B));
- Increase the shelter deduction for households with low or no out-of-pocket housing costs; or
- Deny benefits to an otherwise eligible individual or household (last sentence of Sec. 5(a)).

Impermissible State operations waivers

Healthy Food Choice demonstration projects may not:

- Waive the requirements (Sec. 11(e)(2)(B)) for States to:
 - Provide timely, accurate and fair service to SNAP applicants and participants;
 - Develop a SNAP application; and if the State has a website, make the application available on their website in every language a printed application is available;
 - Allow a household to apply on the same day they first contact a SNAP office during office hours;
 - Consider an application with only name, address, and signature to be filed on the date of application;
 - Require an adult representative to certify that the information on the application is true and that all members are citizens or eligible aliens;
 - Provide a method of certifying and issuing benefits to homeless households; or
 - Determine applicant eligibility within 30 days of the date of the filing of an application (time standard in Sec. 11(e)(3)).
- Change the provisions outlining which parts of the Act are not allowed to be waived;
- Absolve a State from acting with reasonable promptness on substantial reported changes in income or household size;
- Prohibit States from operating a Workfare Program or change the 50/50 matching provisions for workfare activities, including reimbursements for participants in workfare activities;
- Waive provisions of the Simplified SNAP (an optional program for TANF households);
- Waive the State Option to issue benefits to individuals who are not compliant with the work requirements established by welfare reform. If the State issues benefits to these individuals, they must pay the Federal Government back and will not receive Federal match for those recipients.
- Change the 50/50 Federal reimbursement provisions;
- Change QC system requirements, payment error rate, and associated liability process for payment error rates; or
- Change 50/50 Federal reimbursement provisions for eligibility systems.

SNAP Healthy Food Choice Demonstration Waiver Request Template

FNS is available to answer questions and provide technical assistance to States requesting demonstration projects. If you are unsure whether your State's request would require an impermissible waiver, please contact FNS.

Additional Restrictions on Demonstration Projects

- Demonstration projects may be approved for up to five years with extensions possible thereafter.
- If a demonstration project reduces benefits by more than 20 percent for more than 5 percent of households in the project area (excluding households whose benefits are reduced for failure to comply with work requirements), the demonstration project:
 - cannot affect more than 15% of households in the State AND
 - may not continue for more than 5 years unless the Secretary approves an extension request.
- Demonstration projects **may not**:
 - Provide benefits in the form of cash or a manner otherwise non-restricted to food (except for a project approved before August 22, 1996);
 - Allow SNAP funds to be used to fund other public assistance programs, or use the funds for any purpose other than the purchase of food, program administration, or employment and training activities; or
 - Count SNAP benefits as income or resources for tax purposes, welfare, public assistance programs or any other Federal, State, or local assistance program (Sec. 8(b)).



Secretary Brooke L. Rollins

August 4, 2025

The Honorable Patrick Morrissey
Governor of West Virginia
Office of the Governor/State Capitol
1900 Kanawha Blvd. E,
Charleston, WV 25305

Janie M. Cole
Commissioner
Bureau of Family Assistance
West Virginia Department of Human Services
350 Capitol Street
Room 730
Charleston, WV 25301

Dear Governor Morrissey:

The Food and Nutrition Service (FNS) is pleased to approve the request dated June 10, 2025, from the West Virginia Department of Human Services to allow the State to operate a novel demonstration project to amend the statutory definition of food for purchase by Supplemental Nutrition Assistance Program (SNAP) recipients from "any food or food product for home consumption" to exclude soda. This approval, subject to the enclosed terms and conditions, is for 2 years, effective January 1, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State, and any potential evaluation contractor to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports, as well as finalize key implementation parameters such as a threshold standard for participating retailers.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00012844. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices, and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

A handwritten signature in black ink, appearing to read "Brooke L. Rollins", is written over the word "Sincerely,".

Brooke L. Rollins
Secretary

Enclosures

WAIVER SUMMARY
WEST VIRGINIA SNAP FOOD RESTRICTION WAIVER DEMONSTRATION PROJECT

The West Virginia SNAP Food Restriction Waiver Demonstration Project (the Project) is approved in accordance with the requirements to operate demonstration projects under Section 17 [7 U.S.C. 2026] (b)(1)(B)(i), and Section 17 [7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008, as amended (the Act).

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list of items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in West Virginia. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, soda, which the State is defining as any carbonated non-alcoholic beverage that contains water, a sweetening agent, flavoring, and carbon dioxide gas to create carbonation.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in West Virginia. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, soda, which the State is defining as any carbonated non-alcoholic beverage that contains water, a sweetening agent, flavoring, and carbon dioxide gas to create carbonation. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire West Virginia SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in West Virginia may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to evaluate the impact of excluding soda from eligible purchases under SNAP on participant’s consumption of these products and enhance the nutrition, and therefore the health, of low-income families. As part of the evaluation of the Project the State is developing key metrics and data collection methods including, but not limited

to, surveys, interviews, and dietary recalls. SNAP households' participation in these evaluation and data collection methods is voluntary, and any household may opt into or out of the corresponding evaluation tools.

Alternative Procedures: West Virginia's proposed alternative procedure is to modify the list of items that can be excepted from the definition of "Eligible foods". Items that are not defined as "Eligible foods" cannot be purchased with SNAP benefits at SNAP-authorized retailers in West Virginia. West Virginia specifically will include as an exception, and ineligible for purchase with SNAP, soda, which the State is defining as any carbonated non-alcoholic beverage that contains water, a sweetening agent, flavoring, and carbon dioxide gas to create carbonation.

WEST VIRGINIA SPECIFIC INFORMATION ON RESTRICTED ITEMS/CATEGORIES

Excluded Beverages:

- "Soda pop or soda" means any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation. This term includes beverages with added caffeine or other ingredients but does not include carbonated water without sweeteners or flavoring.
- The following options are not included in the waiver and will remain available for purchase with SNAP: milk and milk products, fruit and vegetable juice, and water or water products.

West Virginia's proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

TERMS AND CONDITIONS

Prior to the Project's implementation date, January 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes West Virginia to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on January 1, 2026, and end on December 31, 2027, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on January 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation

schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.

- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.
 - The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires creating, updating or amending existing contracts between the State and another entity, the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.

- Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP-authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.
- FNS reserves the right to withdraw its waiver approval and terminate the Project at any time if FNS determines that the Project is inconsistent with SNAP goals to increase the efficiency of the Program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration Project's impact. Any request for extension must be submitted by June 30, 2027, at least 6 months prior to the end of the initial 2-year Project period.
- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.

- The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
- Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border West Virginia.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.
- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.
 - FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond December 31, 2027, the State should send a request to FNS by June 30, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

West Virginia Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	January 1, 2026-March 31, 2026	May 15, 2026
Year 1, Quarter 2	April 1, 2026-June 30, 2026	August 14, 2026
Year 1, Quarter 3	July 1, 2026-September 30, 2026	November 16, 2026
Year 1, Quarter 4	October 1, 2026-December 31, 2026	February 15, 2027
Year 2, Quarter 1	January 1, 2027-March 31, 2027	May 17, 2027
Year 2, Quarter 2	April 1, 2027-June 30, 2027	August 16, 2027
Year 2, Quarter 3	July 1, 2027- September 30, 2027	November 15, 2027
Year 2, Quarter 4	October 1, 2027-December 31, 2027	February 14, 2028
Extension Request	Submitted by July 31, 2027	

To evaluate the Project the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and their purchasing habits. If possible, the State will use retailer transaction data, loyalty card purchase records, and macro spending EBT utilization data to track longitudinal shifts in purchasing patterns for specific food and beverage categories over time. The State will also look at Medicaid claims and CARDIAC program data to monitor youth obesity and related conditions over time.

The State also plans to evaluate the impact and readiness for SNAP participants' and SNAP-authorized retailers' awareness, understanding, and adaptation to policy changes through measuring the effectiveness of communication and implementation efforts. SNAP participants' assessment will be conducted using complaint tracking and satisfaction data from the Office of Constituent Services. SNAP-authorized retailer assessments will be conducted using surveys and interviews to measure operational impacts and satisfaction.

Based on previous and ongoing technical assistance calls with FNS, the State may revise its evaluation plan subsequent to this approval. Any updates or revisions to the State's evaluation plan needs to be communicated to FNS.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.