



Analysis:

States' SNAP Food Choice Restrictions

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We extend our deepest appreciation to the advocates across the country who are working tirelessly to protect access to food assistance for households struggling against hunger. Their lived expertise, policy insight, and sustained advocacy were instrumental in shaping this analysis and grounding it in the realities faced by SNAP participants, retailers, and state agencies.

We also wish to acknowledge the [National Center for Law and Economic Justice](https://nclej.org) (NCLEJ) for its leadership and commitment to justice in recognizing the profound legal and civil rights implications of SNAP food restriction waivers. To learn about their lawsuit that challenges the legality of the waivers, please visit: <https://nclej.org> (the case is Aragon et al v. Rollins, D.D.C., No. 1:26-cv-00861).

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About FRAC

The Food Research & Action Center (FRAC) improves the nutrition, health, and well-being of people struggling against poverty-related hunger in the United States through advocacy, partnerships, and by advancing bold and equitable policy solutions. For more information about FRAC, or to [sign up](#) for FRAC's e-newsletters, go to www.frac.org.



ANALYSIS OVERVIEW

This analysis examines the expansion of state waivers approved by the U.S. Department of Agriculture (USDA) starting in 2025 that restrict the purchase of certain foods and/or beverages using Supplemental Nutrition Assistance Program (SNAP) benefits. The report includes the following sections:

5 **Background and Historical Context**

Brief review of the current and prior food restriction waiver landscape.

5-6 **Cross-State Synthesis**

Common patterns in the waivers, such as inconsistent definitions, lack of supporting evidence, weak implementation and evaluation plans, inadequate communication strategies, and variation that harms equity and interoperability.

7 **Fiscal Implications of the Waivers**

Discussing the fiscal implications within broader state budgets, with recent federal policy shifts under the budget reconciliation law, H.R. 1 (also known as the “One, Big, Beautiful Bill Act,” or OBBBA), highlighting costs, fiscal stress, administrative burdens, and examples from recent actions and history.

8 **Table of SNAP Choice Waiver Program**

Outlining states’ implementation dates, estimated new administrative and benefit cost-shares, SNAP participants, fiscal year (FY) 2024 SNAP revenue, the number of Electronic Benefit Transfer (EBT) retailers, and recession risks.

9-10 **Conclusion and Recommendations**

Provides key recommendations for USDA based on the cross-state synthesis.

11-105 **States’ Profile Analysis**

Organized by implementation date, summarizing and analyzing the state’s waiver justification, restricted items, implementation plans, communication strategies, and evaluation plans.

States by Implementation Dates:

JANUARY 1, 2026

Iowa	11
Utah	16
Indiana	20
Nebraska	24
West Virginia	30

FEBRUARY 18, 2026

Louisiana	42
APRIL 1, 2026	
Texas	43
APRIL 20, 2026	
Florida	47

JULY 31, 2026

Tennessee	56
AUGUST 1, 2026	
Hawaii	60
AUGUST 31, 2026	
South Carolina	64

SEPTEMBER 30, 2026

Montana	73
OCTOBER 1, 2026	
Missouri	74
Virginia	78
Ohio	82

FEBRUARY 15, 2026

Idaho	34
Oklahoma	38

JULY 1, 2026

Arkansas	51
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SEPTEMBER 1, 2026

North Dakota	68
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OCTOBER 30, 2026

Colorado	87
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W/FEBRUARY 1, 2027

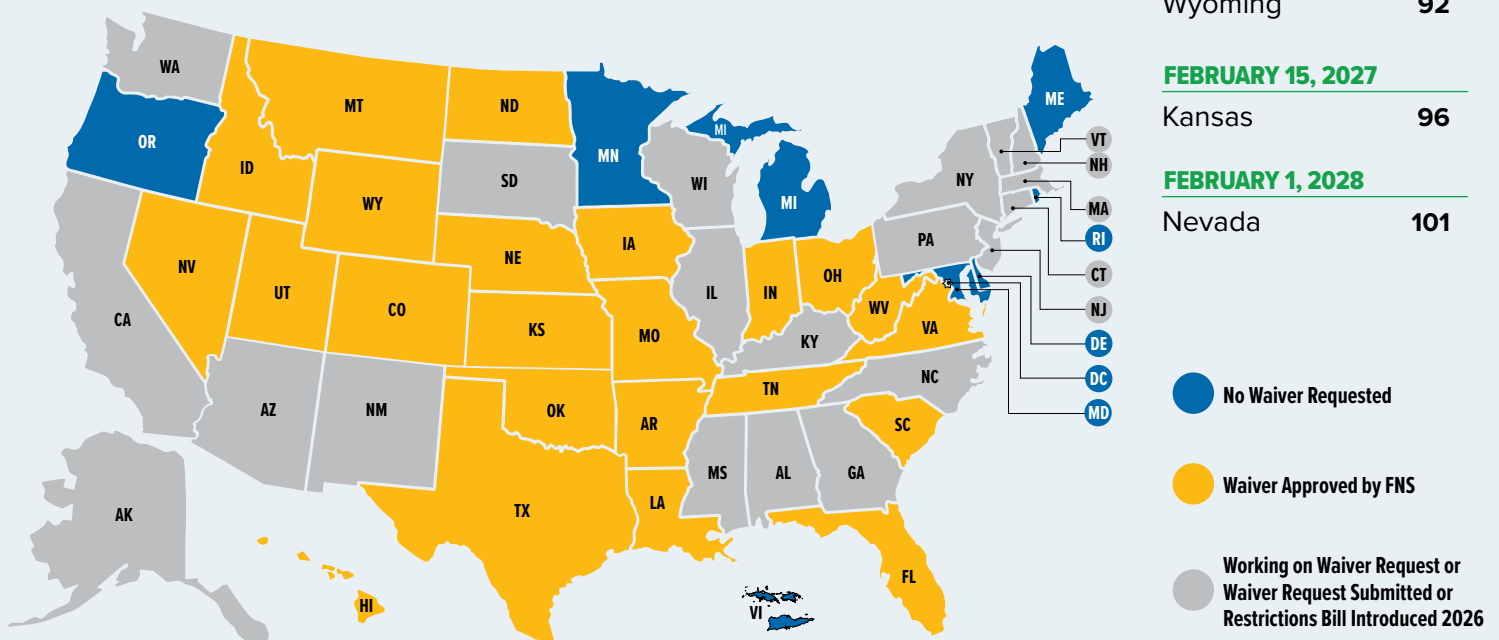
Wyoming	92
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FEBRUARY 15, 2027

Kansas	96
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FEBRUARY 1, 2028

Nevada	101
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The waiver analysis is primarily based on publicly available information from the [USDA SNAP Food Restriction Waivers website](#), state agency websites, and the [National Grocers Association SNAP Tracker](#). In several instances, additional information was obtained from personal communication with state advocates. Because of variations in implementation dates, states differed in the amount and types of information available for review. For instance, states already implementing restrictions were more likely to have dedicated websites, communication materials, and retailer guidance available for review. States implementing restrictions in late 2026, 2027, or 2028 had less information to review for this analysis, often just the state waiver request and USDA approval letter.

Given the dynamic and evolving nature of the restriction landscape, this document will be updated regularly to reflect new state waivers and modifications to existing state waivers. FRAC welcomes and encourages stakeholder feedback and insights to help inform these updates. FRAC will also continue to monitor USDA and state agency websites for new or updated implementation and evaluation resources, and if available, critically review the resources for inclusion in this document. Each state profile includes the date of the state’s most recent analysis. Otherwise, the information in this report is up-to-date as of May 15, 2026.

BACKGROUND AND HISTORICAL CONTEXT

Beginning in 2025, USDA incentivized and approved an unprecedented wave of state waivers authorizing restrictions on certain foods and beverages eligible for purchase with SNAP benefits. USDA has approved 23 state waivers, each implemented or scheduled for implementation statewide, marking a fundamental shift in federal SNAP policy. These demonstrations collectively represent the most sweeping modification to SNAP purchasing rules since the program's inception. Some states have also extended the restrictions to the Summer EBT Program.¹

The July 2025 budget reconciliation law (H.R. 1) reduced federal Medicaid spending by approximately \$911 billion over 10 years.² To partially offset the impact in rural states, H.R. 1 created a \$50 billion Rural Health Fund³ — a sum that covers only about one-third of the projected \$137 billion in rural Medicaid cuts over the same period and just 5 percent of total Medicaid reductions nationwide. Compounding these cuts, the Trump administration has explicitly promoted state applications for SNAP food restriction waivers as a “positive factor” in securing access to this limited rural health funding, effectively linking SNAP policy changes to states’ efforts to backfill Medicaid losses.⁴

Historically (i.e., before 2025) across both Democratic and Republican administrations, including the first Trump administration, USDA denied all state waiver requests seeking to restrict SNAP purchases.^{5,6,7,8} These denial letters consistently cited concerns related to program and participant stigma, operational feasibility, current state agency administrative challenges, interstate interoperability, retailer burden, and — critically — the absence of rigorous evaluation designs capable of generating credible evidence. The current approval of waivers in such a fast-paced manner, therefore, represents a sharp departure from prior federal standards and raises important questions about the rigor of the waiver review process, the evidentiary basis for these policy changes, and the adequacy of federal oversight. The latter is especially a concern in light of substantial USDA staffing losses since January 2025.

CROSS-STATE SYNTHESIS OF COMMON PATTERNS

This report includes state profiles for all approved waivers, in order of implementation date. Across states, waiver proposals are justified primarily on public health grounds, with officials asserting that restricting purchases of products they self-describe as “unhealthy” will improve diet quality, reduce chronic disease, and lower health care costs among SNAP participants. Yet, as documented in the state profiles that follow, these claims are largely unsupported by cited evidence. Waiver requests routinely fail to justify why SNAP participants, whose food purchases closely resemble those of income-eligible nonparticipants, should be uniquely targeted.⁹ Most also fail to acknowledge the substantial body of research demonstrating SNAP’s existing effectiveness as currently operated in improving food security, dietary intake, health outcomes,¹⁰ and lowering health care costs.^{11,12}

Equally concerning is the lack of coherence within and across state waivers. The state profiles include multiple examples that reinforce the challenge in identifying specific items for restriction in SNAP, given

According to a commentary in the *American Journal of Public Health*, “evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health. On the contrary, evidence suggests that should restrictions be implemented, they may instead produce a paradoxical effect through accumulation of new stressors that exacerbate preventable health disparities.”

Citation: Krobath, D. M., Lawrence, J. A., Chrisinger, B. W., & Cuevas, A. G. (2025). Safeguarding SNAP as an effective antihunger program: myths and potential harms of adding diet quality as a core objective. *American Journal of Public Health*; 115(1): 37-41.

the complexity, ever-evolving, and sheer volume of products on the market. States rely on divergent, often opaque definitions — ranging from carbonation status and ingredient-order rules to sales tax codes, stimulant lists, and proprietary product classification systems. As a result, nutritionally similar products are frequently treated differently within and across states, producing outcomes that are difficult to justify from a nutrition, health, or equity perspective. Identical products may be eligible in one state and ineligible in another, while products with, for example, higher sugar content are often allowed if they meet technical criteria unrelated to health, such as being noncarbonated.

Implementation and communication challenges further compound these issues. Most states submitted waivers with no intention of conducting pilot tests or phased rollouts of the restrictions, and without finalizing retailer and consumer guidance or seeking input from these stakeholders before submission. Consequently, communication and retailer training strategies frequently rely on oversimplified signage and information, QR codes, or complex decision matrices that assume high levels of literacy (often only in English), reliable internet access, and fluency in reading and interpreting food labels. These approaches risk increasing confusion, checkout friction, and stigma for participants. This is particularly a concern for participants with limited English proficiency or those shopping in time-constrained or rural retail environments. Inadequate retailer communication and guidance also risk causing confusion and frustration for SNAP retailers, making them prone to implementation errors and burdens that compromise their participation in the program, and by extension, food access for low-income households.

Moreover, while federal law requires all SNAP waivers to include evaluations,¹³ the evaluation plans associated with these demonstrations are, in most cases, inadequate to meet that standard. Waiver requests often include only cursory evaluation descriptions, lack defined metrics or sampling strategies, rely on convenience samples, and fail to isolate the effects of purchasing restrictions from concurrent nutrition education or incentive programs. Despite federal statutory requirements for rigorous evaluation, and despite prior denials on these grounds, USDA approval letters rarely identified or corrected these deficiencies. Instead, they largely replicated generic “Terms and Conditions” language and deferred substantive methodological decisions to states. While the USDA approval letters do offer broad language about evaluation expectations, the guidance fails to identify specific metrics or data sources, nor does it require a standardized set of variables for study. This oversight will be especially problematic for making comparisons across states.

Section 17(b)(1)(A)8 grants the Secretary of Agriculture limited authority to waive requirements for SNAP; however, there is a strong legal argument that neither the statute nor the regulations allow USDA to waive or redefine statutory definitions. A definition is not a procedural or operational requirement; it is a fixed element of law that Congress intentionally established to govern the program scope. Because Congress specifically defined “eligible foods” in the statute, USDA cannot rewrite or narrow that definition through a waiver mechanism designed for testing administrative changes. Allowing the Secretary to redefine statutory terms through waivers would enable the agency to override congressional intent, an outcome Section 17 does not authorize.

FISCAL CONTEXT AND THE IMPLAUSIBILITY OF ‘COST NEUTRAL’ SNAP RESTRICTIONS

A critical but largely absent element across all approved SNAP food restriction waivers is any serious accounting of cost. Nearly every waiver asserts, often without qualification, that restrictions can be implemented using “existing resources,” or “current staffing”. These claims are not only unsupported; they are increasingly implausible given both historical precedent and the fiscal and operational reality facing state SNAP agencies. Under H.R. 1/OBBBA, states will be required to cover 75 percent of SNAP administrative costs beginning in fiscal year (FY) 2027, up from 50 percent historically, and may be required to share SNAP benefit costs starting in FY 2028 based on payment error rates.¹⁴ At the same time, SNAP-Education (SNAP-Ed) has been defunded, benefit adequacy has been weakened, and expanded time limits have increased administrative complexity, leaving states to administer a more demanding program with fewer resources and higher financial responsibility, often without having had the opportunity to plan for these changes in their FY 2026–2027 budgets.¹⁵

In this fiscal environment, where state and local governments are entering one of the most fiscally constrained periods since the Great Recession,¹⁶ the assertion that SNAP purchasing restrictions can be implemented “as part of day-to-day operations” is not credible. Several states implementing SNAP restriction waivers — including Florida and Missouri¹⁷— hold reserves equivalent to less than one month of expenditures, and Colorado¹⁸ and Nebraska¹⁹ ended last fiscal year with hundreds of millions in budget deficits, leaving little margin to absorb new administrative burdens.

MILLIONS IN NEW COSTS

- WISCONSIN:
\$3 million
- WYOMING:
\$600,000+ annually
- NEVADA:
\$3 million (27 months)
- KANSAS:
additional staffing and contractor costs

Implementing SNAP restrictions requires significant new state investments.

Restriction waivers impose new costs across eligibility systems, retailer coordination, consumer communications, and compliance monitoring, training, and evaluation. Some states explicitly shift costs to retailers; others implicitly shift burdens to already strained eligibility staff and call centers amid rising error rates and service backlogs. Recent actions directly contradict assertions of cost neutrality: Wisconsin has already allocated \$3 million to pursue SNAP restrictions.²⁰ Furthermore, several states with recently approved waivers recognize the potential economic impact of implementing restrictions. For instance, Kansas intends to hire a contractor and additional staff, and account for these costs in their upcoming fiscal year plan. Wyoming estimates annual costs of \$600,000 (if not more) whereas Nevada, with a broader approach, estimates a \$3 million price tag for their 27-month demonstration (**see box**). As additional context, the Healthy Incentives Pilot required \$4 million in federal funding to implement the demonstration in a single county.²¹ By contrast, today’s statewide SNAP restriction waivers are being implemented with far greater complexity, no dedicated federal support, and at a time when states are required to pay substantially more to operate SNAP. The absence of cost estimates for most states is, therefore, a fundamental flaw that raises serious concerns about whether SNAP food restriction waivers can be implemented responsibly, let alone evaluated rigorously, under current economic conditions.

SNAP CHOICE WAIVER PROGRAM AND FISCAL LANDSCAPE: COSTS, PARTICIPATION, REVENUE IMPACTS BY STATE

State	Waiver Implementation Date	Projected FY 28 Total Cost (increased admin and new cost-share)	SNAP Participants (Dec 25)	FY26 SNAP revenue	Number of EBT retailers	Recession risks
Arkansas	July 1,2026	\$119,443,203	229,989	\$84,660,063	2,538	Treading water
Colorado	Undetermined/Delayed state to have a response on whether or not to move forward	\$272,147,287	590,753	\$238,283,557	3,160	Recession/At-risk
Florida	April 20,2026	\$1,187,347,171	2,590,727	\$1,012,999,119	14,600	Expansion
Hawaii	August 2,2026	\$85,327,460	163,285	\$111,229,981	886	Treading water
Idaho	February 15, 2026	\$13,926,377	123,859	\$46,619,319	1,111	Expansion
Indiana	January 1,2026	\$285,479,298	545,195	\$224,380,599	5,501	Expansion
Iowa	January 1,2026	\$67,017,120	252,435	\$90,599,941	2,936	Recession/At-risk
Kansas	February, 17,2027	\$84,857,380	176,821	\$67,013,063	2,075	Recession/At-risk
Louisiana	February, 18,2026	\$229,169,362	750,066	\$292,452,082	4,196	Expansion
Missouri	October 1,2026	\$245,251,302	632,439	\$263,707,283	4,961	Treading water
Nebraska	January 1,2026	\$37,283,458	138,013	\$53,458,851	1,391	Expansion
Nevada	February 1,2028	\$58,762,992	433,142	\$158,557,489	1,986	Treading water
North Dakota	September 1,2026	\$24,711,461	53,167	\$10,743,676	562	Expansion
Ohio	October 1,2026	\$537,575,500	1,376,454	\$523,368,675	9,583	Treading water
Oklahoma	February 15,2026	\$312,950,460	629,337	\$251,405,491	3,812	Expansion
South Carolina	August 31,2026	\$182,944,811	522,178	\$205,505,193	5,091	Expansion
Tennessee	July 31,2026	\$354,616,805	629,537	\$282,308,440	6,492	Treading water
Texas	April 1,2026	\$1,018,597,086	3,244,886	\$1,506,788,201	21,259	Expansion
Utah	January 1,2026	\$38,567,462	159,978	\$65,989,813	1,568	Expansion
Virginia	October 1,2026	\$487,787,149	721,486	\$284,325,845	6,091	Recession/At-risk
West Virginia	January 1, 2026 (includes Summer EBT)	\$88,256,422	255,901	\$91,925,355	2,004	Recession/At-risk
Wyoming	February 1,2027	\$13,520,452	24,800	\$9,645,458	392	Recession/At-risk

RECESSION, OR AT-RISK, analysis is the one utilized by the business cycle dating committee of the National Bureau of Economic Research. It involves identifying a broad, sustained decline in economic activity. It assesses whether a recession is underway using real-time data that reflect the current state of the economy. Key indicators include payroll and household employment, unemployment rates, industrial production measures, personal income, retail sales, and building permits. Additional data considered are unemployment insurance claims, migration patterns, household credit growth and delinquency rates, house prices, federal surveys, and state tax revenues.

TREADING WATER describes a situation where the economy is neither in a downturn nor experiencing growth.

EXPANSION refers to the normal state of the economy. States would have to pay a percent of SNAP issuance based off of payment error rates:
 » below 6 percent: 0 percent match » 6–8 percent: 5 percent match » 8–10 percent: 10 percent match » over 10 percent: 15 percent match.

* The new law allows only high-error states to postpone cost-sharing; others must pay sooner. States can delay until FY 2029 or 2030 if FY 2025 or FY 2026 error rates, multiplied by 1.5, reach 20 percent. This delay can only be claimed once, using data from FY 2025 or FY 2026. State administrative costs are based on FY 2023 data and are an estimated figure for SNAP expenses. The calculation includes the state, federal, and American Rescue Plan Act (ARPA) funding that combined covered the total SNAP administrative costs in FY 2023, resulting in the 75% increase being larger than simply increasing the State Administrative Costs at 50% by 25%.

+ Counties operating in states that cover administrative costs will face higher expenses. The shares for each state are as follows: California 28%, Colorado 40%, Minnesota 79%, New Jersey 100%, New York 100%, North Carolina 100%, North Dakota 0%, Ohio varies annually, Virginia 15.5%, Wisconsin 65%. Zandi, M. (2025, October 22).

Nearly one-third of national GDP is produced in states that are either in recession or at high risk of entering one. These regions, spread across every part of the country, are showing signs of strain. Moody's Analytics. LinkedIn.com. <https://www.linkedin.com/pulse/23-states-recession-reveal-fragility-useconomy-mark-zandi-dybre/>

CONCLUSION AND RECOMMENDATIONS

This cross-state review of SNAP food restriction waivers reveals a striking convergence of policy ambition and evidentiary weakness. Across all approved demonstrations, states have been granted broad authority to restrict SNAP purchases despite failing to provide robust justification for targeting SNAP participants, failing to demonstrate that proposed restrictions align with nutrition science, failing to address structural inconsistencies embedded in waiver design, and failing to design evaluations capable of producing credible, generalizable evidence.

Collectively, these findings suggest that the current wave of SNAP food restriction waivers represents not a carefully designed set of demonstrations, but rather a rapid, large-scale policy shift undertaken without the safeguards typically required for experimental changes to federal nutrition programs.

RECOMMENDATIONS FOR USDA

USDA should halt further expansion of purchase restrictions, refocus on technical assistance to support states during H.R. 1 implementation, and reaffirm SNAP’s longstanding principles of dignity, choice, and evidence-based policy. Specific recommendations follow.

1. Reaffirm SNAP’s Core Principles

USDA should reaffirm that SNAP is a nutrition assistance and anti-hunger program — not a behavioral compliance program. To this end, USDA should:

- ▶ reject purchase restrictions that reduce choice without evidence of benefit;
- ▶ avoid policies that increase stigma or administrative burden, which undermine access and program integrity;
- ▶ rely on USDA’s own historical findings showing restrictions are ineffective and burdensome at scale; and
- ▶ prioritize technical assistance for the program with a focus on H.R. 1 implementation, error-rate reduction, and operational stability.

2. Reinstate Evidence-Based Standards for Waiver Approval

USDA should require that all future SNAP restriction waiver requests and expansions of existing demonstrations include a clear, evidence-based justification for:

- ▶ targeting SNAP participants specifically,
- ▶ selecting particular foods or beverages for restriction, and

According to the Academy of Nutrition and Dietetics, “although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs ... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families.”

Citation: Academy of Nutrition and Dietetics. (2025). SNAP: Summary of science. Available at: https://www.eatrightpro.org/news-center/public-policy-news/snap-summary-of-science?_zs=EL5Fa&_zl=Se9g4.

- ▶ how the proposed restrictions are expected to improve diet quality or health outcomes.

Waivers that rely on general assertions about obesity, sugar consumption, or “unhealthy choices” — without citing peer-reviewed evidence or theory-driven logic models — should not be approved. This standard was consistently applied prior to 2025 and should be reinstated.

3. Require Pilot-Testing or Phased Implementation Before Statewide Rollout

USDA should condition approval of any future SNAP purchasing restrictions on:

- ▶ a small-scale pilot, or
- ▶ a clearly defined phased implementation with pre-specified evaluation benchmarks.

The current practice of approving immediate statewide rollouts has prevented states from identifying operational problems and unintended consequences before full wide-scale implementation. Pilot results and implementation lessons should be made publicly available on the USDA waiver website.

4. Mandate Rigorous, Standardized Evaluation Frameworks

USDA should require all new and existing waivers to include evaluation plans that, at minimum:

- ▶ define primary and secondary outcomes,
- ▶ include pre-implementation baseline data,
- ▶ specify sampling strategies that minimize selection bias,
- ▶ distinguish SNAP purchases from non-SNAP purchases,
- ▶ assess unintended consequences (e.g., participant stigma, reduced SNAP participation, reduced food access),
- ▶ account for state costs and implementation challenges, and
- ▶ isolate the effects of restrictions from concurrent nutrition education or incentive programs.

USDA should reject new waiver requests that rely solely on convenience samples, vague surveys, or post hoc evaluation design. Evaluation templates and required core metrics should be standardized across states to allow cross-state comparison. Furthermore, states that expand their demonstration should detail how initial evaluation plans will be modified to account for the additional restrictions.

5. Require Accessible, Multilingual, and Consumer-Centered Communications

USDA should require that states demonstrate, prior to implementation, that consumer communication materials:

- ▶ are available in multiple languages,
- ▶ do not rely primarily on QR codes or complex decision trees,
- ▶ include clear examples of eligible and ineligible items, and
- ▶ are tested for readability and usability among SNAP participants.

Communication strategies that assume high literacy, internet access, or advanced food label knowledge should not be deemed sufficient.

6. Strengthen Federal Oversight, State Specific Review, and Transparency

USDA approval letters should move beyond generic “Terms and Conditions” language and include:

- ▶ state-specific feedback on implementation risks,
- ▶ identified weaknesses in evaluation design, and
- ▶ required corrective actions as conditions of approval.

For both new and existing waivers as well as demonstration expansions, USDA should retain final approval authority over communication materials, retailer guidance, and evaluation plans, rather than deferring all substantive decisions to states. All state requests to expand their demonstration, communication and evaluation plans, quarterly reports, and evaluation results should be made publicly available on the USDA waiver website.



January 1, 2026

(This state analysis is current as of May 15, 2026.)

Iowa officials submitted a waiver request to USDA on April 1, 2025, that primarily targets sweetened beverages and candy. USDA sent an approval letter on May 22, 2025, and a follow-up letter with modifications on December 12, 2025.



Implementation of the waiver began on January 1, 2026, for the entire state and was approved by USDA for two years, with the possibility of three one-year extensions. Iowa did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

No final compliance, public communications, retailer communications, or evaluation plans have been posted to the USDA state waiver website; therefore, it is unclear when, or if, final plans were submitted to USDA.

The following sections highlight key issues with Iowa’s demonstration project, including restricted items, the evidence used to support the waiver, and the sufficiency of communication and evaluation plans. Notably, the waiver states, “there is no anticipated impact on SNAP program costs for the state. There may be additional costs to the state for the evaluation component.” Additionally, Iowa’s waiver is among the most restrictive and challenging to implement.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/iowa>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Iowa

 Ineligible for Purchase With SNAP Benefits (because taxable)*	 Eligible for Purchase With SNAP Benefits (because non-taxable)*
Marshmallows	Marshmallow cream
Candy without flour (e.g., plain M&M’s)	Candy that contains flour (e.g., Twix, Kit Kat) and cotton candy (unless taxable as a prepared food)
Granola bars without flour	Granola bars that contain flour
Chocolate-covered nuts	Trail mix with candy
Ready-to-eat caramel corn, kettle corn, and other candy-coated popcorn	Unpopped caramel corn, kettle corn, and other candy-coated popcorn that is not ready to eat
Diet soft drinks	Eggnog and Nesquik chocolate mix
Fruit cup with a retailer-provided fork	Piece of cake with a retailer-provided fork
Cold, plastic-wrapped sandwich made by on-site deli, placed in a cold case, and <u>not priced by weight</u> (no self-service heating option or eating facilities on the premises)	Cold, plastic-wrapped sandwich made by on-site deli, placed in a cold case, and <u>priced by weight</u> (no self-service heating option or eating facilities on the premises)

*Based on FRAC’s interpretation of the waiver language and supporting materials.²²



Foods and Beverages Subject to Restriction in Iowa

Under the waiver, Iowa prohibits the use of SNAP benefits for all taxable food items as defined by the Iowa Department of Revenue, with the exception of food-producing plants and seeds for food-producing plants. In general, this means restricting the purchase of candy, naturally- or artificially sweetened beverages, and certain prepared foods with SNAP benefits at all SNAP-authorized retailers in Iowa. In practice, and only after reviewing Iowa tax code resources, there are endless exceptions and caveats that are confusing and often nonsensical from a nutrition standpoint, as highlighted by just a few examples in the table. Additionally, while most fruits, vegetables, meat, grains, and dairy are eligible for purchase, so too are a variety of snack foods (e.g., potato chips, corn chips) and desserts (e.g., ice cream, popsicles, cakes, cookies).

These types of examples demonstrate the challenge in categorizing foods and beverages for restriction in SNAP, especially when considering and comparing the nutrition content and ingredient lists of items. Furthermore, the restrictions around prepared foods are especially complex due to the Iowa tax code and also inconsistent with current law and regulations. By statute, SNAP-eligible foods are defined as foods for home consumption, with only limited exclusions,²³ and USDA's regulations reflect that definition without creating additional carve-outs for prepared foods.²⁴ By treating some prepared foods as ineligible with SNAP benefits despite meeting the statutory definition, Iowa's waiver narrows SNAP item eligibility in ways that go beyond longstanding law and policy. Additionally, whether a prepared food item is no longer SNAP-



► **EXAMPLE:** A fruit cup sold with a fork attached is not SNAP-eligible, but a slice of cake with a fork is eligible in Iowa.

eligible in Iowa depends on factors such as: whether or not a retailer has a self-serving heating option (e.g., microwave); whether there is a place to sit and eat; whether utensils are provided; and whether an item is priced by weight or by unit. This adds additional confusion to the categorization of foods eligible or ineligible for purchase with SNAP benefits.



Evidence Cited to Justify the Waiver

Iowa's waiver request provides an inaccurate and insufficient evidentiary basis for restricting SNAP purchases. More specifically, Iowa officials claimed — without citing any research — that, “SNAP is inefficient at delivering on [its] 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.” Prior research and current regulations say otherwise. First, SNAP already restricts the purchase of certain items with SNAP benefits, including alcohol, tobacco, vitamins, foods that are hot at the point of sale, and non-food items (e.g., pet food, cleaning supplies). Second, there is abundant research demonstrating SNAP's critical role in improving food security, dietary intake, weight outcomes, and health, especially among the nation's most vulnerable children.²⁵ According to the Academy of Nutrition and Dietetics, “although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs ... SNAP upholds the dignity, autonomy, and personal choice of participants, empowering them to decide how best to nourish themselves and their families.”²⁶

The waiver also stated that, “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.” Once again, the Iowa officials failed to support their bold claim with evidence. While it is true that benefits are limited and, in fact, inadequate, there is no evidence that SNAP “encourages” unhealthy purchases.²⁷ Rather, research shows that the purchases of SNAP participants and non-participants are remarkably similar.²⁸ In addition, considerable effort has been made in recent years at the federal, state, and levels to promote nutritious food and beverage purchases in SNAP.

The waiver offered limited research on sugar-sweetened beverages' link to poor health but did not justify targeting SNAP participants or the specific ineligible foods. For example, Iowa includes granola bars with flour but excludes those without. The waiver also lacked evidence or rationale for the project's potential effectiveness. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions^{29,30,31} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.³² Despite this uncertainty, USDA approved Iowa's large-scale, statewide demonstration.

Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Several concerns arise from a review of the information available on the Iowa Health and Human Services (HHS) website and several documents obtained independently by FRAC.³³

First and foremost, the initial notice sent to SNAP participants about the restrictions was vague and limited to simplified lists that do not even mention prepared foods.³⁴ Therefore, the notice lacks the specificity needed to fully prepare a SNAP participant to purchase food and beverages at the grocery store with their SNAP benefits. For example, it would be reasonable for a mother to assume, based on the initial notice, that granola bars for her school-aged children are an eligible

SNAP purchase. However, granola bars without flour are ineligible whereas granola bars with flour are eligible.

While the sheer volume of resources is encouraging, most of Iowa's HHS consumer-facing social media and educational materials on their website lack the detail needed to prevent confusion in the retail setting. For example, the retail media and print toolkit includes an FAQ with a broad statement: “What won't I be able to buy with SNAP after the change? In Iowa, these items include, but are not limited to, pop and sugary drinks with less than 50 percent fruit or vegetable juice, and things that are considered candy or are coated with candy.” Those seeking more information are directed via a QR code to the Iowa Sales Tax on Food website. Several materials also encourage SNAP participants to “Check Before You

(continued)

Shop!” and then direct readers to the sales tax or HHS website instead of listing restricted foods. The FAQ is available in multiple languages, but most other toolkit materials are only in English.

While website links may simplify social media and educational materials, they are impractical for many, especially if English is difficult. They also assume internet and QR code access, which many households lack. The Iowa Sales Tax on Food site is not suitable as an educational tool; it is confusing, with many exceptions, and only in English. Households with limited time are

unlikely to review it before shopping and may find it unhelpful. The state offered webinars and a retailer website on SNAP rules. Effectiveness is unclear, and compliance may be challenging. For example, the draft plan to provide a list of eligible foods was dropped as too tedious. Retailers are instead directed to the complicated Iowa Sales Tax on Food website and a confusing table of taxable/nontaxable foods.

Overall, Iowa’s communication materials oversimplify complex restrictions and are unlikely to adequately prepare SNAP participants or retailers for implementation.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²¹⁶ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparisons.²⁷⁴

Three evaluation documents related to the Iowa waiver are available: (1) the evaluation described in Iowa’s waiver request, (2) the evaluation considerations from USDA in its approval letter (that includes a summary of the state’s evaluation), and (3) Iowa’s draft evaluation plan (independently obtained by FRAC). A final, USDA-approved evaluation plan has not been posted to the USDA state waiver website, even though the demonstration is well underway. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

The evaluation in Iowa’s waiver request was vague, confusing, and lacked focus. It initially aimed to assess program impacts, shopping patterns, health behavior changes, and youth outcomes, but details were missing, and the focus on “youth” was unjustified and undefined. The focus then shifted to comparing healthy eating behaviors between SNAP participants with and without nutrition education, which would not have addressed

the impact of restrictions alone. The waiver also lacked plans to handle bias or establish effectiveness. Despite these weaknesses, USDA approved the waiver without mentioning these methodological issues, suggesting a superficial review. Iowa also abandoned most initial evaluation plans as described in their waiver request.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though feasibility and representativeness concerns remain.

The brief summary of Iowa’s evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have more detail than what was included in the waiver request, which indicates that USDA and Iowa’s officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

(continued)

Evaluation Language in Iowa's Draft Evaluation Plan

Iowa's draft evaluation plan demonstrates a more focused and organized approach than the waiver request. For example, the research question clearly states that the evaluation will focus on changes in SNAP participants' shopping and spending patterns resulting from the restrictions. Unlike the waiver request and USDA approval letter, there is no mention of examining nutrition supports or education provided by WIC or SNAP-Ed.

At the same time, the two-page document lacks the details expected of an evaluation plan. According to the "Terms and Conditions" contained in the USDA approval letter:

"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."

However, the draft evaluation plan falls short of these expectations. It is too vague and does not inspire confidence in evaluation rigor, especially given USDA's limited oversight. For example, the draft plan references a control group of SNAP recipients in states without restrictions but fails to detail data sources, metrics, or procedures if restrictions are adopted by those states during the evaluation period.

Pre-survey data were to be collected in October 2025 and post-survey data in April–May 2026. The evaluators do not explain whether a four- or five-month intervention is adequate to test the effectiveness of a two-year project. Since the final evaluation plan for Iowa's waiver is not available, it is unclear how it compares to the draft plan. Nonetheless, the available language raises questions about the evaluation of Iowa's project.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, state evaluation summary in the approval letter, and draft evaluation plan provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Iowa's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Utah

January 1, 2026

(This state analysis is current as of May 15, 2026.)

Utah officials submitted a waiver request on May 5, 2025, proposing restrictions on soft drinks, although the USDA approval letter dates the request as May 16, 2025. USDA approved the waiver on June 10, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation began statewide on January 1, 2026, applying to all SNAP participants who make purchases at SNAP-authorized retailers. Utah did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. However, the Utah Department of Workforce Services (UDWS) developed a waiver website and a “No Soft Drinks” digital toolkit that provides partial insight into anticipated implementation. Advocates should continue monitoring USDA and UDWS websites for updates.

The following sections outline key concerns with Utah’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Utah’s waiver request was exceptionally brief and did not include information on anticipated program costs.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/utah>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Utah

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Sparkling lemonade	Noncarbonated lemonade
Carbonated juice drinks with less than 50 percent juice (e.g., sparkling cranberry juice cocktail)	Carbonated juice drinks with at least 50 percent juice (e.g., sparkling apple cider) and noncarbonated juice drinks (e.g., cranberry juice cocktail)
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Diet soft drinks	Eggnog, chocolate milk, sweetened coffee drinks, sweetened tea
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener

*Based on FRAC’s interpretation of the waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Utah

Under the waiver, Utah prohibits SNAP purchases of “soft drinks” at all SNAP-authorized retailers. “Soft drinks” are defined as nonalcoholic beverages made with carbonated water and flavored and sweetened with sugar or artificial sweeteners. Excluded from this category are milk and beverages containing milk; soy, coconut, almond, rice, or similar milk substitutes; and beverages containing more than 50 percent fruit or vegetable juice by volume.

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in several examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies. Sparkling lemonade, often with fewer calories and less added sugar per serving than noncarbonated lemonade, is ineligible solely due to carbonation. Similarly, unsweetened sparkling waters containing minimal fruit juice may be treated differently based on labeling distinctions rather than nutritional content (see Example box).³⁵



- ▶ **EXAMPLE:** Bubly Burst Triple Berry Sparkling Water Beverage, which contains 1% fruit juice and artificial sweetener, would be ineligible for purchase with SNAP benefits. (A 16.9 ounce bottle has 10 calories and also includes Zinc and Vitamin E.) However, Bubly Blackberry Sparkling Water would be eligible because it contains no juice or artificial sweeteners. These products have similar names and flavor profiles, but different eligibility for purchase. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Utah's waiver request provides an inaccurate and insufficient evidentiary basis for restricting SNAP purchases. The state asserts, without citation, that SNAP is inefficient at promoting health and alleviating malnutrition because it does not regulate food purchases based on nutrition. This claim contradicts both SNAP policy and the evidence base. Extensive research demonstrates SNAP's critical role in improving food security, dietary intake, weight outcomes, and health, especially among the nation's most vulnerable children.³⁶ According to the Academy of Nutrition and Dietetics, "although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs ... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families."³⁷

While the waiver briefly references research on sugar sweetened beverages, it does not justify targeting SNAP participants specifically or explain why particular beverages are excluded. For example, the waiver provides no rationale for allowing noncarbonated lemonade while excluding sparkling lemonade. Nor does it offer an evidence or theory based explanation for why the proposed restrictions are expected to achieve their stated goals.

Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions^{38,39,40} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.⁴¹ Despite this uncertainty, USDA approved Utah's large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Although no final communications plan has been publicly released, several concerns arise based on available materials.

The UDWS "What You Can and Cannot Buy with SNAP" website⁴² provides high-level information but lacks detailed lists of eligible and ineligible items. Definitions of "soft drinks" are overly simplistic and do not reflect the complexity of the waiver. The site links to a beverage matrix intended to guide eligibility determinations, but this decision tree requires familiarity with ingredient lists, sweetener terminology, and nutrition facts labels — an unrealistic expectation in many retail settings.

The "No Soft Drinks Digital Toolkit,"⁴³ distributed through industry channels, includes consumer-facing posters,

letters, and business cards, many available in English and Spanish. While the volume of materials is notable, most rely on broad language and direct users to the waiver website via QR codes or URLs. Materials that list specific examples include only a small subset of products, which is insufficient to guide real-world purchasing decisions.

These materials assume internet access, time to review additional information while shopping, and sufficient literacy to interpret complex definitions. Shelf-talkers developed by UDWS may help reduce confusion, but it is unclear how consistently they will be used or whether retailers received adequate training.

Overall, Utah's communication materials oversimplify complex restrictions and are unlikely to adequately prepare SNAP participants or retailers for implementation.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.⁴⁴ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparisons.⁴⁵

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Utah's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Utah's proposed evaluation consists of two sentences describing a partnership with the state's SNAP-Ed program (Create Better Health) to provide nutrition education and collect self-reported data on purchasing behavior. This description lacks essential details, including sampling strategies, metrics, data sources, analytic methods, and timelines.

The evaluation language also suggests that the demonstration includes a nutrition education component, meaning the project does not test the impact of

purchasing restrictions alone. The waiver does not explain how evaluators will isolate the effects of restrictions from those of SNAP-Ed programming.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though feasibility and representativeness concerns remain.

The brief summary of Utah's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have more detail than what was included in the waiver request, which indicates that USDA and Utah officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Utah's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Indiana

January 1, 2026

(This state analysis is current as of May 15, 2026.)

Indiana officials submitted a waiver request on April 15, 2025, proposing restrictions primarily on soft drinks and candy. USDA approved the waiver on May 22, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation began statewide on January 1, 2026, applying to all SNAP participants who make purchases at SNAP-authorized retailers. Indiana did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request and state materials provide limited insight into anticipated implementation, the scope and timing of final plans remain unclear. Advocates should continue to monitor USDA and the Indiana Family and Social Services Administration (IFSSA) websites for updates.

The following sections outline key concerns with Indiana’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Indiana’s waiver request did not include information on anticipated program costs.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/indiana>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Indiana

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Candy that does not require refrigeration (e.g., chocolate-covered freeze-dried strawberries)	Candy that does require refrigeration (e.g., chocolate-covered frozen strawberries)
Chocolate-covered nuts	Trail mix with candy
Dried fruit leather	Dried fruit
Ready-to-eat caramel or kettle corn popcorn	Microwave caramel or kettle corn popcorn
Sweetened coffee drinks that do not contain milk	Sweetened coffee drinks that do contain milk
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener
Diet soft drinks	Eggnog and Nesquik chocolate mix

*Based on FRAC’s interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Indiana

Under the waiver, Indiana prohibits SNAP purchases of “candy” and “soft drinks” based on amended sales tax definitions. The state acknowledged that these restrictions would impose additional implementation burdens on retailers because the SNAP definitions diverge from codified sales tax definitions. While Indiana asserted that such burdens are unavoidable, the waiver also downplayed retailer costs and administrative challenges, contradicting earlier USDA concerns raised in pre-2025 waiver denials.

“Soft drinks” are defined as naturally or artificially sweetened nonalcoholic beverages. Excluded from this category are milk and beverages containing milk; soy, almond, coconut, rice, or similar milk substitutes; and beverages sweetened exclusively with natural fruit or vegetable juice. “Candy” is restricted, but candy that requires refrigeration remains eligible for purchase.

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted by several examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further highlight these inconsistencies. Certain dark chocolate covered almonds with fewer calories and less added sugar are ineligible, while trail mix containing candy, artificial flavors, and food dyes remains eligible (see Example box). Similarly, two sweetened cold brew coffees with nearly identical sugar content receive different eligibility determinations based solely on the presence of milk. Water products also create confusion. Sparkling waters with minimal fruit juice and artificial sweeteners are ineligible, while similarly flavored sparkling waters without artificial sweeteners remain eligible, despite nearly identical nutritional and flavor profiles.⁴⁶



► **EXAMPLE:** SkinnyDipped dark chocolate-covered almonds contain approximately 170 calories, 12 grams of fat, 5 grams of protein, 4 grams of added sugar, and 6 grams of fiber per single-serving pouch. Great Value Mountain Trail Mix (which contains nuts, raisins, and candy-coated chocolate pieces) has approximately 240 calories, 15 grams of fat, 7 grams of protein, 6 grams of added sugar, and 3 grams of fiber per single-serving pouch. From a nutrition perspective, both products provide healthy fats, protein, and fiber. But because of the candy, the trail mix ingredient list includes artificial flavors and food dyes whereas the almonds do not. Nonetheless, the dark chocolate-covered almonds are ineligible for purchase under the Indiana waiver because they are considered candy, but the trail mix is eligible even though it contains candy. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Indiana's waiver request provides a misleading and insufficient evidentiary basis for restricting SNAP purchases. The waiver repeatedly references a "health epidemic" or "health crisis" related to diet-related chronic disease, but fails to define these terms or support them with cited evidence.

While the waiver includes basic obesity statistics, it does not acknowledge obesity as a complex chronic condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors.⁴⁷ Instead, the justification focuses narrowly on dietary intake and implies that SNAP purchases are contributing to poor health outcomes.

The waiver misrepresents research on SNAP purchasing patterns as well. Studies examining SNAP purchases face substantial methodological challenges, including selection bias, misclassification of participation, and cross-sectional designs.⁴⁸ When properly interpreted, the evidence shows that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{49,50}

The waiver also claims, without evidence, that diet quality among SNAP households has worsened despite nutrition education and incentive programs, a statement that contradicts evidence demonstrating the effectiveness of SNAP-Ed⁵¹ and incentive initiatives.^{52,53} In contrast, research reviews consistently describe limited and mixed evidence regarding SNAP purchasing restrictions^{54,55,56} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.⁵⁷

The waiver further implies that SNAP is failing to meet its statutory goals and that taxpayers are funding a "health crisis," claims that overlook extensive research demonstrating SNAP's effectiveness in improving food security, dietary intake, health outcomes,⁵⁸ and lowering of health care costs.^{59,60} According to the Academy of Nutrition and Dietetics, SNAP supports nutrition while preserving dignity, autonomy, and personal choice.⁶¹

The waiver does not meaningfully address potential unintended consequences of restrictions, including stigma, reduced retailer participation, and increased food insecurity. It also suggests that retailer participation in SNAP is voluntary, implying that retailer attrition is an acceptable outcome — an assumption that conflicts with evidence linking access to SNAP-authorized retailers with better diet quality among participants.⁶²

Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Several concerns arise from Indiana's communications strategy based on publicly available materials.

The Indiana Family and Social Services Administration's Smart SNAP website⁶³ provides high-level background information but lacks clear definitions and detailed lists of eligible and ineligible items. Simplified descriptions — such as stating that sugary drinks include sodas, sports drinks, and energy drinks — do not capture the complexity of the waiver and are likely to mislead participants.

More detailed information is available on the Smart SNAP Retailers website,⁶⁴ which includes a Retailer Toolkit, FAQs, and lists of commonly questioned items. While these materials may be useful for retailers, SNAP participants

are unlikely to navigate to retailer-focused resources. Both websites are available only in English, further limiting accessibility.

Consumer-facing materials include a poster and two flyers distributed through the Retailer Toolkit. These materials provide general statements that SNAP benefits cannot be used to purchase sugary drinks or candy and direct users to the Smart SNAP website via QR codes. Definitions and examples are limited, and key caveats — such as the requirement that fruit juice be 100 percent juice — are not clearly communicated.

The reliance on QR codes assumes internet access and sufficient time to review materials while shopping. Shelf-talkers developed for retailers may help reduce confusion, but it is unclear how consistently they will be used across stores.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.⁶⁵ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.⁶⁶

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation overview in Indiana’s waiver request and USDA’s evaluation guidance in the approval letter that includes a summary of the state evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Indiana’s waiver request provides only a high-level overview of evaluation plans and omits key details, including timelines, sampling strategies, metrics, and analytic methods. Terms such as “relative fairness” and “agricultural economy” will be measured, but are not defined, making evaluation objectives unclear.

The waiver suggests that retailers will be encouraged to share sales data, implying a convenience sample that may introduce selection bias. Similarly, the plan to

survey SNAP participants lacks information on sampling methodology. The waiver does not propose assessing dietary intake or health outcomes, despite emphasizing these outcomes in its justification.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though feasibility and representativeness concerns remain.

USDA’s approval letter provides additional evaluation information compared to the waiver request, including plans to collect dietary recall data from an annual random sample of SNAP participants. This suggests that USDA and Indiana engaged in additional discussions after submission. However, the approval letter still lacks specificity regarding metrics, standardized variables, and data sources.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Indiana’s SNAP waiver raises substantial concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Nebraska

January 1, 2026 FOR BEVERAGES **November 1, 2026** FOR CANDY

(This state analysis is current as of May 15, 2026.)

Nebraska officials submitted a waiver request on April 14, 2025, proposing restrictions on soft drinks and energy drinks. USDA approved the beverage waiver on May 19, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation of the beverage restrictions began statewide on January 1, 2026, applying to all SNAP participants making purchases at SNAP-authorized retailers. Nebraska did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.



On April 23, 2026, Nebraska requested to expand their demonstration — the first expansion for any of the approved states — to include restrictions on candy. USDA approved the request in a May 11, 2026, letter and implementation of these restrictions will begin on November 1, 2026. The actual request from the state is not publicly available on the USDA website. However, the USDA letter indicates that the state will develop implementation plans that outline retailer education and technical assistance, SNAP participant communication, and any adjustments to the evaluation relating to the candy restrictions.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website for either the beverage or candy restrictions. While the beverage waiver request, USDA letters, and state materials provide limited insight into implementation, the scope and timing of final plans remain unclear. Advocates should continue monitoring USDA and Nebraska Department of Health and Human Services (NDHHS) websites for updates.

The following sections outline key concerns with Nebraska's demonstration project, focusing on restricted items, the evidence cited to justify the beverage waiver, and the adequacy of communication and evaluation plans. Notably, Nebraska states in their beverage waiver request that it intends to maintain cost neutrality, with any additional communication costs absorbed within existing administrative resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/nebraska>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Nebraska

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Sparkling lemonade	Noncarbonated lemonade
Regular soda, prebiotic or probiotic soda	Real fruit soda, sports drinks
Kombucha with added carbonation, sweeteners, and/or stimulants	Kombucha that is naturally carbonated with no added stimulants
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water), water flavored with fruit juice
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener
Concentrated liquid or powdered drink mixes to be mixed with carbonated liquid (no stimulants)	Concentrated liquid or powdered drink mixes to be mixed with noncarbonated liquid (no stimulants)
Chocolate-covered or candied nuts and fruit	Trail mix with candy, chocolate-covered cookies and granola bars, yogurt with candy pieces
Chocolate kisses	Chocolate chips for baking
Candy-coated or sweetened popcorn	Popcorn with candy pieces
Candy that does not require refrigeration (e.g., chocolate-covered freeze-dried strawberries)	Candy that does require refrigeration (e.g., chocolate-covered frozen strawberries)

*Based on FRAC's interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Nebraska

Under the beverage waiver, Nebraska prohibits SNAP purchases of “soft drinks” and “energy drinks” at SNAP-authorized retailers. The definitions used to operationalize these categories are lengthy and complex.

“Soft drinks” are defined as carbonated, nonalcoholic beverages containing water, a sweetening agent, flavoring, and carbon dioxide gas. “Energy drinks” include any carbonated or noncarbonated beverage containing a stimulant, such as fortified caffeine, guarana, ginseng, or ginger. Excluded from both categories are milk and beverages containing milk; soy, rice, or similar milk substitutes; mineral water sold in containers; sports drinks intended to increase hydration; medically necessary nutritional products without stimulants; and specialty liquid foods intended as dietary substitutes (e.g., infant formula, meal replacement shakes).

In the demonstration expansion, Nebraska defines “candy” as a shelf-stable preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, powder, or pieces. Cotton candy, candy-coated fruit, and chewing gum are also categorized as candy. The following are not considered candy: baking ingredients (e.g., baking chips, plain marshmallows), protein bars, granola bars, pastries, and other bakery-style items, even if they contain minor candy additives.

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted by several examples in the table. Oversimplified and sometimes contradictory supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies (see Example box). Sparkling lemonade, often containing fewer calories and less added sugar per serving than noncarbonated lemonade, is ineligible solely due to carbonation.⁶⁷ The treatment



► **EXAMPLE:** One 8.45-ounce can of Trader Joe’s Sparkling Lemonade contains 90 calories and 19 grams of added sugar. One 8-ounce serving of Minute Maid Lemonade contains 100 calories and 27 grams of added sugar. The latter — with more calories and added sugar per ounce — appears to be eligible for purchase with SNAP benefits, but the sparkling lemonade is not because it is carbonated. (Product information reflects publicly available labeling.)

of stimulants is particularly confusing. For example, beverages containing ginger — classified as a stimulant under the waiver — appear ineligible, even though ginger is commonly consumed for digestion or flavor rather than stimulation. Interstate variation further complicates implementation. Nebraska asserts that its definitions align with those of other states, yet neighboring states apply different criteria. For example, sports drinks are eligible in Nebraska, while ineligible in Colorado.



Evidence Used to Justify the Waiver

Nebraska’s beverage waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. While the beverage waiver references limited research on sugar sweetened beverages and includes obesity statistics, it does not justify targeting SNAP participants specifically or explain why the selected beverages were chosen for restriction. (The justification for expanding restrictions to candy is not publicly available, although USDA’s letter approving these restrictions states that, “Nebraska seeks to add candy as a restricted food to continue improving the overall health of its population.”) The beverage waiver also fails to recognize obesity as a complex chronic condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors, instead focusing narrowly on dietary intake.⁶⁸

The beverage waiver misrepresents research on SNAP purchasing patterns as well. Studies examining SNAP purchases face substantial methodological challenges, including selection bias, misclassification of SNAP participation, and cross-sectional designs.⁶⁹ When properly interpreted, the evidence shows that SNAP participants’ food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{70,71}

The beverage waiver further claims — without evidence — that diet quality among SNAP households has worsened despite incentive programs and nutrition education, a statement that contradicts evidence demonstrating the effectiveness of SNAP-Ed⁷² and incentive initiatives.^{73,74} In contrast, research reviews consistently describe limited and mixed evidence regarding SNAP purchasing restrictions^{75,76,77} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.⁷⁸

The beverage waiver also fails to meaningfully address potential unintended consequences, including reduced food access, stigma, and increased food insecurity.

Finally, the beverage waiver emphasizes that retailer participation in SNAP is voluntary, implying that retailer attrition is acceptable. This framing is problematic given evidence that access to SNAP-authorized retailers is associated with better diet quality and that retailer exits may worsen food insecurity, particularly in rural or low-access areas.⁷⁹

Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Although no final communications plan has been publicly released, several concerns arise based on available materials.

The NDHHS “SNAP Healthy Choice Waiver”⁸⁰ website provides extensive definitions, FAQs, product matrices, recipes, and suggested healthy alternatives to restricted items. However, the site includes inconsistent and sometimes misleading nutrition messaging (e.g., promoting green tea and kombucha as healthy beverage alternatives, even though some versions of these products are restricted). Materials are only available in English.

The beverage and candy matrices are intended to guide eligibility decisions, but instead, highlight the

complexity of the restrictions. For beverages, users must determine carbonation status, sweetener content, stimulant content, and intended preparation method — tasks that require detailed food label literacy and are unrealistic in many retail settings. The beverage matrices also include long, non-exhaustive lists of sweeteners and stimulants, further complicating decision-making. Similarly, the candy matrix relies on vague language and non-exhaustive lists of exceptions.

Product comparison charts provide examples of similar items with different eligibility determinations, but these examples are not exhaustive, have lengthy explanations, and, in some cases, conflict with other materials, reinforcing complexity and confusion rather than clarity.

(continued)

The retailer-focused website includes FAQs, product matrices, consumer signage, webinar materials, and slide decks outlining retailer responsibilities.⁸¹ The sheer volume of training materials and resources is commendable. However, retailers received a one-time UPC list for the beverages, which cannot be shared and must be manually updated by retailers as products change. This approach places a significant burden on retailers and increases the risk of inconsistent implementation. The state plans to provide a one-time UPC list of excluded candy items, but it “may not be 100% comprehensive” per the FAQ document on the retailer website.

One consumer-facing poster is available in English, Spanish, and Arabic on the retailer website and

provides general lists of restricted beverages. (The posters have not been updated to reflect the forthcoming candy restrictions.) However, these simplified lists omit key details (e.g., stimulants such as ginger or ginseng), directing participants to QR codes and websites for clarification. This assumes internet access and the time to review complex materials while shopping.

Overall, Nebraska’s communications materials are overly complex, inconsistently aligned, and insufficient to support SNAP participants in making confident purchasing decisions at the point of sale and in supporting retailers in implementation.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.⁸² Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.⁸³

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation overview in Nebraska’s beverage waiver request and USDA’s evaluation guidance in the beverage approval letter that includes a summary of the state evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Additionally, no information is available on the impact of the upcoming candy restrictions on the state’s evaluation. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Nebraska’s beverage waiver request provides only a high-level overview of evaluation plans and omits critical details, including sampling strategies, metrics, data sources, analytic methods, and timelines. The beverage waiver does not propose assessing unintended

consequences such as stigma, reduced participation, or participant satisfaction.

The beverage waiver references monitoring obesity rates but does not explain how evaluators will attribute changes in population-level obesity to the demonstration. It also proposes a substantial nutrition education component delivered through SNAP-Ed, without describing how evaluators will isolate the effects of purchasing restrictions from those of education and outreach.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter for the beverage restrictions includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though participation is not mandatory. This raises concerns about selection bias, particularly if participating retailers are not representative of the broader retail environment.

(continued)

Finally, the brief summary of Nebraska’s evaluation in the USDA approval letter for the beverage restrictions was too vague to provide confidence in the adequacy of the evaluation. At the same time, the letter did have more detail than what was included in the beverage waiver request, which indicates that USDA and Nebraska officials may have had additional communications regarding the evaluation after the beverage waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the beverage waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states. The lack of information on evaluation impacts from the forthcoming candy restrictions provides additional cause for concern.

Conclusion

Nebraska’s SNAP demonstration raises significant concerns regarding its justification, clarity of restrictions, communications strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, expansion of the demonstration to include candy, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



West Virginia

January 1, 2026

(This state analysis is current as of May 15, 2026.)

West Virginia officials submitted a waiver request on June 10, 2025, proposing restrictions on soda. USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation began statewide on January 1, 2026, applying to all SNAP participants, including Summer EBT participants, making purchases at SNAP-authorized retailers. West Virginia did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request and state materials provide limited insight into anticipated implementation, the timing and content of final plans remain unclear. Advocates should continue to monitor USDA and the West Virginia Department of Human Services' (WVDHS) websites for updates.

The following sections outline key concerns with West Virginia's demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, West Virginia anticipated increased costs associated with the waiver but indicated that system upgrades and compliance costs would be borne primarily by SNAP-authorized retailers.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/westvirginia>.

TABLE: Examples of Foods and Beverages Identified for Restriction in West Virginia

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Sparkling lemonade	Noncarbonated lemonade
Carbonated energy drinks	Noncarbonated energy drinks
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Diet soft drinks	Eggnog, chocolate milk, sweetened coffee drinks, sweetened tea
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener

*Based on FRAC's interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in West Virginia

Under the waiver, West Virginia prohibits SNAP and Summer EBT purchases of “soda” at all SNAP-authorized retailers. The waiver request initially referred to “sugar sweetened beverages,” whereas the USDA approval letter and subsequent materials use the term “soda.”

“Soda” is defined as any carbonated, nonalcoholic beverage containing water, a sweetening agent (including sugar, high fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas. This definition includes beverages with added caffeine or other ingredients, but excludes carbonated water without sweeteners or flavoring.

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further highlight these inconsistencies. Sparkling lemonade, often containing fewer calories and less added sugar per serving than noncarbonated lemonade, is ineligible solely due to carbonation. Water products present additional ambiguity. Sparkling waters containing small amounts of fruit juice or artificial sweeteners may be treated differently despite similar nutrition and flavor profiles, leading to confusion at checkout (see Example box).⁸⁴



- ▶ **EXAMPLE:** Buby Burst Triple Berry Sparkling Water Beverage, which contains 1% fruit juice and artificial sweetener, would be ineligible for purchase with SNAP benefits. (A 16.9 ounce bottle has 10 calories and also includes Zinc and Vitamin E.) However, Buby Blackberry Sparkling Water would be eligible because it contains no juice or artificial sweeteners. These products have similar names and flavor profiles, but different eligibility for purchase. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

West Virginia's waiver request provides an insufficient evidentiary basis for restricting SNAP purchases. Although the waiver references research linking sugar-sweetened beverages to poor health and includes state obesity statistics, it does not justify targeting SNAP participants specifically or explain why the selected beverages were chosen for restriction.

The waiver also fails to recognize obesity as a complex chronic condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors, instead focusing narrowly on dietary intake.⁸⁵

State officials suggest, without citation, that restricting soda may improve nutrition, reduce diet-related disease, and lower health care costs. However, officials fail to acknowledge the extensive research demonstrating SNAP's effectiveness — as currently operated.^{86,87,88}

The waiver also does not meaningfully address potential unintended consequences of purchasing restrictions, including stigma, reduced food access, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions^{89,90,91} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.⁹² Despite this uncertainty, USDA approved West Virginia's large-scale, statewide demonstration.

Notably, the waiver acknowledges the risk of reduced SNAP access in rural food deserts if retailers opt out of the program, but concludes that potential health benefits outweigh these concerns. This stance is problematic given evidence that access to SNAP-authorized retailers is associated with better diet quality and that retailer attrition may worsen food insecurity, particularly in rural areas.⁹³



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Although no final communications plan has been publicly released, several concerns arise based on available materials.

The information on the WVDHS waiver website^{94,95} is primarily retailer-focused and includes a brief overview, two consumer posters, a one-page retailer technical assistance document, and a short training video. All materials are available only in English, limiting accessibility. Retailer training addresses system changes and compliance but provides few concrete examples of eligible and ineligible beverages. Similarly, the retailer-focused document is intended to provide technical assistance to retailers in determining if a beverage meets one of the four criteria defining a soda — water, sweetener, flavoring, and carbonation. However, the information is complex and lacks the specificity needed for successful implementation.

Consumer posters list the four criteria defining a soda and state that milk, juice, and bottled water remain eligible. However, these posters oversimplify complex definitions and fail to address common edge cases, such as flavored sparkling waters with artificial sweeteners. Participants with questions are directed to call or email WVDHS, an unrealistic expectation for time-constrained households.

A public service announcement released in August 2025 further oversimplified the waiver, stating that soda is restricted but that energy drinks are not impacted — language that conflicts with the formal definition of soda and adds to confusion.

Overall, existing communications materials lack the specificity needed to guide SNAP participants and retailers and are likely to contribute to confusion at the point of sale.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.⁹⁶ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences ((including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.⁹⁷

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: the evaluation overview included in West Virginia's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Compared with other states, West Virginia provided a relatively thoughtful and focused evaluation overview. However, critical details are missing. Retailers were given up to 12 months to comply with the waiver, yet the evaluation plan does not explain how early and late adopters will be accounted for when assessing changes in purchasing behavior or health outcomes.

The waiver also indicates that nutrition education through SNAP-Ed will accompany the restrictions and that eligibility staff will provide lists of healthier alternatives. However, the evaluation does not describe how the

effects of purchasing restrictions will be isolated from those of nutrition education. The waiver also proposes analyzing Medicaid claims data to assess changes in health outcomes, without explaining how evaluators will account for concurrent policy changes affecting Medicaid and SNAP.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though representativeness and feasibility concerns remain.

The brief summary of West Virginia's evaluation in the USDA approval letter was too vague to provide confidence in the quality and rigor of the evaluation. However, it appears that USDA and West Virginia officials had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

West Virginia's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communications strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Idaho

February 15, 2026

(This state analysis is current as of May 15, 2026.)

Pursuant to Idaho House Bill 109, Idaho officials submitted a waiver request to USDA on May 16, 2025, proposing restrictions on soda and candy. USDA approved the waiver on June 10, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation was initially scheduled for January 1, 2026. Idaho subsequently requested a delay, and USDA approved a revised implementation date of February 15, 2026, in a December 12, 2025 letter. The restrictions now apply statewide to all SNAP participants making purchases at SNAP-authorized retailers.

The waiver request and approval letter indicate that Idaho considered a small-scale pilot involving no more than four retailers, followed by a six-month phased implementation. However, a review of publicly available materials suggests that neither a pilot nor a phased rollout occurred. If a pilot was conducted, its findings have not been posted publicly. The absence of documented pilot results is concerning, particularly given Idaho’s acknowledgment in the waiver request that the state was still “in the discovery phase” of assessing retailer-level impacts and system changes.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request and state materials provide limited insight into anticipated implementation, the timing and substance of final plans remain unclear. Advocates should continue monitoring USDA and Idaho Department of Health and Welfare (IDHW) websites for updates.

The following sections outline key concerns with Idaho’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Idaho indicates that it will absorb implementation costs using existing staff and resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/idaho>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Idaho

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Diet soft drinks with artificial sweetener	Chocolate milk with artificial sweetener
Ready-to-drink lemonade, sweetened tea, or energy drinks	Concentrated liquid or powdered drink mixes such as lemonade, iced tea, or energy drinks
Sweetened coffee drinks that do not contain milk	Sweetened coffee drinks that do contain milk
Pediatric electrolyte beverages (e.g., Pedialyte)	Electrolyte water
Candy without flour (e.g., plain M&M’s, Hershey’s Kisses)	Candy that contains flour (e.g., Twix, Kit Kat, Twizzlers, Pretzel M&M’s)
Candy that does not require refrigeration (e.g., chocolate-covered freeze-dried strawberries)	Candy that does require refrigeration (e.g., chocolate-covered frozen strawberries)

*Based on FRAC’s interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Idaho

Under the waiver, Idaho prohibits SNAP purchases of “soda” and “candy.” “Soda” is defined as naturally or artificially sweetened nonalcoholic beverages. Excluded from this category are milk and beverages containing milk; soy, almond, coconut, rice, or similar milk substitutes; beverages containing more than 50 percent fruit or vegetable juice by volume; and beverages requiring preparation before consumption (e.g., powders and concentrates).

“Candy” is defined as preparations of sugar, honey, or other natural or artificial sweeteners combined with chocolate, fruits, nuts, or other ingredients in bars, drops, or pieces. Candy containing flour or requiring refrigeration remains eligible for purchase.

These definitions include numerous exceptions and caveats that make product categorization challenging and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified supporting materials further complicate implementation.

Nutrition and ingredient comparisons further highlight these inconsistencies (see Example box). Plain M&M’s and Pretzel M&M’s have similar calorie and added sugar profiles, yet only the former is restricted due to ingredient composition (i.e., it does not contain flour). Water products also create confusion. Unsweetened sparkling waters with small amounts of fruit juice or artificial sweeteners may be treated differently despite similar nutrition and flavor profiles.⁹⁸



▶ **EXAMPLE:** Consider sweetened coffee beverages. A 12-ounce serving of Good & Gather Sweetened Cold Brew Coffee has 70 calories, no protein or fat, 13 grams of added sugar, and 20 milligrams of calcium (2% of the daily value). A 12-ounce serving of Starbucks Vanilla Sweet Cream Cold Brew Coffee has 90 calories, 2 grams of protein, 2 grams of fat, 13 grams of added sugar, and 54 milligrams of calcium (4% of the daily value). Even though the nutrition profiles are very similar, the Good & Gather beverage is excluded, but the Starbucks beverage is included because it contains milk. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Idaho’s waiver request provides an insufficient evidentiary basis for restricting SNAP purchases. Although the waiver references obesity and diabetes prevalence, it does not justify targeting SNAP participants specifically or explain why the selected items were chosen for restriction. The waiver also fails to acknowledge obesity as a complex condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors, instead focusing narrowly on dietary intake.⁹⁹

The waiver implies, without evidence, that restricting these items will improve health and ensure SNAP dollars are spent on foods that “contribute to, rather than harm, a family’s health.” These claims overlook extensive research demonstrating SNAP’s existing effectiveness in improving food security, dietary quality, health outcomes,¹⁰⁰ and reducing health care costs.^{101,102}

The waiver also does not meaningfully address potential unintended consequences of purchasing restrictions, including stigma, reduced food access, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions^{103,104,105} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.¹⁰⁶ Despite these concerns, USDA approved Idaho’s large-scale, statewide demonstration.

Finally, the waiver asserts that the restrictions are not punitive, despite applying exclusively to SNAP households. Given evidence that SNAP participants’ purchases closely resemble those of income-eligible nonparticipants,¹⁰⁷ limiting food choice only for SNAP recipients raises equity concerns.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Idaho indicates that it will use a multichannel communication strategy; however, no finalized communications plan has been made publicly available.

The consumer-facing IDHW waiver website¹⁰⁸ provides high-level definitions of “soda” and “candy” but lacks detailed lists of eligible and ineligible products. Participants are directed to a Soda Matrix and Candy Matrix to determine eligibility. While these decision trees are intended to clarify implementation, they underscore the complexity of the restrictions and the likelihood of confusion, particularly for individuals with limited English proficiency.

To determine eligibility, participants and retailers must assess sweetener content, milk or juice content,

preparation requirements, flour content, and refrigeration — tasks that require familiarity with ingredient lists and nutrition facts labels and are unrealistic in many retail settings.

The retailer-focused website¹⁰⁹ includes a Media and Print Toolkit with posters, shelf-talkers, and other materials in English and Spanish. While the volume of materials is encouraging, the messaging is highly general (e.g., “candy and soda will no longer be eligible”) and does not convey the nuanced definitions used under the waiver. Materials frequently direct users to the IDHW homepage or consumer waiver site via QR codes, assuming internet access and the time to review additional information while shopping.

Overall, the communication materials oversimplify complex restrictions and are unlikely to adequately prepare SNAP participants or retailers for implementation.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.¹¹⁰ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.¹¹¹

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Idaho's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Idaho's waiver request outlines potential evaluation strategies but lacks essential details, including sampling strategies, metrics, data sources, analytic methods, and timelines. The state suggests using Medicaid data to assess health outcomes, without explaining how evaluators would account for concurrent policy changes affecting Medicaid and SNAP.

The waiver also indicates that retailer exemptions may be granted based on undefined criteria, without explaining how such exemptions would be incorporated into the evaluation. In addition, the waiver references possible

SNAP-Ed involvement in education and evaluation, but does not explain how evaluators would isolate the effects of purchasing restrictions from those of nutrition education.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behaviors. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though representativeness and feasibility concerns remain.

The brief summary of Idaho's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Idaho's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the apparent absence of a pilot or phased implementation, the lack of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Oklahoma

February 15, 2026

(This state analysis is current as of May 15, 2026.)

Oklahoma officials submitted a waiver request on June 10, 2025, proposing restrictions on soft drinks and candy. USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.



Implementation was initially scheduled to begin on January 1, 2026. Oklahoma subsequently requested a delay, and USDA approved a revised implementation date of February 15, 2026, in a December 12, 2025, letter. The restrictions apply statewide to all SNAP participants making purchases at SNAP-authorized retailers. Oklahoma did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. Although the waiver request and state SNAP websites provide some insight into anticipated implementation, the scope and timing of final plans remain unclear. Advocates should continue monitoring USDA and Oklahoma Department of Human Services (OKDHS) websites for updates.

The following sections outline key concerns with Oklahoma’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Oklahoma indicates that it intends to maintain cost neutrality, with any additional communication costs absorbed within existing program resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/oklahoma>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Oklahoma

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Diet soft drinks with artificial sweetener	Chocolate milk with artificial sweetener
Ready-to-drink lemonade, sweet tea, or energy drinks	Concentrated liquid or powdered drink mixes such as lemonade, sweet tea, or energy drinks
Ready-to-drink flavored water that is flavored with a small amount of fruit juice	Drink enhancer with artificial flavoring and artificial sweetener (that is added to plain water)
Chocolate-covered nuts and fruit	Trail mix with candy, chocolate-covered cookies
Chocolate kisses	Chocolate chips for baking

*Based on FRAC’s interpretation of the waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Oklahoma

Under the waiver, Oklahoma prohibits SNAP purchases of “soft drinks” and “candy” at SNAP-authorized retailers. The definitions of these categories were revised after submission of the waiver request and approved by USDA in late 2025, a change that may not have been apparent to stakeholders.

“Soft drinks” are defined broadly as nonalcoholic beverages containing natural or artificial sweeteners. This category includes soda; noncarbonated sweetened beverages (e.g., sweet tea, lemonade); juice drinks containing less than 100 percent juice; energy drinks; sports drinks; fountain drinks; slushies; and flavored water. Equivalent private label or store brand products are also included. Excluded from the definition are plain coffee, unsweetened tea, milk and milk substitutes, plain bottled water, 100 percent fruit or vegetable juice, and beverages prepared at home.

“Candy” includes products marketed or sold as candy, such as chocolate bars, hard candies, gummies, caramels, licorice, mints, chewing gum, and similar items. The definition also includes products with wafers, cookies, or flour components when primarily sold as candy, as well as nonbakery items coated in chocolate, yogurt, or other candy coatings (e.g., chocolate-covered raisins or almonds). Baked goods and items primarily sold as baking ingredients are excluded.

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies. Certain dark chocolate-covered almonds with fewer calories and less added sugar per serving are ineligible because they are classified as candy, while trail mix containing candy and additional additives remains eligible. Similarly, ready-to-drink lemonade and powdered lemonade mixes with identical calorie and sugar content receive



► **EXAMPLE:** Concentrated beverage mixes in liquid or powder form are allowed for purchase with SNAP benefits, which was one of the changes from the initial waiver request. This means, for example, that ready-to-drink Great Value Original Lemonade is ineligible for purchase under the waiver, but the powdered Great Value Lemonade mix is eligible for purchase. The ready-to-drink version contains about 100 calories and 24 grams of added sugar in a single 8-ounce serving. When a half-scoop of the powdered mix is reconstituted with 12 ounces of water (per the package instructions), a single serving has 100 calories and 24 grams of added sugar. (Product information reflects publicly available labeling.)

different eligibility determinations solely based on form (see Example box).

Interstate variation compounds confusion even though Oklahoma claimed to have aligned their restrictions with those of neighboring states. For example, candy containing flour is SNAP-eligible in Kansas but ineligible in Oklahoma, creating challenges for participants who shop across state lines.



Evidence Used to Justify the Waiver

Oklahoma’s waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. The state misrepresents the research on SNAP purchasing patterns, overlooking well-documented methodological challenges such as selection bias, misclassification of SNAP participation, and cross-sectional study designs.¹¹² When properly interpreted, the evidence shows that SNAP participants’ food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{113,114}

The waiver asserts, without citation, that restricting purchases of “nonnutritive” items will enhance public health, reduce health care costs, and realign SNAP with its original purpose. These claims overlook extensive research demonstrating SNAP’s existing effectiveness in improving food security, dietary quality, health outcomes,¹¹⁵ and reducing health care costs.^{116,117} The Academy of Nutrition and Dietetics emphasizes that SNAP supports nutrition while preserving dignity, autonomy, and personal choice for participants.¹¹⁸

The waiver also fails to address potential unintended consequences of purchasing restrictions, including stigma, reduced program participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions^{119,120,121} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.¹²² Despite these concerns, USDA approved Oklahoma’s large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Even after implementation had begun, very limited communication materials were publicly available.

OKDHS created an Oklahoma Healthy Food Waiver website¹²³ that provides a brief overview of the restrictions and general lists of eligible and ineligible items. However, the site oversimplifies the waiver and omits critical caveats. For example, the descriptions on the website may lead participants to assume that sporks drinks are eligible for purchase, despite being restricted. The website is available only in English, limiting accessibility.

Retailers are directed to the OKDHS Retailers Resource Center,¹²⁴ which includes a publicly available “Retailer

Prohibited Item UPC List.” While this transparency is notable, the spreadsheet contains more than 30,000 items, requires technical skill to navigate, and is unlikely to be consulted by SNAP participants. It is also unclear whether the list is comprehensive given ongoing product reformulation and market turnover.

Although the waiver request states that participants will be informed through media, text messages, and community partnerships, consumer-facing materials such as signage, flyers, or social media messages are not readily available on OKDHS websites. Overall, based on publicly available information, it is difficult to assess whether Oklahoma’s communications strategy is adequate to prevent confusion for participants or retailers.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.¹²⁵ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparisons.¹²⁶

Only two evaluation-related documents for the state's waiver are publicly available on the USDA waiver website: a brief evaluation description in Oklahoma's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Oklahoma's proposed evaluation in their waiver request consists of three sentences indicating that the state will collect participant and retailer feedback through surveys and monitor health and nutrition outcomes using state and federal data. Specific metrics, data sources, sampling strategies, analytic methods, and timelines are not identified. Prior to 2025, USDA routinely denied waiver requests with similarly underdeveloped evaluation plans, raising concerns about the rigor of the approval process.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states substantial discretion.

Quarterly reporting requirements include border-state transactions, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though proprietary concerns and representativeness issues remain.

The brief summary of Oklahoma's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Oklahoma's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Louisiana

February 18, 2026

(This state analysis is current as of May 15, 2026.)

Louisiana officials submitted a waiver request on June 27, 2025, proposing restrictions on soft drinks, energy drinks, and candy. USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation was initially scheduled for January 2026. Louisiana subsequently requested a delay, and USDA approved a revised implementation date of February 18, 2026, in a December 12, 2025 letter. The restrictions now apply statewide to all SNAP participants making purchases at SNAP-authorized retailers.

Even though implementation is well underway, Louisiana's waiver request has not been posted to the USDA waiver website, nor are the final compliance protocols, public communications, retailer guidance, or evaluation plan. Advocates should monitor the USDA and Louisiana Department of Health websites for the waiver request and additional materials. Once the waiver request becomes publicly available, FRAC will proceed with an analysis.

This brief summary is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/louisiana>.



April 1, 2026

(This state analysis is current as of May 15, 2026.)

Texas officials submitted their waiver request on June 26, 2025, proposing restrictions on sweetened beverages and candy. USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions. USDA also issued a letter on February 25, 2026, that approved Texas’ request to clarify the definition of “sweetened drinks” from their original waiver request.

Implementation began statewide on April 1, 2026, applying to all SNAP participants purchasing food at SNAP-authorized retailers in Texas. The restrictions also apply to Summer EBT participants, should the state operate a Summer EBT program. Texas did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to statewide rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. Although the waiver request and state website provide some insight into anticipated implementation, the full scope and timing of final plans remain unclear. Advocates should continue to monitor USDA and the Texas Health and Human Services Commission (THHSC) websites for updates.

The following sections examine key concerns with the Texas demonstration project, including restricted items, the evidence cited to justify the waiver, and the proposed communication and evaluation plans. Notably, Texas anticipates no increased state program costs aside from potential evaluation expenses.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/texas>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Texas

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Diet soft drinks with artificial sweetener	Chocolate milk with artificial sweetener
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Sweetened coffee drinks that do not contain milk	Sweetened coffee drinks that do contain milk
Soda sweetened with artificial zero-calorie sweetener (e.g., A&W Zero Sugar Root Beer)	Soda sweetened with natural zero-calorie sweetener (e.g., Zevia Zero Sugar Creamy Root Beer)[GU1.1]
Chocolate-covered nuts and fruit	Trail mix with candy, chocolate-covered cookies
Chocolate kisses	Chocolate chips for baking

*Based on FRAC’s interpretation of waiver language and supporting materials.



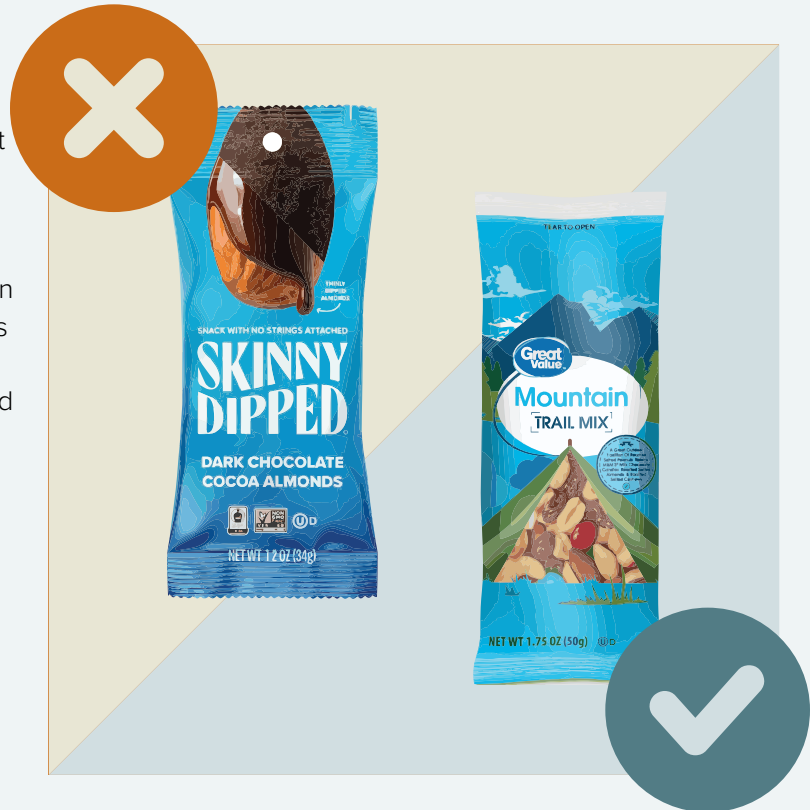
Foods and Beverages Subject to Restriction in Texas

Under the waiver, Texas prohibits the use of SNAP benefits to purchase “candy” and “sweetened drinks” at SNAP-authorized retailers. “Sweetened drinks” are defined as nonalcoholic beverages made with water that contain 5 grams or more of added sugar or any amount of artificial sweetener. Excluded from this category are beverages containing milk or milk products (including plant-based substitutes); beverages containing more than 50 percent fruit or vegetable juice by volume; beverages sweetened with natural sweeteners derived from plants (e.g., stevia or monk fruit) with less than 5 grams of added sugar; and medical-grade electrolyte drinks.

The waiver defines “candy” using the Texas tax code, referring broadly to confections made with natural or artificial sweeteners. Candy does not include products used exclusively for cooking (e.g., chocolate bits, cake sprinkles) or products defined as “snacks items” by the tax code (e.g., trail mix, granola bars).

In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies (see Example box). For example, water products raise unresolved classification questions. Unsweetened sparkling waters with small amounts of fruit juice, artificial sweeteners, or “natural essences” may receive different eligibility determinations despite minimal nutritional differences. Products with nearly identical names and flavor profiles may therefore be treated differently at checkout, increasing the risk of confusion and frustration for both participants and retailers.



- **EXAMPLE:** SkinnyDipped dark chocolate-covered almonds contain approximately 170 calories, 12 grams of fat, 5 grams of protein, 4 grams of added sugar, and 6 grams of fiber per single-serving pouch. Great Value Mountain Trail Mix (which contains nuts, raisins, and candy-coated chocolate pieces) has approximately 240 calories, 15 grams of fat, 7 grams of protein, 6 grams of added sugar, and 3 grams of fiber per single-serving pouch. From a nutrition perspective, both products provide healthy fats, protein, and fiber. But because of the candy, the trail mix ingredient list includes artificial flavors and food dyes whereas the almonds do not. Nonetheless, the dark chocolate-covered almonds are ineligible for purchase under the Texas waiver because they are considered candy, but the trail mix is eligible even though it contains candy. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Texas' waiver request provides an insufficient evidentiary foundation for restricting SNAP purchases. Although the waiver references obesity prevalence and its association with chronic disease, it does not justify targeting SNAP participants specifically. Nor does it fully acknowledge obesity as a complex chronic condition influenced by genetic, environmental, behavioral, and social factors.¹²⁷ Instead, the justification focuses narrowly on sugar intake.

The waiver further asserts — without citation — that SNAP purchases disproportionately consist of foods high in added sugars and artificial sweeteners. This characterization misrepresents the research literature, which shows that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{128,129}

State officials further claim, without evidence, that the restrictions will help SNAP participants make healthier choices and improve health outcomes. These claims overlook the extensive evidence base demonstrating SNAP's existing role in improving food security, diet quality, and health outcomes,¹³⁰ as well as reducing health care costs.^{131,132} Professional consensus emphasizes that SNAP supports nutrition while preserving dignity, autonomy, and personal choice.¹³³

The waiver also fails to meaningfully address potential unintended consequences, including stigma, reduced program participation, and increased food insecurity. Recent research reviews describe limited, mixed, and sometimes paradoxical effects of SNAP purchasing restrictions,^{134,135,136} with some suggesting increased stress and exacerbation of health disparities rather than improved diet quality.²⁸⁹ Despite this uncertainty, USDA approved Texas' large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, support retailer compliance, and ensure participant understanding. According to the waiver request, THHSC initiated communication efforts prior to USDA approval and outlined strategies including toolkits, instore signage, participant messaging, staff training, and social media outreach.

THHSC's SNAP Purchase Restrictions website,¹³⁷ available in English and Spanish, provides general lists of eligible and ineligible items. However, these lists oversimplify the waiver's definitions and omit critical caveats, offering limited practical guidance for determining product eligibility. As a result, neither participants nor retailers are likely to find the website sufficient for real-time purchasing decisions.

THHSC's Ambassador Toolkit¹³⁸ includes consumer-facing signage and a social media toolkit, as well as more detailed retailer guidance. While well-intended, the consumer materials merely state that SNAP benefits cannot be used to purchase "candy" and "sweetened drinks," without defining these terms. Participants requiring clarification are directed to a website via URL or QR code, assuming internet access and the time to seek additional information, an unrealistic expectation for many households.

Overall, existing consumer and retailer resources appear inadequate to convey the complexity of the restrictions or to prevent confusion at the point of sale.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.¹³⁹ Healthy Eating Research (HER) has emphasized the need for rigorous, standardized evaluations of food restriction waivers that assess changes in purchases, consumption, participant experiences, unintended consequences, administrative burden, and retailer participation, and that allow comparisons across states.¹⁴⁰

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Texas' waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Texas' waiver request provides only a high-level overview of evaluation plans and omits critical details, including sampling strategies for participants and retailers, raising concerns about selection bias. The waiver also does not propose assessing dietary intake, despite the state's emphasis on sugar consumption in its justification.

The request references potential partnerships with SNAP-Ed for data collection, but recent federal funding cuts under H.R. 1 call into question the feasibility of this approach. These omissions suggest that key evaluation components were not fully developed prior to approval.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation guidance, such as participant surveys addressing purchases, consumption, project awareness, and shopping behavior. However, the guidance lacks specificity regarding metrics, data sources, or standardized variables, giving states broad discretion in evaluation design.

Quarterly reporting requirements include border-state transactions, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though proprietary concerns and representativeness issues remain.

The brief summary of Texas' evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Of particular concern, the summary indicates that at least one SNAP-authorized retailer has agreed to share purchasing data. Reliance on data from a single retailer raises significant concerns about selection bias, particularly if the retailer is not representative of the broader retail environment. Texas should consider recruiting additional retailers to strengthen evaluation validity.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Texas' SNAP waiver raises serious concerns about its justification, clarity of restrictions, communication strategy, and evaluation design. These issues are worsened by the decision to roll out restrictions across the state without a pilot program, the lack of finalized public plans, major administrative challenges facing SNAP agencies under H.R. 1, and significant USDA staffing reductions since January 2025. Collectively, these factors could hinder effective implementation and reduce meaningful federal oversight as the demonstration moves forward.



Florida

April 20, 2026

(This state analysis is current as of May 15, 2026.)

Florida officials submitted a waiver request on May 29, 2025, proposing restrictions on soda, energy drinks, candy, and ultra-processed prepared desserts. USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation was initially scheduled for January 1, 2026. Florida later requested a delay, and USDA approved a revised implementation date of April 20, 2026, in a December 12, 2025 letter. The restrictions will apply statewide to all SNAP participants making purchases at SNAP-authorized retailers. Florida does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full statewide rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. However, the Florida Department of Children and Families (FDCF) has developed a “Healthy SNAP” website which, together with the waiver request and USDA approval letters, provides insight into anticipated implementation. Advocates should continue monitoring USDA and FDCF websites for updates or modifications.

The following sections outline key concerns with Florida’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Florida asserts that it does not anticipate additional state costs related to retailer notification, compliance monitoring, or EBT system changes.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/florida>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Florida

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Soda sweetened with artificial zero-calorie sweetener (e.g., A&W Zero Sugar Root Beer)	Soda sweetened with natural zero-calorie sweetener (e.g., Zevia Zero Sugar Creamy Root Beer)
Sparkling lemonade	Noncarbonated lemonade or powdered lemonade mix
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener
Carbonated and noncarbonated energy drinks	Sweetened coffee drinks, sweetened tea, sports drinks
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage, Sparkling Ice)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Chocolate-covered nuts	Honey-roasted nuts
Packaged baked goods and desserts (e.g., Twinkies, Oreos, Swiss Rolls)	Fresh bakery items, frozen desserts, breakfast toaster strudels, Pop-tarts
Chocolate kisses	Chocolate chips for baking, marshmallows

*Based on FRAC’s interpretation of waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Florida

Under the waiver, Florida will prohibit SNAP purchases of soda, energy drinks, candy, and ultra-processed prepared desserts at all SNAP-authorized retailers. The definitions used to operationalize these categories are lengthy and complex.

“Soda” is defined as carbonated beverages sweetened with added sugars or artificial sweeteners. Excluded from this category are plain or naturally flavored sparkling water, beverages containing more than 50 percent juice, and beverages containing fewer than 5 grams of added sugar per serving. “Energy drinks” are defined as beverages containing at least 65 milligrams of caffeine per 8 ounces and marketed to increase energy or alertness. Coffee, tea, substantially coffee or tea-based beverages, and sports drinks are excluded. Concentrated liquid or powdered drink mixes appear to remain SNAP-eligible.

“Candy” includes products made with sugar or artificial sweeteners combined with chocolate, fruit, nuts, caramel, gummies, or hard candies and sold as bars, drops, or pieces. “Ultra-processed prepared desserts” are defined as shelf-stable, ready-to-eat, pre-packaged sweet foods intended for immediate consumption. Freshly prepared bakery items and frozen desserts are excluded from this category.

The complexity of these definitions, combined with numerous exceptions and caveats, makes product classification challenging. In practice, these definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Clarifying guidance is needed, particularly for desserts and water products containing small amounts of juice or artificial sweeteners.



► **EXAMPLE:** The desserts are perhaps the most perplexing from a nutrition standpoint. An apple pie from the Publix bakery has 320 calories, 16 grams of fat, 2 grams of protein, and 22 grams of added sugar per serving. One serving of a Tastykake Baked Apple Pie has 300 calories, 12 grams of fat, 3 grams of protein, and 18 grams of added sugar. These products are comparable in terms of total calories and macronutrient profiles, and both include a variety of preservatives and additives. The Publix pie is eligible for purchase under the waiver, but the Tastykake pie is ineligible. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Florida's waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. Although the waiver includes a brief overview of chronic disease prevalence and trends in added sugar consumption, it does not justify targeting SNAP participants specifically. Nor does it acknowledge obesity as a complex condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors.¹⁴¹ Instead, the justification focuses narrowly on added sugar intake.

The waiver asserts that SNAP purchasing patterns diverge significantly from program goals, but misrepresents the research literature. Studies examining SNAP purchases face substantial methodological challenges, including selection bias, misclassification of SNAP participation, and cross-sectional designs.¹⁴² When properly interpreted, the evidence shows that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{143,144}

Florida officials claim that, without citing evidence, the waiver will lead households to choose healthier food and drink options using SNAP funds. They also mention that, beyond potential health benefits, there will be a significant fiscal impact on taxpayers. Florida emphasizes policies that prioritize individual freedom and responsible stewardship of public resources. They argue that government programs should support actions that improve health outcomes and reduce health care costs. However, under current SNAP operations, participants already meet nutrition and health goals, and they retain the freedom to make their own choices for themselves and their families.

There is abundant research demonstrating SNAP's critical role in improving food security, dietary intake, weight outcomes, and health,¹⁴⁵ and in reducing health care costs.^{146,147} According to the Academy of Nutrition and Dietetics, "although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs ... SNAP upholds the dignity, autonomy, and personal choice of participants, empowering them to decide how best to nourish themselves and their families."¹⁴⁸

The waiver also fails to adequately address potential unintended consequences of purchase restrictions, including stigma, reduced participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions,^{149, 150, 151} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.¹⁵² Despite these concerns, USDA approved Florida's large-scale, statewide demonstration, affecting nearly 3 million SNAP participants.

Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Florida's Healthy SNAP landing page¹⁵³ provides a brief overview of the waiver and links to separate sites for retailers and recipients, with key materials available in English, Spanish, and Haitian Creole.

The SNAP Healthy Food Recipients site offers definitions and examples of restricted items, but does not fully capture the complexity of the waiver. For example, the site does not clearly define sweetener types, potentially leaving participants unsure whether products containing honey or other natural sweeteners are eligible.

More detailed implementation guidance is available through the SNAP Healthy Food Retailers site, including a Retailer Toolkit, Operational Handbook, and training materials. While comprehensive, these materials underscore the complexity of the restrictions and rely on retailers' ability to make nuanced determinations about ingredients, processing, and product classification — tasks that may be difficult for smaller retailers or those without automated systems.

Consumer-facing signage included in the Retailer Toolkit is minimal and largely generic, providing implementation dates and QR codes rather than clear information about

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restricted items. One consumer flyer includes general lists of eligible and ineligible foods, but relies on QR codes to direct users to additional information, assuming internet access and the time to review materials while shopping.

Overall, while Florida has developed more extensive materials than many other states, the communication strategy still oversimplifies complex restrictions and may be insufficient to prevent confusion at the point of sale.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.¹⁵⁴ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.¹⁵⁵

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Florida's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Compared with other states, Florida provides a relatively detailed and organized evaluation overview. However, key methodological details are missing. The waiver does not specify sampling strategies for participant or retailer data collection, raising concerns about selection bias. The plan to analyze Medicaid claims data among SNAP participants also lacks clarity regarding how evaluators will account for concurrent policy changes affecting Medicaid and SNAP.

The waiver further indicates that nutrition education and stakeholder partnerships will accompany the restrictions, yet does not explain how evaluators will isolate the effects of purchasing restrictions from those of nutrition education. The feasibility of SNAP-Education partnerships is also uncertain given recent federal funding cuts under H.R. 1.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations, such as participant surveys assessing purchases, consumption, awareness, and shopping behaviors. However, USDA does not require standardized metrics, data sources, or analytic approaches, leaving states broad discretion.

Quarterly reporting requirements include border-state transactions, participant hearings, and stakeholder feedback. USDA also encourages retailer partnerships for transaction-level data collection, though proprietary concerns and representativeness issues remain.

The brief summary of Florida's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offers limited reassurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Florida's SNAP waiver raises significant concerns regarding its justification, implementation complexity, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration moves forward.



Arkansas

July 1, 2026

(This state analysis is current as of May 15, 2026.)

Arkansas officials submitted a waiver request on April 15, 2025, proposing restrictions on soda, fruit and vegetable drinks containing less than 50 percent natural juice, “unhealthy” drinks, and candy. USDA approved the waiver on June 10, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions. On May 5, 2026, Arkansas requested a modification to their initial definitions of restricted items in order to ease implementation, a request that was approved quickly by USDA on May 12, 2026.

Implementation is scheduled to begin statewide on July 1, 2026, and will apply to all SNAP and Summer EBT participants making purchases at SNAP-authorized retailers. Arkansas does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request, USDA letters, and state website provide partial insight into the project, the timing and substance of final plans remain unclear. Advocates should continue monitoring USDA and Arkansas Department of Human Services (ADHS) websites for updates.

The following sections outline key concerns with Arkansas’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Arkansas’s waiver request was exceptionally brief and vague, and did not include information on anticipated program costs.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/arkansas>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Arkansas

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Regular, low-calorie, and diet soda	Chocolate milk, eggnog, and chocolate milk mix
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener
Sweetened carbonated water	Unsweetened carbonated water
Juice drinks with less than 50 percent juice (e.g., sparkling cranberry juice cocktail)	Juice drinks with at least 50 percent juice (e.g., sparkling apple cider)
Ready-to-drink lemonade, sweetened tea, or energy drinks	Concentrated liquid or powdered drink mixes such as lemonade, iced tea, fruit drinks, or energy drinks
Chocolate kisses and bars	Chocolate chips and chocolate for baking

*Based on FRAC’s interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Arkansas

Under the waiver, Arkansas will prohibit SNAP and Summer EBT purchases of certain beverages and candy at all SNAP-authorized retailers. Rather than relying on clear statutory or regulatory definitions, Arkansas initially planned to determine eligibility using the GS1 US Product Classification Framework. However, the original waiver request did not specify which GS1 Global Product Classification (GPC) codes would be used, nor did it provide sufficient detail to understand how products would be categorized. Overall, the restriction language in the original waiver request was vague and imprecise, making USDA's approval notable.

The definitions used to operationalize these restrictions recently were modified from the original waiver request to, per the USDA modification letter, “further clarify [the] allowable and unallowable items under their pilot and ease implementation for SNAP retailers.” The actual request from the state to modify and clarify the definitions is not publicly available on the USDA website. Nonetheless, this modification reinforces the difficulty in implementing food restrictions and, more importantly, the failure of the state and USDA, respectively, to proactively identify operational challenges during the waiver's development and review.

The USDA modification letter includes four pages of definitions and clarifying information on the specific beverages and candy for restriction, which FRAC assumes were provided by Arkansas in their request. The length and complexity of the definitions, combined with numerous exceptions and caveats, makes product classification challenging. In general, the following ready-to-drink beverages are ineligible for purchase with SNAP benefits based on the information available from USDA: regular soda; low and no-calorie soda; energy drinks; fruit and vegetable drinks with less than 50 percent natural juice; and several other “unhealthy” drinks.

The types of candy ineligible for purchase include chewing gum, chocolate products, and various confections. For example, the following “Chocolate and Chocolate/Sugar Candy Combinations — Confectionery” are not allowed for purchase: “Any products that can



► **EXAMPLE:** Concentrated beverage mixes in liquid or powder form are allowed for purchase with SNAP benefits. This means, for example, that ready-to-drink Great Value Original Lemonade is ineligible for purchase under the waiver, but the powdered Great Value Lemonade mix is eligible for purchase. The ready-to-drink version contains about 100 calories and 24 grams of added sugar in a single 8-ounce serving. When a half-scoop of the powdered mix is reconstituted with 12 ounces of water (per the package instructions), a single serving has 100 calories and 24 grams of added sugar. (Product information reflects publicly available labeling.)

be described/observed as a portion of chocolate or chocolate substitute confectionery or a confectionery item that is a combination of chocolate and sugar candy that may contain additional ingredients such as fondant, nougat, marzipan, caramel, candy cream, nuts, coconut, dried fruits, and other soft fillings.” This definition – one of several in USDA's modification letter – demonstrates the complexity of the restrictions.

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The definitions and exclusions result in eligibility determinations that are confusing and often nutritionally inconsistent, as highlighted in the examples in the table. Oversimplified and inconsistent supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies. Ready-to-drink lemonade and powdered lemonade mixes with identical calorie and

sugar content receive different eligibility determinations solely based on form (see Example box). Similarly, flavored sparkling waters containing minimal fruit juice or zero-calorie sweeteners may be treated differently based on labeling distinctions rather than nutritional content.

Additional details and clarifying information hopefully will emerge before statewide implementation of these restrictions.



Evidence Used to Justify the Waiver

Arkansas's waiver request provides an inaccurate, insufficient, and at times misleading justification for restricting SNAP purchases. While the waiver briefly references chronic disease data, it fails to recognize obesity as a complex condition shaped by genetic, behavioral, environmental, social, and pharmaceutical factors.¹⁵⁶ Instead, the waiver focuses narrowly on SNAP purchases of “unhealthy drinks” and candy.

Although the waiver acknowledges that chronic diseases disproportionately affect low-income populations, it does not examine the structural factors driving these disparities. Instead, Arkansas officials place responsibility largely on SNAP itself.

Without citing evidence, the waiver asserts that SNAP is “undermining the health of millions of Americans by encouraging families to eat highly processed, unhealthy drinks and candy.” This claim misrepresents the evidence base. Research on SNAP purchasing patterns consistently shows that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{157,158} Studies attempting to isolate SNAP-specific effects face substantial methodological challenges, including selection bias, misreporting of participation, and cross-sectional designs.¹⁵⁹

More troublingly, Arkansas officials assert, again without evidence, that federal food assistance policies are “fueling obesity, diabetes, heart disease, hypertension, and a wide range of chronic health conditions.” A substantial body of research demonstrates the opposite: SNAP improves food security, dietary intake, health outcomes,¹⁶⁰ and reduces health care costs.^{161,162} Professional organizations emphasize that SNAP supports nutrition while preserving dignity, autonomy, and personal choice.¹⁶³

The waiver also fails to address potential unintended consequences of purchase restrictions, including stigma, reduced program participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.^{164,165,166} Despite these concerns, USDA approved Arkansas's large-scale, statewide demonstration.

Finally, the waiver emphasizes that retailer participation in SNAP is voluntary, suggesting that retailers unwilling to comply with the program's restrictions may exit. This framing is problematic given the importance of maintaining SNAP-authorized retailers for food access. Research suggests that greater access to SNAP-authorized retailers is associated with better diet quality among participants, underscoring the public health risks of retailer attrition from these restrictions.¹⁶⁷

Communications Plans

Effective communication is critical to prevent confusion at checkout, support retailer compliance, and ensure participant understanding. Although no final communications plan has been publicly released, several concerns arise based on the communication materials launched on the ADHS website in the past few weeks.

The “SNAP Nutrition Waiver” landing page¹⁶⁸ provides high-level background information on the waiver restrictions as well as several downloadable graphics with broad information. The landing page also links to FAQs and three downloadable flyers (i.e., soda, candy/confectionary, and other beverages). Many, but not all, of the resources are available in both English and Spanish.

The flyers primarily rely on general descriptions and lists of eligible and ineligible items that oversimplify — or even contradict — the restrictions detailed in the modified definitions or found elsewhere on the state’s website. Exceptions and caveats to the restrictions are largely missing. Language around candy is especially confusing because the candy flyer indicates that “other sugar-infused cakes and treats” are ineligible for purchase with SNAP benefits, yet it is unclear what specific products fall into this category. While containing more information than the other resources, the flyers lack the specificity needed to guide SNAP participants and retailers in implementation. Those seeking more information are directed to the state’s SNAP website.

The FAQs provide additional background information as well as clarifying information on a variety of issues, but also have inconsistencies and oversimplify the

restrictions. Furthermore, one FAQ states: “How will I know what I can and can’t purchase while shopping? More detailed information about the restricted foods is posted on our website at ar.gov/SNAP. There is also a link there to download our app, which can be used to scan bar codes in retail locations to determine if food is restricted for purchase using SNAP benefits.” FRAC assumes the “more detailed information” refers to the three downloadable flyers already discussed. The app was not available for review during FRAC’s analysis, but it has the potential to be a novel approach to supporting SNAP participants in these types of demonstrations. However, referring consumers to a website or app assumes internet access and the time to review additional information while shopping, and requires sufficient literacy to interpret the information.

Furthermore, retailer resources are available through the “SNAP Nutrition Waiver” site, but they largely duplicate the information and consumer-facing resources available through the main landing page. Training materials for retailers are not posted to the site. Shelf-talkers developed for retailers may help reduce confusion in the retail setting, but it is unclear how consistently they will be used across stores. Plus, some of the shelf-talkers oversimplify the items for restrictions, or even use the wrong definition (e.g., the juice threshold for fruit and vegetable drinks).

Overall, the materials currently available are unlikely to adequately prepare SNAP participants or retailers for implementation. Whether more meaningful communication materials and retailer guidance are developed remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing the effects of the demonstration.¹⁶⁹ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods that allow cross-state comparison.¹⁷⁰

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Arkansas' waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Arkansas's proposed evaluation consists of a single sentence stating that the state will assess the waiver's impact on "positive eating and spending habits" using retailer data. This description lacks essential details, including metrics, data sources, sampling strategies, analytic methods, and timelines. Prior to 2025, USDA routinely denied waivers with similarly underdeveloped evaluation plans, raising concerns about the rigor of the approval process.

The waiver also references simultaneous reforms to SNAP-Ed, including expanded nutrition education. However, it does not describe how evaluators will isolate the effects of purchasing restrictions from those of education efforts. The feasibility of SNAP-Ed reforms is further uncertain given recent federal funding cuts under H.R. 1.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general expectations that evaluations assess purchases, consumption, project awareness, and shopping behavior. However, the guidance does not specify metrics, data sources, or standardized variables, leaving states substantial discretion.

Quarterly reporting requirements include border-state transactions, participant hearings, and stakeholder feedback. USDA also encourages retailer partnerships for transaction-level data collection, though proprietary concerns and representativeness issues remain.

The brief summary of Arkansas' evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. For instance, the approval letter suggests that Arkansas may use matched comparison groups from states without SNAP choice pilots, despite the fact that all but one neighboring state has an approved waiver. The lack of clarity around comparison selection raises additional concerns about evaluation validity.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Arkansas's SNAP waiver raises significant concerns regarding its justification, implementation readiness, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, vague reliance on external classification systems, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration moves forward.



Tennessee

July 31, 2026

(This state analysis is current as of May 15, 2026.)

Tennessee submitted a SNAP waiver request to USDA on August 13, 2025, proposing restrictions on certain processed foods and sweetened beverages. The state submitted a revised request on September 29, 2025; however, the USDA website does not disclose what revisions were made. USDA approved the waiver on December 10, 2025, with statewide implementation scheduled for July 31, 2026.



The restrictions will apply to all SNAP participants purchasing food at SNAP-authorized retailers in Tennessee. The state does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. Consequently, the timeline and content of final submissions remain unclear. While the waiver request and the Tennessee Department of Human Services (TDHS) website provide limited insight into anticipated approaches, advocates should continue to monitor the USDA and state websites for updates.

The following sections examine key concerns with Tennessee’s demonstration project, including the scope and clarity of the restricted items, the lack of evidence supporting the waiver, and the adequacy of the communication and evaluation plans. Notably, Tennessee indicates that it will absorb all implementation costs using existing staff and resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/tennessee>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Tennessee

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Sparkling lemonade	Noncarbonated lemonade
Regular soda	Sweetened teas, sweetened coffees, diet soda, and some sports drinks
Carbonated energy drinks	Noncarbonated energy drinks
Candy with sugar as the first ingredient (e.g., Payday Chocolatey Peanut Caramel bar)	Candy without sugar as the first ingredient (e.g., Payday Peanut Caramel bar)
Cereal bar with sugar as the first ingredient (e.g., Great Value Strawberry Fruit & Grain Cereal Bars)	Cereal bar without sugar as the first ingredient (e.g., Kellogg's Nutri-Grain Strawberry Chewy Breakfast Bars)

*Based on FRAC’s interpretation of the waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Tennessee

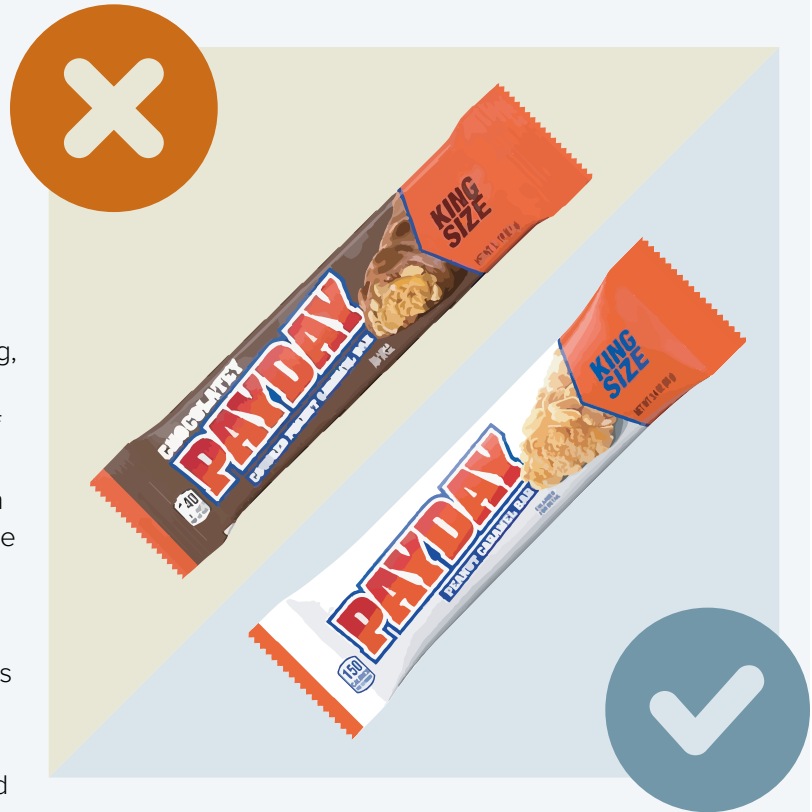
Under the waiver, Tennessee will prohibit SNAP purchases of certain processed foods and sweetened beverages statewide. Processed foods will be ineligible if sugar, cane sugar, corn syrup, or high fructose corn syrup is listed as the first ingredient; single-ingredient sugars used for cooking or baking are excluded.

The USDA approval letter further defines “processed food” as any food altered from its natural state through methods such as heating, mixing, milling, canning, freezing, or adding ingredients — an unusually detailed clarification for a SNAP waiver approval. Beverages will be ineligible if carbonated water and any of the following appear as the first two ingredients: sugar, cane sugar, corn syrup, or high fructose corn syrup. Beverages sweetened with aspartame or other low or noncaloric sweeteners listed among the first two ingredients will remain eligible.

The approval letter repeatedly states that the waiver applies to “processed foods and beverages such as soda, energy drinks, and candy.” However, one reference expands this list to include “prepared desserts,” which are not mentioned elsewhere in the approval letter or waiver request. The waiver request itself does not explicitly name soda, energy drinks, or candy, relying instead on ingredient-based criteria. It remains unclear whether foods beyond candy or desserts will be excluded if they meet the definition of “processed food,” though FRAC assumes they will.

Overall, the restriction language is complex, internally inconsistent, and lacks the exemptions or clarifications included in waivers approved in other states. As written, the restrictions are likely to be confusing in practice and difficult to justify nutritionally. These inconsistencies are evident when comparing nutritionally similar products with different eligibility outcomes, as highlighted in the examples in the table.

Interstate variation further complicates implementation. Tennessee borders eight states, three of which — Arkansas, Missouri, and Virginia — have approved SNAP waivers with different restriction criteria. As a result, items such as diet soda may be SNAP-eligible in Tennessee but ineligible in neighboring states, creating additional confusion for participants shopping across state lines.



► **EXAMPLE:** The processed food category is perhaps the most puzzling and confusing because it is based on the order in which specific sweeteners are listed in the ingredient list. Take a Payday Chocolatey Peanut Caramel King Size bar: It contains 430 calories, 23 grams of fat, 7 grams of protein, and 40 grams of added sugar. A Payday Peanut Caramel King Size bar (which does not have the chocolate coating) contains 450 calories, 24 grams of fat, 12 grams of protein, and 36 grams of added sugar. The former will be ineligible for purchase under the waiver because sugar is the first ingredient, whereas the latter will be eligible because peanuts are the first ingredient (sugar is the second). These products are comparable from a nutrition standpoint and have nearly the same name, yet they will have different eligibility under the waiver. (Product information reflects publicly available labeling.)

Numerous operational questions remain unanswered. It is unclear how retailers and participants will determine whether specific items are processed, whether refrigerated or frozen processed foods are included, how “prepared desserts” are defined, or how participants — particularly those with limited English proficiency — will navigate ingredient-based eligibility determinations at the point of sale.



Evidence Used to Justify the Waiver

Tennessee’s waiver request lacks sufficient evidence to justify restricting SNAP purchases. The state fails to justify targeting SNAP participants or to provide a nutritional basis for differentiating between products with similar sugar and calorie levels.

Officials claim — without evidence — that such restrictions will improve nutrition, reduce chronic disease, and encourage better purchasing choices. However, SNAP already achieves these and other public health and nutrition goals as currently operated. There is abundant research demonstrating SNAP’s critical role in improving food security, dietary intake, and health¹⁷¹ and in reducing health care costs.^{172,173}

The request also overlooks potential unintended effects, like increased stigma or food insecurity, which could harm mental and physical health and raise long-term health costs. In fact, recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions,^{174,175,176} and suggest that such policies actually may exacerbate stress and health disparities rather than improve diet quality.¹⁷⁷

Without supporting evidence, the state’s confidence that these measures will lead to better dietary or health outcomes remains unsubstantiated.



Communications Plans

Effective communication is critical to prevent confusion at checkout, support retailer compliance, and ensure participant understanding. Although no final communications plan has been publicly released, the waiver request outlines a general communication strategy that includes consumer materials, staff training, retailer signage, and a dedicated webpage.

Several concerns arise based on the communication materials launched in the past few weeks. The “Healthy SNAP Tennessee” website¹⁷⁸ provides high-level background information on the restrictions, several FAQs, and a retailer toolkit. The website and retailer toolkit are available only in English and primarily rely on general lists of eligible and ineligible items that oversimplify the restrictions described in the waiver request. Furthermore, exceptions and caveats to the restrictions are largely missing.

The retailer toolkit contains a variety of logos, clings, banners, and social media posts. Some simply say, “Healthy SNAP Tennessee,” while others provide implementation dates and QR codes but lack information about the categories of restricted items.

The toolkit does include two flyers, each with a QR code for the “Healthy SNAP Tennessee” website for those seeking additional information. One flyer provides general lists of eligible and ineligible items, although the lists of ineligible items rely heavily on the definitions used in the waiver. A second flyer compares two Nutrition Facts labels to guide consumers in identifying items for restriction based on the ingredient list. While containing more information than the other toolkit resources, both flyers lack the specificity needed to guide SNAP participants and retailers in implementation.

Overall, the website and toolkit are well-intended, but the consumer-facing information and signage are impractical because they over-simplify the complexity of the waiver, require sufficient literacy to interpret definitions, and assume internet access and the time to review additional information while shopping. As a result, the materials currently available are unlikely to adequately prepare SNAP participants or retailers for implementation. Whether more meaningful communication materials and retailer guidance are developed remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing the effects of the demonstration.¹⁷⁹ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods that allow cross-state comparison.¹⁸⁰

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Tennessee's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Tennessee's proposed evaluation raises substantial concerns. The waiver request provides only a high-level overview, omitting key details such as data sources, food purchasing metrics, sampling strategies, analytic methods, and evaluation timelines. The absence of information on participant and retailer sampling increases the risk of selection bias, potentially limiting the validity of findings. Notably, the state did not plan to identify data sources until after waiver approval. And while it is encouraging that the state will consider assessing unintended consequences of restrictions (e.g., reduced retail access and program satisfaction), the overall lack of specificity in the waiver request suggests that key evaluation components were not fully developed prior to approval.

Evaluation Guidance in the USDA Approval Letter

USDA's approval letter includes general evaluation requirements, such as participant surveys assessing food purchases, awareness of the waiver, confidence in identifying eligible foods, and changes in shopping behavior. While these elements align with identified research needs, USDA does not require standardized metrics or data sources, giving states broad discretion in evaluation design.

Quarterly reporting requirements include SNAP transactions in border areas, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though proprietary concerns and uneven retailer participation may limit feasibility and introduce bias.

The brief summary of Tennessee's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offers limited reassurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Tennessee's SNAP waiver presents substantial uncertainty regarding its rationale, implementation, and evaluation. These concerns are intensified by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing state SNAP agencies under H.R. 1, and significant USDA staffing losses since January 2025. Together, these factors raise questions about both the feasibility of implementation and the capacity of federal oversight as the demonstration moves forward.



Hawaii

August 1, 2026

(This state analysis is current as of May 15, 2026.)

Hawaii officials submitted a waiver request on October 10, 2025, proposing restrictions on soft drinks. USDA approved the waiver on December 10, 2025, with statewide implementation scheduled to begin on August 1, 2026.

The restrictions will apply to all SNAP participants making purchases at SNAP-authorized retailers in Hawaii. The state does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full rollout. Although the waiver request references a “pilot phase,” this appears to refer to planning or system preparation rather than a limited or staged implementation affecting a subset of participants or retailers.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request provides limited insight into the state’s anticipated approach, additional resources are not yet available and the timing and substance of final plans remain unclear. Advocates should continue monitoring USDA and Hawaii Department of Human Services (HDHS) websites for updates.

The following sections outline key concerns with Hawaii’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Hawaii indicates that it will absorb all implementation costs using existing staff and resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/hawaii>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Hawaii

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Sparkling lemonade	Noncarbonated lemonade or powdered lemonade mix
Regular soda	Sweetened teas, coffees, diet and lower-sugar sodas (e.g., probiotic sodas), and sports drinks
Carbonated juice drinks with less than 50 percent juice (e.g., sparkling juice cocktail)	Carbonated juice drinks with at least 50 percent juice (e.g., sparkling apple cider) and noncarbonated juice drinks (e.g., cranberry juice cocktail)
Carbonated energy drinks	Noncarbonated energy drinks

*Based on FRAC’s interpretation of the modified definition of “soft drinks” in the USDA approval letter.



Foods and Beverages Subject to Restriction in Hawaii

Under the waiver, Hawaii will prohibit SNAP purchases of “soft drinks” at all SNAP-authorized retailers. However, the definition of “soft drinks” differs between the waiver request and the USDA approval letter.

In the waiver request, “soft drinks” are defined as nonalcoholic beverages made with carbonated water and flavored and sweetened with sugar or artificial sweeteners. In the USDA approval letter, “soft drinks” are defined as nonalcoholic beverages made with carbonated water and sweetened with more than 10 grams of sugar per serving. This definitional shift is unusual and lacks transparency regarding when or why the change occurred.

Despite this discrepancy, both documents indicate that “soft drinks” do not include beverages containing milk, milk products, or milk substitutes, or beverages containing more than 50 percent fruit or vegetable juice by volume.

Overall, the restriction language is vague and lacks the detailed exceptions and clarifications included in waivers approved in many other states. Based on the available information, the restrictions are likely to be confusing for participants and retailers and, in some cases, nutritionally inconsistent, as highlighted in the examples in the table.

Nutrition and ingredient comparisons further illustrate these inconsistencies (see Example box).

Additional clarification will be essential as implementation approaches, particularly regarding beverage categorization.



- ▶ **EXAMPLE:** One 8.45-ounce can of Trader Joe's Sparkling Lemonade contains 90 calories and 19 grams of added sugar. One 8-ounce serving of Minute Maid Lemonade contains 100 calories and 27 grams of added sugar. The latter — with more calories and added sugar per ounce — appears to be eligible for purchase with SNAP benefits, but the sparkling lemonade is not because it is carbonated. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Hawaii's waiver request provides an insufficient evidentiary basis for restricting SNAP purchases. The state does not justify targeting SNAP participants specifically, nor does it explain the rationale for excluding particular beverages. The waiver asserts that the restrictions are intended as a public health strategy rather than punitive; however, limiting food choice exclusively for SNAP households is inherently differential treatment, particularly given evidence that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{181,182}

Hawaii officials claim that restrictions will boost SNAP's health benefits and purchasing power, but they offer no evidence. While Hawaii officials recognize SNAP's health benefits, research shows it already improves food security, diet, health,¹⁸³ and cuts health care costs^{184,185} as currently operated. The waiver also fails to adequately address potential unintended consequences of purchase restrictions, including stigma, reduced participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence regarding SNAP purchasing restrictions,^{186,187,188} and suggest that such policies actually may exacerbate stress and health disparities rather than improve diet quality.¹⁸⁹

Despite these concerns, USDA approved Hawaii's large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, support retailer compliance, and ensure participant understanding. Very limited information is publicly available regarding Hawaii's communication strategy, making it difficult to assess its adequacy.

According to the waiver request,¹⁹⁰ the state plans to use a multichannel approach, including press releases, website postings, customer notices, staff training, retailer-facing resources, and a dedicated website for both retailers and participants. The stated goal is to ensure that participants are not surprised at checkout and that retailers and staff are equipped to provide consistent messaging.

The waiver also describes plans for early and sustained engagement with retailers through an ad hoc committee to identify barriers and inform implementation. While this collaborative approach is encouraging, it appears to have been initiated after waiver submission rather than before, limiting the state's ability to proactively address operational challenges.

Similarly, the state notes that it is still in a "discovery phase" regarding retailer system impacts and plans to refine definitions and processes during implementation. While ongoing collaboration is valuable, implementation and operational considerations ideally should have been more fully developed prior to waiver approval.

Evaluation Plan

Federal law mandates that SNAP waivers include evaluations that measure program impacts.¹⁹¹ Healthy Eating Research (HER) highlights that these evaluations of food restriction waivers should examine changes in purchases and consumption, participant experiences (such as stigma and stress), unintended effects, administrative workload, retailer involvement, and effects across different sociodemographic groups.¹⁹² They should also use standardized methods to enable comparisons between states.

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Hawaii’s waiver request and USDA’s evaluation guidance in the approval letter that includes a summary of the state’s evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Hawaii’s waiver request provides only a high-level overview of evaluation strategies and omits critical details, including metrics, data sources, data collection tools, sampling strategies, and analytic methods. The waiver does not explicitly propose assessing unintended consequences such as stigma or reduced participation.

The request also contains internal inconsistencies regarding the evaluation timeline, including references to “creating” the evaluation plan at the start of implementation, despite earlier references to identifying data sources and collecting baseline data beforehand. These inconsistencies raise concerns about whether the evaluation was fully conceptualized prior to submission.

In addition, portions of the evaluation language appear to be copied verbatim from USDA’s standard “Terms and Conditions,” suggesting limited state-specific tailoring. The waiver also references partnerships with SNAP-Ed

implementing agencies, though the feasibility of this approach is uncertain given recent federal SNAP-Ed funding cuts under H.R. 1.

Finally, the waiver indicates that retailer exemptions may be granted based on criteria yet to be defined, but does not explain how such exemptions would be incorporated into the evaluation.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter includes general expectations that evaluations assess food purchases, consumption, awareness, confidence in identifying eligible items, and changes in shopping behavior. However, USDA does not specify required metrics, data sources, or standardized variables, leaving states substantial discretion in evaluation design.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though feasibility and representativeness concerns remain.

The summary of Hawaii’s evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter included additional details beyond those in the waiver request, suggesting that USDA and state officials may have had further communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offer limited assurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Hawaii’s SNAP waiver raises significant concerns about its justification, the clarity of its restrictions, its communication strategy, and its evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, ongoing administrative challenges under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds forward.



South Carolina

August 31, 2026

(This state analysis is current as of May 15, 2026.)

Officials in South Carolina submitted a waiver request to USDA on September 23, 2025, seeking to restrict the use of SNAP benefits for candy, energy drinks, soft drinks, and sweetened beverages. USDA approved the waiver on December 10, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions. Implementation is scheduled to begin on August 31, 2026.

The restrictions will apply statewide to all SNAP participants making purchases at SNAP-authorized retailers. South Carolina does not plan to conduct a feasibility study, pilot project, or phased implementation before full rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request provides limited insight into the state’s anticipated approach, additional materials are not yet available, and the timing and substance of final plans remain unclear. Advocates should continue monitoring USDA and South Carolina Department of Social Services (SCDSS) websites for updates.

The following sections outline key concerns with South Carolina’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the proposed communication and evaluation plans. Unlike many states, South Carolina anticipates increased implementation costs and plans to request state funding for staffing, printing, and mailing expenses associated with the project.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/southcarolina>.

TABLE: Examples of Foods and Beverages Identified for Restriction in South Carolina

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Ready-to-drink lemonade	Powdered lemonade mix
Diet soda with artificial sweetener	Chocolate milk with an artificial sweetener
Energy drinks	Sweetened coffee drinks with milk, sports drinks
Chocolate kisses	Chocolate chips for baking

*Based on FRAC’s interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction in South Carolina

Under the waiver, South Carolina will prohibit SNAP purchases of candy, energy drinks, soft drinks, and sweetened beverages at all SNAP-authorized retailers. The waiver request includes detailed and lengthy definitions for each category.

“Candy” is defined as preparations of sugar, honey, or other sweeteners combined with chocolate, fruits, nuts, or similar ingredients and sold as bars, drops, or pieces. Excluded from this category are protein bars, granola bars, baking ingredients (e.g., chocolate chips), and items sold as bakery or bread products.

“Energy drinks” are defined as beverages containing at least 65 milligrams of caffeine per 8 ounces and marketed to increase energy or metabolic stimulation. Coffee, tea, substantially coffee or tea-based beverages, and sports drinks are excluded. “Soft drinks” include flavored or sweetened carbonated beverages containing more than 5 grams of sugar or other sweeteners. “Sweetened beverages” refer to ready-to-drink beverages with added caloric or noncaloric sweeteners.

Several beverages remain SNAP-eligible, including milk and milk substitutes; beverages containing at least 50 percent fruit or vegetable juice with no added caloric sweetener; infant formula; sports and rehydration beverages; carbonated water; beverages for medical use; and concentrated liquid or powdered drink mixes.

Although these definitions attempt precision, they highlight the inherent difficulty of categorizing foods and beverages for restriction, as highlighted in the examples in the table and Example box. In practice, the resulting distinctions are often confusing and nutritionally inconsistent.

Additional ambiguities remain unresolved. It is unclear, for example, how items such as trail mix containing candy will be treated, how South Carolina will distinguish between waters containing artificial sweeteners and those containing fruit juice, or how noncarbonated flavored waters will be categorized. Clarification will depend heavily on forthcoming retailer guidance and consumer education materials.



► **EXAMPLE:** Concentrated beverage mixes in liquid or powder form appear to be allowed for purchase with SNAP benefits. This means, for example, that ready-to-drink Great Value Original Lemonade is ineligible for purchase under the waiver, but the powdered Great Value Lemonade mix is eligible for purchase. The ready-to-drink version contains about 100 calories and 24 grams of added sugar in a single 8-ounce serving. When a half-scoop of the powdered mix is reconstituted with 12 ounces of water (per the package instructions), a single serving has 100 calories and 24 grams of added sugar. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

South Carolina’s waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. While the waiver references statewide obesity statistics, it does not justify the specific targeting of SNAP participants. Nor does it acknowledge obesity as a complex chronic disease influenced by a wide range of biological, environmental, behavioral, and social factors.¹⁹³ Instead, the waiver focuses narrowly on dietary intake and “items that provide little to no nutritional advantage.”

The waiver asserts — without citation — that SNAP benefits are frequently used to purchase candy, energy drinks, soft drinks, and sweetened beverages. Research on SNAP purchasing patterns, however, faces well-documented methodological limitations, including selection bias, misclassification of SNAP participation, and cross-sectional designs.¹⁹⁴

State officials further claim, without evidence, that restricting these items will redirect spending toward fruits and vegetables and significantly improve health outcomes. While it is encouraging that the waiver acknowledges SNAP’s health and nutritional benefits,¹⁹⁵ the request does not cite evidence supporting the effectiveness of purchasing restrictions in achieving these goals.

Recent research reviews further highlight that evidence on SNAP purchasing restrictions is limited, mixed, and often problematic,^{196,197,198} and conclude that restrictions may exacerbate stress and health disparities rather than improve diet quality.¹⁹⁹ Despite this uncertainty, USDA approved South Carolina’s large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Detailed communication plans and materials have not been publicly released, limiting the ability to assess their adequacy.

The waiver request states that retailers will receive advance notification and that SNAP households will be informed through press releases, social media, text messages (if enrolled), the SCDSS website and Benefits

Portal, and community partners. SCDSS also plans to develop toolkits, instore materials, and staff training.

SCDSS has launched a “SC Healthy Food Choice Project” website,²⁰⁰ which currently provides only a brief overview of the waiver. The site indicates that additional information will be posted as it becomes available. Whether forthcoming materials will be sufficient to address the complexity of the restrictions remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²⁰¹ Healthy Eating Research (HER) has emphasized the importance of rigorous, standardized evaluations of food restriction waivers to assess changes in purchases, consumption, participant experiences, and unintended consequences, and to allow meaningful comparisons across states.²⁰²

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in South Carolina's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Compared with other states, South Carolina provides a relatively organized overview of its proposed evaluation. However, critical details are missing. The waiver does not specify sampling strategies for participants or retailers, raising concerns about selection bias. State officials also indicate that evaluation methods and measures will be developed during implementation, suggesting that key design decisions were not finalized prior to approval.

The evaluation will rely on state-level SNAP transaction data from South Carolina and neighboring states. Still, item-level purchase data will not be available because the state's EBT vendor lacks this capability. This limitation will substantially constrain the state's ability to assess changes in purchasing behavior.

The waiver also indicates that nutrition education will accompany the restrictions, yet it does not explain

how evaluators will isolate the effects of purchasing restrictions alone from those of education.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation requirements, such as participant surveys addressing purchases, consumption, project awareness, and shopping behaviors. However, the guidance does not specify metrics, data sources, or standardized variables, leaving states considerable discretion in evaluation design.

Quarterly reporting requirements will include border-state transactions, participant hearings, and stakeholder feedback. USDA encourages partnerships with retailers to collect transaction-level data, though South Carolina has already indicated feasibility constraints related to data access and proprietary concerns.

The brief summary of South Carolina's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter included additional details beyond those in the waiver request, suggesting that USDA and state officials may have had further communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offers limited reassurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

South Carolina's SNAP waiver raises significant concerns regarding its justification, design, implementation, and evaluation. These concerns are amplified by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative pressures on state SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds forward.



North Dakota

September 1, 2026

(This state analysis is current as of May 15, 2026.)

State officials submitted a waiver request on October 24, 2025, proposing restrictions on sweetened beverages, energy drinks, and candy. North Dakota submitted a revised request on November 3, 2025; however, the USDA website does not disclose the nature of these revisions. USDA approved the waiver on December 10, 2025, with statewide implementation scheduled to begin on September 1, 2026. The state requested a modification to the definitions of their restricted beverages and foods on February 27, 2026, which was approved by USDA in an April 22, 2026 letter.



The restrictions will apply to all SNAP participants, including Summer EBT participants, who make purchases at SNAP-authorized retailers in North Dakota. The state does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full statewide rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. However, the North Dakota Department of Health and Human Services (NDHHS) has developed a waiver website which, together with the waiver request and USDA approval letters, provides insight into anticipated implementation. Advocates should continue monitoring USDA and NDHHS websites for updates.

The following sections outline key concerns with North Dakota’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Unlike many states, North Dakota anticipates increased administrative expenses associated with implementation, including new retail specialist positions, though funding sources remain unclear.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/northdakota>.

TABLE: Examples of Foods and Beverages Identified for Restriction in North Dakota

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Diet soft drinks with artificial sweetener	Chocolate milk with artificial sweetener
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Sweetened coffee drinks that do not contain milk	Sweetened coffee drinks that do contain milk
Chocolate-covered nuts and fruit	Trail mix with candy
Chocolate kisses	Chocolate chips for baking

*Based on FRAC’s interpretation of waiver language and supporting materials.



Foods and Beverages Subject to Restriction North Dakota

Under the waiver, North Dakota will prohibit SNAP participants, including Summer EBT participants, from purchasing sweetened beverages, energy drinks, and candy at all SNAP-authorized retailers. The definitions used to operationalize these categories are detailed and complex, and were modified from the original waiver request to, per the USDA modification letter, “improve clarity, align with public health objectives, and maintain administrative feasibility for retailers and SNAP households.” The actual request from the state to modify and clarify the definitions is not publicly available on the USDA website. Nonetheless, this modification reinforces the difficulty in implementing food restrictions and the failure of the state and USDA to proactively identify operational challenges during the waiver’s development and review, respectively.

“Sweetened beverages” refer to nonalcoholic, water-based beverages that contain at least 5 grams of added sugar, any amount of artificial sweetener, or less than 50 percent vegetable or fruit juice by volume. This includes ready-to-drink options as well as concentrated and ready-to-mix forms. The following are still eligible for purchase with SNAP benefits: milk or milk-based products; soy, rice or other milk substitutes; beverages containing more than 50 percent fruit or vegetable juice by volume; unsweetened beverages; and any beverage containing less than 5 grams of added sugar or containing no artificial sweeteners.

“Energy drinks” include energy beverages, energy shots, and energy drink mixes, which are defined as carbonated, noncarbonated, or powdered products marketed for energy and that contain at least 65 milligrams of caffeine per 8 fluid ounce, or stimulants such as guarana, ginseng, or taurine.

“Candy” refers to products marketed or sold as candy, including chocolate bars, gummies, caramels, taffy, and licorice. The definition also includes products with wafers, cookies, or flour components when primarily sold as candy, as well as nonbakery items coated in chocolate, yogurt, or other candy coatings (e.g., chocolate-covered

(continued)



- ▶ **EXAMPLE:** SkinnyDipped dark chocolate-covered almonds contain approximately 170 calories, 12 grams of fat, 5 grams of protein, 4 grams of added sugar, and 6 grams of fiber per single-serving pouch. Great Value Mountain Trail Mix (which contains nuts, raisins, and candy-coated chocolate pieces) has approximately 240 calories, 15 grams of fat, 7 grams of protein, 6 grams of added sugar, and 3 grams of fiber per single-serving pouch. From a nutrition perspective, both products provide healthy fats, protein, and fiber. But because of the candy, the trail mix ingredient list includes artificial flavors and food dyes whereas the almonds do not. Nonetheless, the dark chocolate-covered almonds are ineligible for purchase under the North Dakota waiver because they are considered candy, but the trail mix is eligible even though it contains candy. (Product information reflects publicly available labeling.)

raisins or almonds). Protein bars, granola bars, cereal bars, and items primarily sold as baking ingredients are still allowed for purchase with SNAP benefits.

These definitions alone illustrate the difficulty of categorizing foods and beverages for restriction. The available information suggests that the resulting eligibility determinations will be confusing — and at times nutritionally inconsistent, as highlighted in the examples in the table. Conflicting information in supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further underscore these inconsistencies (see Example box). Two sweetened cold brew coffees with nearly identical sugar content

receive different eligibility determinations based solely on the presence of milk. Water products also create confusion. Sparkling waters with artificial sweeteners are ineligible, while similarly flavored sparkling waters without artificial sweeteners remain eligible, despite nearly identical nutritional and flavor profiles.²⁰³

Many questions remain unanswered. For example, it is unclear how carbonated flavored waters with small amounts of fruit juice will be classified, or beverages containing natural zero-calorie sweetener, or how retailers and participants will distinguish energy drinks from other eligible beverages. These ambiguities will need to be resolved through detailed retailer guidance and consumer education materials prior to implementation.



Evidence Used to Justify the Waiver

North Dakota justifies its waiver in part by linking the restrictions to a planned Double Up Food Bucks (DUFB) pilot, arguing that restrictions and incentives together will improve the nutritional quality of SNAP purchases. While incentive programs such as DUFB are evidence based strategies for increasing fruit and vegetable consumption,²⁰⁴ the waiver provides insufficient evidence to justify the restrictions themselves.

Although the original waiver request includes an evidence-based overview of chronic disease prevalence, food insecurity, and fruit and vegetable intake, it does not justify targeting SNAP participants specifically or explain the rationale for excluding particular products.

State officials further claim, without citation, that modifying SNAP eligible foods “offers a promising path” to improve public health and will encourage more nutritious purchasing. These assertions overlook substantial research demonstrating SNAP’s existing public health benefits as currently operated.^{205,206,207}

The original waiver request also fails to address potential unintended consequences of purchase restrictions, including stigma, reduced participation, and increased food insecurity — factors that may negatively affect health and increase long term costs.²⁰⁸ Recent research reviews describe limited and mixed evidence on the effects of SNAP purchasing restrictions,^{209,210,211} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.²¹² Despite these concerns, USDA approved North Dakota’s large scale, statewide demonstration.

Communications Plans

Clear communication is essential to minimize confusion at checkout, support retailer compliance, and ensure participant understanding. Per their waiver request, North Dakota plans to launch a comprehensive communication strategy approximately six months prior to implementation, focusing on outreach, training, technical assistance, and internal and public awareness. Although no final communications plan has been publicly released, several concerns arise based on the limited number of materials that became available in only the past few weeks.

The NDHHS “SNAP Healthy Choice Waiver” website²¹³ — available only in English — provides a high-level overview of the waiver. Definitions for sweetened beverages, candy, and energy drinks are provided, but rely heavily on the complex language from the waiver request rather than consumer-driven definitions and detailed lists of eligible and ineligible items.

The site also includes three matrices: one for sweetened beverages, one for energy drinks, and one for candy. However, none of the links were functional at the time of FRAC’s review. Nonetheless, these types of matrices are intended to guide eligibility determinations, but they also typically require familiarity with ingredient lists, added sugar and caffeine content, and nutrition facts labels —

an unrealistic expectation in many retail settings.

Furthermore, the website includes general FAQs. One particular FAQ raises concerns about the state’s implementation and communication efforts: “How will I know which items are not allowed? Some stores may put up signs or give guidance, but not every item will be labeled. If you’re not sure whether something is allowed, you can: ask a store worker for help; look at the product label to check for added sugar or other restricted ingredients; and remember that items like sweetened drinks, soft drinks, energy drinks, and candy are usually not allowed.” This language reinforces the burden placed on SNAP participants in the retail setting when determining product eligibility.

The retailer section of the website includes FAQs and the same (nonfunctional) eligibility matrices, but no retailer training materials or in-store communication resources.

Whether these or forthcoming materials will be sufficient to convey the complexity of the restrictions remains uncertain. Ideally, more detailed and fully developed communication strategies and resources will be released as the state approaches the implementation date.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²¹⁴ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should examine changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using methods that allow cross-state comparison.²¹⁵

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in North Dakota’s waiver request and USDA’s evaluation guidance in the approval letter that includes a summary of the state’s evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

North Dakota’s waiver request provides only a high-level overview of its evaluation plans and omits critical details, including metrics, data sources, data collection tools, sampling strategies, and timelines. These omissions raise concerns about selection bias and analytic rigor.

The waiver also indicates that the initiative includes fruit and vegetable incentives alongside restrictions, yet does not explain how evaluators will isolate the effects of purchasing restrictions independent of incentive programming. While the inclusion of unintended consequences is commendable, the lack of specificity suggests the evaluation was not fully developed before submission.

(continued)

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general expectations that participant surveys assess food purchases, consumption, awareness, confidence in identifying eligible items, and changes in shopping behavior. However, USDA does not specify required metrics or standardized variables, leaving states substantial discretion in evaluation design.

Quarterly reporting requirements include border-state transactions, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though concerns about data availability and representativeness remain.

The brief summary of North Dakota's evaluation in the USDA approval letter is too vague to provide confidence

in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offers limited assurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

North Dakota's SNAP waiver raises significant concerns regarding its justification, implementation readiness, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, uncertainty surrounding administrative funding, ongoing operational challenges under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration moves forward.

Montana

September 30, 2026

(This state analysis is forthcoming.)

Montana officials submitted a waiver request to USDA on March 31, 2026, proposing restrictions on high-sugar beverages, energy drinks, candy, and prepared desserts. USDA approved the waiver on May 19, 2026, authorizing a two-year demonstration with the option of three additional one-year extensions.

FRAC's analyses for the current report were completed prior to this approval. FRAC will proceed with an analysis for Montana in a future report update.

The state analysis will be based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/montana>.



Missouri

October 1, 2026

(This state analysis is current as of May 15, 2026.)

Missouri officials submitted their waiver request on October 8, 2025, proposing restrictions on candy, prepared desserts, and certain beverages. USDA approved the waiver on December 10, 2025, with statewide implementation scheduled to begin on October 1, 2026.

The restrictions will apply to all SNAP participants making purchases at SNAP-authorized retailers in Missouri. If approved through a separate waiver process, the restrictions will also apply to Summer EBT benefits. Missouri does not plan to conduct a feasibility study, pilot project, or phased implementation prior to statewide rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. Although the waiver request and the Missouri Department of Social Services (MDSS) website provide some insight into the state's intentions, the timing and content of final materials remain unclear. Advocates should continue monitoring USDA and MDSS resources for updates.

The following sections outline key concerns with Missouri's demonstration project, focusing on the scope and clarity of restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Missouri anticipates no additional state SNAP program costs beyond potential evaluation expenses.

Based on currently available guidance and implementation materials, a preliminary table of eligible and ineligible food items has not been developed; however, as additional information becomes available, a table will be provided.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/missouri>.



Foods and Beverages Subject to Restriction in Missouri

Under the waiver, Missouri will prohibit SNAP purchases of candy, prepared desserts, energy drinks, and certain beverages classified as “unhealthy” at all SNAP-authorized retailers. The definitions used to operationalize these categories are lengthy and complex.

“Candy” is defined as products made with sugar or artificial sweeteners combined with chocolate, fruit, nuts, caramel, gummies, hard candy, or similar ingredients and sold as bars, drops, or pieces. “Prepared desserts” are defined as processed, shelf-stable, ready-to-eat, prepackaged sweet foods intended for immediate consumption and consisting primarily of chemically modified ingredients and additives, with minimal whole foods.

The beverage restrictions encompass both carbonated and noncarbonated soft drinks; drinks or punches containing 50 percent or less fruit or vegetable juice; beverage mixes and concentrates intended to produce taxable beverages; and energy drinks. Energy drinks are defined as beverages — carbonated or noncarbonated — containing stimulants such as fortified caffeine, taurine, or ginseng, and marketed to enhance energy or alertness. Sports drinks and medically necessary nutritional products remain eligible for purchase.

Based on the limited publicly available information, it is difficult to assess how these restrictions will function in practice. Prepared desserts are among the most confusing categories, particularly when nutritionally comparable products receive different treatment (see Example box).

Compounding these challenges, Missouri’s waiver request and MDSS materials do not include the exceptions or clarifications provided by many other states. For example, it remains unclear how trail mix containing candy will be categorized, whether candy that contains flour or requires refrigeration will be



► **EXAMPLE:** Apple pie from the Hy-Vee bakery has 290 calories, 14 grams of fat, 2 grams of protein, and 14 grams of added sugar per serving. One serving of a Little Debbie Mini Apple Fruit Pie has 260 calories, 13 grams of fat, 2 grams of protein, and 13 grams of added sugar. These products are comparable in terms of total calories and macronutrient profiles per serving, and both include a variety of preservatives and additives. The Hy-Vee pie appears to be eligible for purchase under the waiver (because it is freshly baked), but the Little Debbie pie is ineligible. (Product information reflects publicly available labeling and products available at Hy-Vee.)

treated differently, or how flavored waters containing small amounts of juice or artificial sweeteners will be classified. These unresolved questions should have been addressed in the waiver request and will need clarification through forthcoming retailer guidance and consumer education materials.



Evidence Used to Justify the Waiver

Missouri's waiver request provides an insufficient evidentiary basis for restricting SNAP purchases. Although the state cites chronic disease statistics, it does not acknowledge obesity as a complex condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors.²¹⁷ Instead, the justification focuses narrowly on dietary intake.

The state also fails to justify the targeting of SNAP participants specifically or to explain why the designated foods and beverages were selected. While the waiver references efforts to expand nutrition education and incentive programs such as "Double Up Bucks," it is unclear how these initiatives interact with, or justify, the proposed restrictions.

More troublingly, Missouri officials assert, without citing evidence, that SNAP is inefficient at promoting health and alleviating malnutrition because it does not regulate food purchases. This claim contradicts existing SNAP policy and research. SNAP already restricts certain items, such as alcohol and hot foods,²¹⁸ and a substantial body of evidence demonstrates SNAP's effectiveness in improving food security, dietary quality, health outcomes,²¹⁹ and reducing health care costs.^{220,221} The Academy of Nutrition and Dietetics emphasizes that SNAP supports nutrition while preserving dignity, autonomy, and personal choice.²²²

The waiver further claims that SNAP's lack of purchase restrictions allows benefits to be spent on "objectively unhealthy" items, again without evidence. Research on SNAP purchasing patterns consistently shows that participants' food purchases and dietary intake closely mirror those of income eligible nonparticipants.^{223,224} Studies attempting to isolate SNAP specific purchasing behaviors face substantial methodological challenges, including selection bias and misclassification,²²⁵ which are often overlooked in policy arguments.

Finally, the waiver fails to meaningfully address potential unintended consequences of purchasing restrictions, including stigma, reduced program participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence on the effects of SNAP restrictions,^{226,227,228} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.²²⁹ Despite this uncertainty, USDA approved Missouri's large-scale demonstration.

Communications Plans

Clear communication is essential to minimize confusion at checkout, support retailer compliance, and ensure participant understanding. Missouri has released no detailed communication plans related to the waiver, either in the waiver request or on the USDA website. Unlike many states, Missouri did not provide even a high-level overview of how changes would be communicated to retailers or SNAP households.

MDSS has launched a "Healthy SNAP" website²³⁰ that frames the waiver as part of a broader nutrition initiative. The site emphasizes promoting healthy foods, supporting Missouri agriculture, and leveraging existing education and incentive programs. However, it provides limited practical information related to implementation.

The Resources and FAQs pages largely reproduce waiver language and definitions but do not offer detailed lists of eligible or ineligible items or retailer-specific guidance. Several sections indicate that details are subject to change, reinforcing concerns that implementation planning was incomplete at the time of waiver submission.

Overall, existing materials suggest that Missouri had not developed a comprehensive communication strategy prior to approval. Whether meaningful guidance becomes available as implementation approaches remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include an evaluation assessing the effects of the demonstration.²³¹ Healthy Eating Research (HER) has emphasized that evaluations of food restriction waivers should assess purchasing behavior, consumption, participant experiences, unintended consequences, administrative burden, and retailer participation, using standardized methods to allow comparisons across states.²³²

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Missouri's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Missouri's waiver request provides only a high-level overview of the evaluation and omits key details, including specific metrics, data sources, or analytic methods. The state also indicates that the demonstration includes food education and incentive strategies in addition to restrictions, yet does not describe how evaluators will isolate the effects of the restrictions alone.

These omissions raise concerns about evaluation rigor and design. Historically, USDA denied waivers with similarly underdeveloped evaluation plans, making the approval of Missouri's request notable.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations, such as participant surveys addressing purchases, consumption, project awareness, and shopping behaviors. However, the guidance does not specify metrics, require standardized variables, or address how multiple intervention components will be disentangled.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction level data, though proprietary concerns may limit feasibility and introduce bias.

The brief summary of Missouri's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Missouri's SNAP waiver raises significant concerns regarding its justification, implementation readiness, and evaluation design. These concerns are amplified by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative pressures facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration moves forward.



Virginia

October 1, 2026

(This state analysis is current as of May 15, 2026.)

Virginia officials submitted a waiver request on November 4, 2025, proposing restrictions on sweetened beverages. USDA approved the waiver on December 10, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.



Implementation was originally scheduled for April 1, 2026. However, Virginia requested a delay, and USDA approved a revised implementation date of October 1, 2026, in a February 25, 2026, letter. The restrictions will apply statewide to all SNAP participants, including Summer EBT (SunBucks) participants, making purchases at SNAP-authorized retailers. Virginia does not plan to conduct a feasibility study, pilot project, or phased implementation prior to full statewide rollout.

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. While the waiver request provides limited insight into anticipated approaches, the timing and content of final plans remain unclear. Advocates should continue monitoring USDA and Virginia Department of Social Services (VDSS) websites for updates.

The following sections outline key concerns with Virginia’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Virginia anticipates cost neutrality for the state, while acknowledging that retailers will bear costs associated with system updates and communication efforts.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/virginia>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Virginia

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Sparkling lemonade or juice drinks	Noncarbonated or powdered/concentrated lemonade or juice drinks
Soda sweetened with artificial zero-calorie sweetener (e.g., A&W Zero Sugar Root Beer)	Soda sweetened with natural zero-calorie sweetener (e.g., Zevia Zero Sugar Creamy Root Beer); chocolate milk with artificial sweetener
Regular soda	Sweetened teas, coffees, and sports drinks
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Carbonated energy drinks	Noncarbonated energy drinks

*Based on FRAC’s interpretation of the waiver language and supporting materials.



Foods and Beverages Subject to Restriction in Virginia

Under the waiver, Virginia will prohibit SNAP purchases, including Summer EBT (SunBucks), of “sweetened beverages” at all SNAP-authorized retailers. The waiver defines “sweetened beverages” as beverages made with carbonated water and flavored or sweetened with added sugars or artificial sweeteners, including corn sweeteners, aspartame, sucralose, glucose, and high fructose corn syrup.

The waiver request includes several exceptions, which are further expanded in the USDA approval letter. This post-submission modification is unusual and lacks transparency regarding when or why the additional exceptions were incorporated.

Based on the waiver request and approval letter, “sweetened beverages” do not include plain or naturally flavored carbonated water; beverages containing less than 5 grams of added sugar; beverages containing milk or milk products (e.g., chocolate milk, yogurt drinks); soy, rice, or similar milk substitutes; mineral water sold in containers; specialty liquid foods intended as dietary substitutes; noncarbonated beverages (e.g., iced tea, lemonade, juice); medically necessary nutritional products (e.g., infant formula, meal replacement shakes); or hydration-focused sports drinks.

Virginia officials state that efforts were made to align definitions with those used by other states to reduce confusion for participants shopping across state lines. However, neighboring states with approved waivers, including West Virginia and Tennessee, apply different criteria. For example, diet soda with artificial sweetener is ineligible in Virginia but remains eligible in Tennessee, undermining the stated goal of consistency and increasing the likelihood of participant confusion.

Overall, the restriction language is complex and, at times, internally inconsistent. The available information suggests that the restrictions will be difficult for SNAP participants and retailers to interpret and, in some cases, nutritionally illogical, as highlighted in the examples in the table.



► **EXAMPLE:** An 8.45-ounce can of Trader Joe’s Sparkling Lemonade has 90 calories and 19 grams of added sugar, while an 8-ounce serving of Minute Maid Lemonade has 100 calories and 27 grams of added sugar. Although the Minute Maid Lemonade has more calories and sugar per ounce and seems eligible for SNAP purchase, the sparkling lemonade is not, due to its carbonation. (Product information reflects publicly available labeling.)

Nutrition and ingredient comparisons further illustrate these inconsistencies (see Example box). Sparkling lemonade, often containing fewer calories and less added sugar per serving than noncarbonated lemonade, will be ineligible solely due to carbonation. Similarly, flavored sparkling waters with nearly identical calorie, sugar, and flavor profiles may receive different eligibility determinations depending on whether they contain artificial sweeteners or minimal fruit juice.²³³

Additional clarification will be needed through retailer guidance and consumer education materials as implementation approaches.



Evidence Used to Justify the Waiver

Virginia's waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. The waiver asserts, without citation, that Virginia is experiencing a "health epidemic" driven by diet-related chronic disease, a term that is undefined and unsupported by referenced data. Although obesity and food access are mentioned, the waiver does not provide data or analysis to substantiate these claims.

The waiver further claims, again without evidence, that restricting sweetened beverages will incentivize beverage manufacturers to develop healthier products. No rationale or evidence is offered to support this assertion.

The waiver also fails to justify targeting SNAP participants specifically or to explain why particular beverages are deemed ineligible. For example, no evidence is presented to support excluding sparkling lemonade while allowing noncarbonated lemonade. While the waiver acknowledges that diet-related diseases disproportionately affect low-income populations, it does not offer an evidence-based discussion of the structural and social drivers of these disparities.

State officials additionally claim, without providing evidence, that the restrictions will promote healthier purchasing habits and better health results. These claims overlook a wealth of research showing SNAP's clear public health benefits, including improvements in food security, diet quality, and health outcomes,²³⁴ as well as reductions in health care expenses.^{235,236} Major organizations stress that SNAP promotes good nutrition while maintaining dignity, autonomy, and personal choice.²³⁷

The waiver also fails to address potential unintended consequences of restrictions, including stigma, reduced participation, and increased food insecurity. Recent research reviews describe limited and mixed evidence on the effects of SNAP restrictions,^{238, 239, 240} and suggest that such policies may exacerbate stress and health disparities rather than improve diet quality.²⁴¹ Despite these concerns, USDA approved Virginia's large-scale, statewide demonstration.

Finally, the waiver includes language emphasizing that retailer participation in SNAP is voluntary, implying that retailers unwilling to comply with restrictions may simply opt out. This framing is problematic given the importance of maintaining SNAP-authorized retailers for food access. Research suggests that access to SNAP-authorized retailers is associated with better diet quality among participants, underscoring the public health implications of retailer attrition from these restrictions.²⁴²



Communications Plans

Clear communication is essential to minimize confusion at checkout, support retailer compliance, and ensure participant understanding. The only publicly available description of Virginia's communication strategy consists of two sentences in the waiver request, stating that VDSS will inform participants through social media, electronic communication, community partners, nutrition education efforts, and mailings.

This level of detail is inadequate for a demonstration of this scope and complexity and raises concerns about

the rigor of USDA's review. The waiver request does not include a detailed communication plan, timelines, or examples of materials.

The waiver indicates that Virginia plans to work with retailers to assess system-level changes during an initial "discovery phase." While collaboration with retailers is essential, it is concerning that this phase appears to have occurred after waiver submission rather than before, limiting the state's ability to anticipate and address operational challenges in advance.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing the effects of the demonstration.²⁴³ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using methods that allow cross-state comparisons.²⁴⁴

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Virginia’s waiver request and USDA’s evaluation guidance in the approval letter that includes a summary of the state’s evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Virginia’s proposed evaluation consists of four sentences. The state indicates that it will conduct quarterly “pulse” surveys of SNAP participants, review retailer data to assess reductions in sweetened beverage purchases, and monitor obesity rates over time.

This description lacks essential details, including specific metrics, data sources, data collection tools, sampling strategies, analytic methods, and timelines. Such vagueness would have resulted in waiver denial prior to 2025 and raises concerns about the adequacy of USDA’s review.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter includes general expectations that participant surveys assess food purchases, consumption, project awareness, confidence in identifying eligible items, and changes in shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states substantial discretion in evaluation design.

Quarterly reporting requirements include participant hearings and stakeholder feedback. USDA also encourages partnerships with retailers to collect transaction-level data, though feasibility and representativeness concerns remain.

The brief summary of Virginia’s evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable. At the same time, the summary closely mirrors that of several other states, which offers limited reassurance regarding state-specific waiver reviews and oversight.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Virginia’s SNAP waiver raises significant concerns regarding its justification, implementation readiness, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative pressures facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration moves forward.



October 1, 2026

(This state analysis is current as of May 15, 2026.)

Officials in Ohio submitted a waiver request to USDA on October 28, 2025 that targets sugar-sweetened beverages. USDA sent an approval letter on March 4, 2026. The waiver was approved for two years with the possibility of 3 one-year extensions. Implementation of the waiver is scheduled to begin on October 1, 2026. Of note, the restrictions will be implemented statewide for all SNAP participants — including Summer EBT participants — making purchases in the state at SNAP-authorized retailers.

There are no plans for a feasibility study, smaller pilot project, or phased-in approach before implementation. However, per the recommendation of a Governor’s Working Group, Ohio requested a six-month grace period for all SNAP-authorized retailers following the implementation date to allow for system and operational updates. The USDA approval letter includes standardized language that indicates retailers have a 90-day grace period. It is unclear if Ohio’s request for a longer grace period will be honored since USDA did not provide state-specific feedback in the approval letter.

USDA has not posted final compliance, public communications, retailer communications, or evaluation plans to their state waiver website; therefore, it is unclear when, or if, final plans will be submitted to USDA. However, a limited number of resources offer potential insights into these plans (e.g., waiver request, USDA approval letter). Nonetheless, advocates should closely monitor the USDA and Ohio Department of Jobs and Family Services (ODJFS) websites for new information as well as updates or modifications to existing materials.

The following sections outline key concerns with Ohio’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, per the waiver request, Ohio anticipates that it will not “increase administrative burden” and the state “does not anticipate expenses related to notifying clients and retailers or changes to the EBT contract.”

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/ohio>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Ohio

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Sparkling lemonade and juice drinks	Noncarbonated lemonade and juice drinks
Regular soda	Sweetened teas, coffees, diet soda, flavored milk, and sports drinks
Carbonated energy drinks	Noncarbonated energy drinks

*Based on FRAC’s interpretation of the waiver language and supporting materials.



Foods and Beverages Subject to Restrictions in Ohio

Ohio will prohibit the use of SNAP benefits — including Summer EBT benefits — for “sugar-sweetened beverages” at all SNAP-authorized retailers. According to the waiver request, “sugar-sweetened beverages” refer to beverages with sugar, corn syrup, high-fructose corn syrup, or similar caloric sweeteners as the primary ingredient, or as the second ingredient if the first ingredient is carbonated water. This definition was developed by the “Working Group on the Submission of a Waiver Excluding Certain Beverages from SNAP in Ohio,” which was formed under an Executive Order issued by Governor Mike DeWine. The Working Group included the Ohio Beverage Association, Ohio Grocers Association, Ohio Manufacturers’ Association, and the Ohio Departments of Health and Medicaid, and key stakeholders were consulted in the definition development process. The formation of this Working Group is unique to other states.

The restriction language in the waiver request and USDA letter is vague and lacks exceptions, making restrictions confusing and nonsensical nutrition-wise, as shown in the examples in the table.

These examples highlight the difficulty in determining which items can be restricted in SNAP, especially when comparing their nutritional content and ingredients (see Example box).

Additional details on restrictions will likely be clarified in Ohio’s retailer guidance and consumer materials. Questions to answer should include what “similar caloric sweeteners” means and whether restrictions apply to liquid concentrates and powders, not just ready-to-drink products. These issues will hopefully be answered as the implementation date nears.



► **EXAMPLE:** An 8.45-ounce can of Trader Joe’s Sparkling Lemonade has 90 calories and 19 grams of added sugar, while an 8-ounce serving of Minute Maid Lemonade has 100 calories and 27 grams of added sugar. Although the Minute Maid Lemonade has more calories and sugar per ounce and seems eligible for SNAP purchase, the sparkling lemonade is not, due to its carbonation. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Evidence-based decision making is essential in public policy, but Ohio's waiver request lacked sufficient justification. It briefly referenced research on sugar-sweetened beverages and health issues, along with state disease statistics, but did not justify targeting SNAP participants or the specific ineligible beverages. For instance, Ohio's rationale for including noncarbonated lemonade but excluding sparkling lemonade is unclear.

Without citing any evidence, Ohio officials argue that "in combination with education and outreach, a restriction of sugar-sweetened beverages will encourage SNAP households to spend their benefits on healthier alternatives or other nutritional SNAP-eligible foods and promote overall household nutrition. In the long term, the project aims to reduce the prevalence of chronic health conditions like obesity, diabetes, heart disease, and hypertension among SNAP-eligible households." However, SNAP already achieves many of these goals for participants as currently operated, which the authors did not acknowledge. There is abundant research demonstrating SNAP's critical role in improving food security, dietary intake, weight outcomes, and health,²⁶³ and in reducing health care costs.^{264,265} According to the Academy of Nutrition and Dietetics, "although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families."²⁶⁶

Further, state officials claim that "the goal of this project is to improve short- and long-term health outcomes for SNAP participants and promote healthy purchasing habits." And because they cite no evidence, it is unclear why Ohio officials are confident that the restrictions will achieve this goal. In fact, recent research reviews describe the limited, problematic, and mixed findings on SNAP purchasing restrictions and their impacts.^{267,268,269} According to a commentary in the *American Journal of Public Health*, "evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health. On the contrary, evidence suggests that should restrictions be implemented, they may instead produce a paradoxical effect through accumulation of new stressors that exacerbate preventable health disparities."²⁷⁰ And yet, Ohio is pursuing, and USDA has approved, this large-scale demonstration.



Communications Plans

Clear communication is crucial to reduce confusion during checkout, ensure retailer adherence, and help participants understand. There is very little information on the specific communication plans and materials for this project; thus, it is difficult to assess whether the state's communication strategy for SNAP retailers and recipients will be sufficient and effective.

The waiver request indicated that "ODJFS will work with staff, SNAP-authorized retailers, and other key stakeholders to develop consistent and effective messaging, training, and business procedures to support successful waiver implementation." The state will create a detailed communication plan tailored for existing and new SNAP recipients and retailers. It may include

print and digital resources, social media, talking points, reminders, webinars, and signage. SNAP recipients will receive a notice by mail.

Additionally, the ODJFS website offers a concise overview of the waiver, including the start date of the restrictions and the definition of sugar-sweetened beverages from the waiver request.²⁷¹

Overall, existing materials suggest that Ohio had not developed a comprehensive communication strategy prior to approval. Whether meaningful guidance becomes available as implementation approaches remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²⁷² Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparisons.²⁷³

Only two documents related to the Ohio waiver's evaluation are publicly available: one, the evaluation briefly outlined in Ohio's waiver request, and two, the evaluation considerations and summary from USDA in their approval letter. A final USDA-approved evaluation plan has not been published on the USDA state waiver website. This makes it challenging to assess the rigor of the evaluation planned for the Ohio project. However, there are concerns that the evaluation may not meet the research needs identified by HER.

Evaluation Language in the Waiver Request

Compared to other state waivers, Ohio offered a clear overview of their proposed evaluation, focusing on changes in SNAP participant outcomes and operational effects on participants and retailers. Some details closely resembled elements from USDA approval letters sent to other states. However, the proposal lacked enough specifics to assess the evaluation's adequacy and rigor. Notably, it did not include sampling strategies for collecting data from SNAP participants and retailers, raising concerns about potential selection bias that could compromise the validity of the results and lead to poor policy decisions.

The state also considers assessing long-term health effects such as A1C levels, blood pressure, cavity development, and indicators like obesity and type 2 diabetes prevalence, but offers no evidence that the timeline is sufficient to observe meaningful changes. Additionally, officials often used vague language, such as "may," to describe evaluation strategies, suggesting a lack of detailed planning before submission. These issues highlight potential weaknesses in the evaluation plan, yet the USDA's approval letter did not mention these methodological concerns. Since previous waiver requests were denied due to inadequate evaluation plans, this raises questions about how thoroughly USDA reviewed Ohio's submission.

Evaluation Language in the USDA Approval Letter

USDA's approval letter for the Ohio waiver request includes limited guidance under their "Terms and Conditions," though it can be difficult to interpret. Some guidance aligns with the research needs identified by HER. USDA requires surveys of SNAP participants to gather data on food purchases and consumption (including "unhealthy" items eligible under the waiver and ineligible items bought with non-SNAP funds), confidence in identifying eligible foods, project awareness, and effects on shopping routines (such as travel distance and increased non-SNAP spending). While promising, this guidance lacks specific metrics or data sources and does not mandate a standardized set of variables, making cross-state comparisons challenging. Overall, states have considerable discretion in data collection and methodology.

(continued)

In quarterly reports, states should provide data on SNAP client hearings related to the project and stakeholder feedback (from participants, retailers, advocacy groups). This information is crucial for identifying implementation issues that might lead to adjustments or termination. Additionally, reports should ideally include baseline and monthly retailer data on SNAP shopping transactions, ideally through partnerships with retailers. However, obtaining this data may be difficult due to concerns over store sales confidentiality.

The USDA approval letter's brief summary of Ohio's evaluation was too vague to ensure its quality and rigor. For instance, it lacked details on sampling strategies for SNAP participants. The evaluation timeline also changed from the original request without explanation.

Despite this, the letter provided more information than the waiver request, suggesting further communication between USDA and Ohio officials—though the specifics are unavailable. Such additional communications could improve the final evaluation plan. Nonetheless, the evaluation details in the approval letter are generic and similar to those in other recent approvals for states like Nevada and Kansas, raising questions about the thoroughness of USDA's review process and the lack of tailored feedback in approval letters.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Ohio's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Colorado

October 30, 2026

(This state analysis is current as of May 15, 2026.)

Colorado officials submitted a waiver request to the USDA on May 13, 2025, proposing restrictions on certain “soft drinks.” (The waiver posted on the USDA website is dated August 1, 2025, though the reason for this discrepancy is unclear.) USDA approved the waiver on August 4, 2025, authorizing a two-year demonstration with the option of three additional one-year extensions.

Implementation was initially scheduled to begin on March 1, 2026. Colorado subsequently requested a delay, and USDA approved a revised implementation date of April 30, 2026, in a January 23, 2026 letter. After two Colorado State Board of Human Services hearings where state advocates articulated the flaws of the restrictions, the state decided to hold off a final vote to approve the waiver until August 2026 and requested that the state agency come back with a better policy proposal. In an April 14, 2026 letter to USDA, Colorado officials “requested to modify its implementation date to allow additional time for the Colorado State Board of Human Services to deliberate and to complete ongoing State rulemaking.” USDA approved a modified implementation date of October 30, 2026 in a May 11, 2026 letter. The state will move forward with this implementation date pending Colorado State Board of Human Services approval of the waiver.

Advocates played a critical role in prompting additional review of the waiver and delaying implementation. The quotes from the advocates highlight why so many Colorado stakeholders urged state leaders to reconsider the proposal.

If the state decides to move forward with the waiver, despite strong opposition, the current proposed restrictions will apply statewide to all SNAP participants, including Summer EBT participants, when making purchases at SNAP-authorized retailers. Colorado did not conduct, and did not plan to conduct, a feasibility study, pilot project, or phased implementation prior to full rollout.

“From the beginning, the effort to stop SNAP choice restrictions has been led by community voice. SNAP participants, health professionals, advocates, and partners across Colorado showed up, shared their experiences, and made it clear that food access must be rooted in dignity, trust, and choice. That collective voice has been critical in pushing back against a harmful policy that would limit access and increase stigma. When we listen to the people most impacted, the path forward is clear: we must strengthen SNAP, not restrict it.”

— ORAL TESTIMONY, HUNGER FREE COLORADO & PROVECHO COLLECTIVE

(continued)

USDA has not posted final compliance protocols, public communications, retailer guidance, or a final evaluation plan on its state waiver website. However, the Colorado Department of Human Services (CDHS) developed a “SNAP Healthy Choice Waiver” website that provides partial insight into anticipated implementation. Advocates should continue monitoring USDA and CDHS websites for updates or revisions.

The sections outline key concerns with Colorado’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, Colorado indicates that it will absorb implementation costs using existing staff and resources.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/colorado>.

“I grew up in poverty, and my family relied on food stamps, back when they were still paper. I know the shame of returning an item because it cost more than I thought, and the end-of-the-month blues of getting by with whatever was left. SNAP made life a little more bearable and gave me the strength to keep going. That’s why it mattered to see so many people speak out against SNAP restrictions. Our voices helped decision-makers understand what’s really at stake — the impact on people’s dignity, the real costs to families and communities, and the strain these kinds of policies place on already overburdened systems.”

— ORAL TESTIMONY, TY, COLORADO

TABLE: Examples of Foods and Beverages Identified for Restriction in Colorado

✘ Ineligible for Purchase With SNAP Benefits*	✔ Eligible for Purchase With SNAP Benefits*
Pediatric electrolyte beverages (e.g., Pedialyte)	Electrolyte water
Sweetened sport and electrolyte drinks	Electrolyte tablets and powdered electrolyte drinks that are to be mixed with water
Ready-to-drink sweetened lemonade, iced tea, and juice drinks	Powdered lemonade, iced tea, and juice drink mixes
Sweetened coffee drinks that do not contain milk	Sweetened coffee drinks that do contain milk
Flavored sparkling water beverage with artificial sweetener (e.g., Bubly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bubly Sparkling Water)
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener

*Based on FRAC’s interpretation of waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Colorado

Under the waiver, Colorado will prohibit SNAP and Summer EBT purchases of certain ready-to-drink “soft drinks” at SNAP-authorized retailers, using definitions drawn from the state tax code. “Soft drinks” are defined as ready-to-drink nonalcoholic beverages containing natural or artificial sweeteners. Excluded from this category are milk and beverages containing milk; soy, coconut, almond, rice, or similar milk substitutes; beverages containing more than 50 percent fruit or vegetable juice by volume; infant formula; and drink packets that are to be mixed with water.

The CDHS “Beverage Matrix” included on the SNAP Healthy Choice Waiver website provides a decision tree for determining beverage eligibility. While intended to clarify implementation, the matrix highlights the complexity of the restrictions and the likelihood of confusion for both retailers and SNAP participants — particularly for individuals with limited English proficiency.

To determine eligibility using the matrix, retailers and participants must assess whether a beverage contains milk or a milk substitute, added sugar, artificial sweetener, or less than 50 percent fruit or vegetable juice. This requires familiarity with ingredient lists, nutrition facts labels, and sweetener terminology — an unrealistic expectation in many retail settings.

As a result, eligibility determinations are confusing and often nutritionally inconsistent, as highlighted by several examples in the table. Oversimplified supporting materials further compound this confusion and complicate implementation.

Nutrition and ingredient comparisons further illustrate these inconsistencies (see Example box). Two sweetened cold brew coffees with nearly identical calorie and sugar profiles will receive different eligibility determinations based solely on the presence of milk. Similarly, sparkling waters with minimal fruit juice or



► **EXAMPLE:** Pediatric electrolyte beverages, such as Pedialyte, are ineligible for purchase under the waiver because of the presence of sweeteners. However, electrolyte water and powdered electrolyte mixes are eligible for purchase. The potential for confusion is compounded by the over-simplified communication materials: a mother purchasing Pedialyte for a sick child at the recommendation of her pediatrician would not know that the item was ineligible for purchase with her SNAP benefits based on in-store flyers alone.

artificial sweeteners will be treated differently despite negligible nutritional differences.²⁴⁵

Overall, the definitions and exceptions create a system that is difficult to administer and likely to generate confusion at checkout.



Evidence Used to Justify the Waiver

Colorado's waiver request provides an insufficient evidentiary basis for restricting SNAP purchases. The request does not cite any research or data and fails to justify: (1) targeting SNAP participants specifically; (2) excluding the selected beverages; or (3) the likelihood that the restrictions will meaningfully change purchasing behavior or health outcomes.

Colorado officials imply — without citing any evidence — that the restrictions will improve nutrition, health, and SNAP benefit purchasing power. However, extensive research demonstrates SNAP's existing effectiveness as currently operated in improving food security, dietary intake, health outcomes,²⁴⁶ and reducing health care costs.^{247,248} Professional organizations also emphasize that SNAP supports nutrition while preserving dignity, autonomy, and personal choice.²⁴⁹

There is also no evidence that SNAP encourages unhealthy purchases. Research consistently shows that SNAP participants' food purchases and dietary intake closely resemble those of income-eligible nonparticipants.^{250,251} Moreover, substantial evidence supports alternative strategies to improve diet quality within SNAP, including benefit adequacy, SNAP-Ed, financial incentives for fruits and vegetables, and expanded access to farmers markets^{252,253,254} — several of which have been weakened under recent federal policy changes.

Despite this evidence, Colorado officials asserted in the state board hearings, by citing a flawed study from the Netherlands, that restricting sweetened beverages will improve nutrition, health, and purchasing.²⁵⁵ However, research reviews describe limited and mixed evidence on SNAP purchasing restrictions,^{256,257,258} and suggest that such policies may increase stress and exacerbate health disparities rather than improve diet quality.²⁵⁹ Nonetheless, USDA approved Colorado's large-scale, statewide demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Although no final communications plan has been publicly released and the waiver implementation is now on hold, several concerns arise on the state's communication strategy based on available materials. (Of note, the website and supporting materials clearly communicate that the restrictions are on hold.)

The CDHS waiver website²⁶⁰ provides basic information for participants, retailers, and community partners, and promotes online information sessions for retailers. However, the site is available only in English and primarily relies on general lists of eligible and ineligible beverages that oversimplify the restrictions. The Beverage Matrix on the site is complex and, at times, inconsistent with other materials on the website and in consumer flyers, further increasing confusion. The FAQ section does attempt to clarify some issues, such as providing lengthy lists of common names for added sugars (19 are listed) and artificial/non-nutritive

sweeteners (eight are listed). However, the FAQ section mostly reinforces the complexity of the waiver.

The waiver website also includes a link to a SNAP Healthy Choice Waiver Digital Toolkit, which will eventually contain flyers, social media resources, and a small resource card for customers, many in English and Spanish. Some materials are still under development, but several materials are available. Most notable, a retailer flyer lists general categories of restricted and permitted beverages and directs users to the CDHS website via a URL and QR code for additional information. However, the simplified lists do not address common scenarios, such as ready to drink coffee or medically recommended electrolyte beverages, leaving participants uncertain about eligibility.

The flyer also assumes internet access and the time to review additional information while shopping—an unrealistic expectation for many households.

Overall, whether more meaningful communication materials and retailer guidance are developed remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²⁶¹ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.²⁶²

Only two evaluation-related documents for the state are publicly available on the USDA waiver website: a brief evaluation description in Colorado's waiver request and USDA's evaluation guidance in the approval letter that includes a summary of the state's evaluation. A final, USDA-approved evaluation plan has not been posted to the USDA waiver website. Nonetheless, the existing documents fall short of the research needs identified by HER.

Evaluation Language in the Waiver Request

Colorado's waiver request provides a well-organized but high-level overview of evaluation plans. Critical details are missing, including sampling strategies, metrics, analytic methods, and plans to assess unintended consequences such as stigma or reduced participation.

The waiver indicates that Colorado will rely on a convenience sample of SNAP participants to assess changes in purchasing and consumption, introducing a high risk of selection bias and limiting the validity of findings. The waiver does not describe how this limitation will be addressed in the final evaluation plan.

Evaluation Language in the USDA Approval Letter

USDA's approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behaviors. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though proprietary concerns and representativeness issues remain.

The brief summary of Colorado's evaluation in the USDA approval letter is too vague to provide confidence in the adequacy of the evaluation. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Colorado's SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as Colorado considers moving forward with its waiver.



Wyoming

February 1, 2027

(This state analysis is current as of May 15, 2026.)

On January 7, 2026, Wyoming officials submitted a waiver request to USDA to restrict “sweetened, carbonated beverages.” USDA approved this request on March 4, 2026, granting a two-year approval with the possibility of three one-year extensions. The restrictions are set to start on February 1, 2027, and will apply statewide to all SNAP participants making purchases at SNAP-authorized retailers.

Before submitting the waiver, Wyoming engaged stakeholders—including retailers—through surveys, public forums, and meetings to identify which items to restrict, how to define them, and to gather feedback on implementation. They also consulted neighboring states and reviewed other state waiver requests. Overall, efforts were made to ensure affected households and stakeholders could provide meaningful input. This “novel, stakeholder-driven approach” was described in the waiver’s introduction and shaped the request.


There are no plans for a feasibility study or pilot project before implementing the beverage restrictions. Wyoming will use a phased approach, starting with restricting sweetened, carbonated beverages in year one, followed by candy in year two. The waiver states that this phased plan was chosen based on stakeholder feedback, allowing the agency to learn from other states and develop clear, effective definitions and procedures that are easy for clients and retailers to understand. Currently, the waiver only covers beverage restrictions; a separate waiver for candy will be submitted by April 1, 2027. The USDA approval letter did not mention the second phase.

USDA has not posted final compliance, public, or retailer communication plans, nor evaluation strategies, to their state waiver website. It’s unclear when or if these plans will be submitted. Nevertheless, some resources like the waiver request and USDA approval letter offer insights. Advocates should monitor USDA and Wyoming Department of Family websites for updates and any modifications to existing plans.

The following sections highlight key issues with Wyoming’s demonstration project, including restricted items, the evidence used to justify the waiver, and the sufficiency of communication and evaluation plans. Wyoming acknowledges the potential expenses for planning, executing, assessing, and managing the waiver, such as hiring a program manager and contractors. The state estimates an annual cost of \$600,000 but acknowledges that additional costs might emerge as the project progresses. Additionally, the waiver request was generally vague and lacked crucial details about implementation, communication strategies, evaluation processes, and timelines. These shortcomings would have likely led to waiver denial before 2025.

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/wyoming>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Wyoming

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Diet soda with artificial sweetener	Chocolate milk with artificial sweetener
Carbonated lemonade or juice drinks	Non-carbonated lemonade or juice drinks
Regular soda	Sweetened teas, coffees, and sports drinks
Carbonated energy drinks	Non-carbonated energy drinks

*Based on FRAC's interpretation of the waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Wyoming

Under the waiver, Wyoming will prohibit the use of SNAP benefits for “sweetened, carbonated drinks” at all SNAP-authorized retailers. “Sweetened, carbonated beverages” are defined as any nonalcoholic, carbonated beverage that is flavored and sweetened with sugar or artificial sweeteners. Excluded from this definition are beverages that contain milk, milk products, or milk substitutes, or beverages that contain greater than 50% vegetable or fruit juice by volume.

The limited information available suggests that the restrictions will be confusing for SNAP participants and retailers, and even nonsensical from a nutrition standpoint, as highlighted by just a few examples in the table.

These types of examples reinforce the challenge in identifying specific items for restriction in SNAP, especially when considering and comparing the nutritional content and ingredient lists of items. For instance, sparkling lemonade, often containing fewer calories and less added sugar per serving than noncarbonated lemonade, is ineligible solely due to carbonation.

Carbonated water is very confusing because many are flavored and contain artificial sweeteners or a small amount of fruit juice (see Example box).

Additional clarification will be needed through retailer guidance and consumer education materials as implementation approaches.



▶ **EXAMPLE:** Buby Burst Triple Berry Sparkling Water Beverage, which contains 1% fruit juice and artificial sweetener, appears to be ineligible for purchase with SNAP benefits. (A 16.9 ounce bottle has 10 calories and also includes Zinc and Vitamin E.) However, Buby Blackberry Sparkling Water appears to be eligible because it contains no juice or artificial sweeteners. These products have similar names and flavor profiles, but potentially different eligibility for purchase. (Product information reflects publicly available labeling.)



Evidence Used to Justify the Waiver

Wyoming’s waiver request provides an insufficient and, at times, misleading evidentiary basis for restricting SNAP purchases. While the waiver references obesity statistics, it does not justify targeting SNAP participants specifically or explain why the selected beverages were chosen for restriction. The waiver also fails to recognize obesity as a complex chronic condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors, instead focusing narrowly on dietary intake.²⁹⁰

Without citing any evidence, Wyoming officials argue that the state “aims to improve public health, lower long-term healthcare expenses, and better align the SNAP program with its core goal of boosting food security through access to nutritious food.” However, there is abundant research demonstrating SNAP’s critical role — as currently operated — in improving food security, dietary intake, weight outcomes, and health,²⁹¹ and in reducing health care costs.^{292,293} According to the Academy of Nutrition and Dietetics, “although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families.”²⁹⁴

Furthermore, the waiver request does not fully consider the possible unintended consequences of restrictions, such as program stigma, lower participation, or increased food insecurity, which could negatively affect the mental and physical health of participants and raise health care costs.²⁹⁵ Additionally, since they provide no supporting evidence, it is uncertain why Wyoming officials believe the restrictions will enhance health and nutrition. Recent research reviews highlight the limited, problematic, and mixed results regarding SNAP purchasing restrictions and their effects.^{296,297,298} According to a commentary in the *American Journal of Public Health*, “evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health. On the contrary, evidence suggests that should restrictions be implemented, they may instead produce a paradoxical effect through accumulation of new stressors that exacerbate preventable health disparities.”²⁹⁹ And yet, Wyoming is pursuing, and USDA has approved, this large-scale demonstration.



Communications Plans

Clear communication is essential to minimize confusion at checkout, ensure retailer compliance, and support participant understanding. Although no final communications plan has been publicly released, several concerns arise based on available materials.

The waiver request does mention that, based on stakeholder feedback, “it has been made apparent that retailers are in need of education for their staff as well as for any SNAP recipient, including out-of-state SNAP travelers, to ensure that there is a clear understanding of the Agency’s specific restrictions and what other healthy and nutritious options are available for purchase.”

The waiver request provided vague details regarding communication strategies, merely stating that the “Agency

will continue to work on a formalized communication plan and submit this to USDA FNS upon completion.” It’s unclear why they are creating this plan before receiving approval or why the request lacks specifics if a formal plan is already underway. Additionally, the state plans to establish a “robust portion” of its website for stakeholder communication and to train staff throughout all project phases. However, there are no detailed descriptions or outlines of these strategies. Very little information is available about the specific communication plans and materials for this project; thus, it’s impossible to assess the adequacy or effectiveness of the state’s communication strategy for SNAP retailers and recipients. Whether meaningful guidance becomes available as implementation approaches remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.³⁰⁰ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.³⁰¹

Two documents related to the Wyoming waiver evaluation are publicly available: one is the brief assessment mentioned in Wyoming’s waiver request, and the other is the evaluation considerations and summary from USDA in their approval letter. A final USDA-approved evaluation plan has not yet been published on the USDA state waiver website. Consequently, determining the evaluation’s rigor for the Wyoming project is challenging. Still, concerns remain that the evaluation may not meet HER’s identified research needs.

Evaluation Language in the Waiver Request

The evaluation plan described in Wyoming’s waiver request was only one sentence long: “the Agency will begin developing the evaluation plan upon USDA FNS approval and will be completed by the February 1, 2027, implementation deadline.” This brief description is entirely insufficient and unacceptable for a demonstration of this scale. It is important to note that USDA previously denied waiver requests before 2025 due to inadequate evaluation plans, raising questions about how thoroughly USDA reviewed Wyoming’s submission. Overall, the language in the waiver request lacks the necessary details to assess the adequacy of the evaluation.

Evaluation Language in the USDA Approval Letter

The USDA’s approval letter for Wyoming’s waiver request includes some guidance under their “Terms and Conditions,” but it is somewhat hard to follow. Some of the guidance

aligns with the research priorities specified by HER. USDA expects surveys of SNAP participants to gather data on food purchases and consumption — such as “unhealthy” items that are SNAP-eligible under the waiver, as well as ineligible items bought with non-SNAP funds — along with confidence in identifying eligible foods, awareness of the project, and effects on shopping habits (like travel distance to stores and increased spending with non-SNAP dollars). While this is promising, the guidance lacks specific metrics or data sources and does not mandate a standardized set of variables, making comparisons across states difficult. Ultimately, states have considerable discretion over what data to collect and how to conduct their evaluations.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers to obtain transaction-level data, though participation is voluntary. This raises concerns about selection bias, particularly if participating retailers are not representative of the broader retail environment.

Finally, the USDA approval letter’s brief summary of Wyoming’s evaluation was too vague to ensure confidence in its adequacy. While it provided more detail than the waiver request — indicating that the state will gather data on participant spending and consumption through pre- and post-surveys designed by a contracted evaluation specialist — no specifics, such as sampling methods, were included. Since the survey details were not in the waiver request, USDA and Wyoming authorities must have communicated further about the evaluation after waiver submission, though the exact content of those discussions remains unknown.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Wyoming’s SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communications strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Kansas

February 15, 2027

(This state analysis is current as of May 15, 2026.)

Under Kansas State Senate Bill 125, Kansas officials filed a waiver request with USDA on May 8, 2025, targeting candy and “soda (also known as soft drinks).” USDA approved the request on March 4, 2026, although the approval letter oddly states the request was made on May 5, 2025. The waiver is valid for two years, with the possibility of three one-year extensions. It is set to take effect on February 15, 2027. Importantly, the restrictions will be enforced statewide for all SNAP participants, including Summer EBT beneficiaries, at SNAP-authorized retailers. No plans for a feasibility study, pilot project, or phased rollout exist before implementation.

USDA has not posted final compliance, communication, or evaluation plans to their state waiver website, so it is unclear when or if these plans will be submitted. However, limited resources like the waiver request and USDA approval letter offer some insights. Advocates should regularly check the USDA and Kansas Department for Children and Families (KDCF) websites for updates and changes to existing plans or materials.

The following sections outline key concerns with Kansas’s demonstration project, focusing on restricted items, the evidence cited to justify the waiver, and the adequacy of communication and evaluation plans. Notably, unlike many other states, Kansas recognizes the potential costs for implementation of the waiver, including hiring a contractor and additional staff:

[Kansas] DCF posted a Request for Proposal 12/29/2025 to identify a contractor to lead this waiver implementation process. [Kansas] DCF anticipates the contractor being in place early 04/2026. There are no additional anticipated impacts on the costs of the SNAP program for the state. However, additional expenses will arise as the project unfolds. SNAP leadership is estimating additional positions will be needed to better support the DUFB [Double Up Food Bucks] program and to implement and monitor the food restriction waiver. The majority of costs associated with this initiative will be incurred by SNAP-accepting retailers. Kansas retailers will be required to modify their processing systems to prevent the purchase of restricted food and beverage items using SNAP benefits.

The waiver also indicates that Kansas SNAP leaders will develop a staffing plan for fiscal year 2026 to account for the additional staff needed for the “training, technical assistance, monitoring, and evaluation pertinent to this waiver and DUFB program.” Further, the state writes that, “while the implementation of monitoring, training, and evaluation components of the waiver will influence state agency staffing capacities, this presents an opportunity for growth and improvement in our services.”

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/kansas>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Kansas

Ineligible for Purchase With SNAP Benefits*	Eligible for Purchase With SNAP Benefits*
Flavored sparkling water beverage with artificial sweetener (e.g., Bibly Burst Sparkling Water Beverage)	Flavored sparkling water without artificial sweetener (e.g., Bibly Sparkling Water)
Diet soft drinks with artificial sweetener	Chocolate milk with artificial sweetener
Candy without flour (e.g., Plain M&M's, Hershey's Kisses)	Candy that contains flour (e.g., Twix, Kit Kat, Twizzlers, Pretzel M&M's)
Candy that does not require refrigeration (e.g., chocolate-covered freeze dried strawberries)	Candy that does require refrigeration (e.g., chocolate-covered frozen strawberries)

*Based on FRAC's interpretation of the waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Kansas

Under the waiver, Kansas will prohibit the use of SNAP benefits — including Summer EBT benefits — for soft drinks and candy at all SNAP-authorized retailers. The waiver request uses the terms “soda” and “soft drink” interchangeably, but the USDA approval letter refers to the beverage restrictions exclusively as “soft drinks.”

The actual definitions are based on the Kansas tax code. “Soft drinks” are defined as any nonalcoholic beverage that contains natural or artificial sweeteners. “Soft drinks” do not include beverages that contain milk, milk products, or milk substitutes, or beverages that contain greater than 50% vegetable or fruit juice by volume. “Candy” is defined as a preparation of sugar, honey, or other natural or artificial sweeteners combined with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. “Candy” does not include any preparation containing flour or requiring refrigeration.

The definitions alone show how challenging it is to classify foods and beverages for restriction. In practice, the exceptions and caveats tend to be confusing and often do not make sense from a nutritional perspective, as illustrated by a few examples in the table.

These examples highlight the difficulty in pinpointing specific items for SNAP restrictions, especially when evaluating their nutritional content and ingredients (see Example box).

(continued)

▶ **EXAMPLE:** A 1-ounce serving of Plain M&M's has 140 calories, 5 grams of fat, 1 gram of protein, and 17 grams of added sugar. The same amount of Pretzel M&M's contains 130 calories, 4 grams of fat, 2 grams of protein, and 14 grams of added sugar. Although nutritionally similar, Plain M&M's are ineligible for SNAP purchases, while Pretzel M&M's are allowed because they contain flour. (Product information reflects publicly available labeling.)

Water classification is especially confusing due to variability: some contain artificial sweeteners or small amounts of fruit juice, and current materials use inconsistent wording. For example, a 12-ounce can of Spindrift Lemon Sparkling Water has 2% lemon juice by volume, 3 calories, and no protein, fat, or added sugars. (Spindrift also offers other sparkling water options with higher fruit juice content.) A 12-ounce can of LaCroix Lemon Sparkling Water is flavored with “naturally essenced” lemon and contains no calories, protein, or added sugars. Both are unsweetened, but would Spindrift be excluded because it has less than 50% fruit or vegetable juice by volume, while LaCroix would qualify?²⁷⁵

Similarly, Bubly Burst Triple Berry Sparkling Water, which contains 1 percent fruit juice and artificial sweetener, seems ineligible for SNAP. (A 16.9-ounce bottle has 10 calories and includes Zinc and Vitamin E.) In contrast, Bubly Blackberry Sparkling Water appears eligible because it has no juice or artificial sweeteners. Despite their similar names and flavors, their eligibility differs.²⁷⁶

Additional clarification will be needed through retailer guidance and consumer education materials as implementation approaches.



Evidence Used to Justify the Waiver

Kansas’ waiver request provides an inaccurate and insufficient evidentiary basis for restricting SNAP purchases. The waiver provided a brief overview of state chronic disease statistics, with a strong emphasis on obesity. However, the waiver did not acknowledge that obesity is a complex, chronic disease affected by various factors such as genetics, personal behaviors, environment, medications, and stress.²⁷⁷ The waiver also failed to justify the targeting of SNAP participants or to justify the specific beverages deemed ineligible for purchase with SNAP benefits.

Without citing any evidence, Kansas officials argue that “to better fulfill SNAP’s purpose of promoting the general welfare and protecting health, Kansas proposes refining the definition of SNAP-eligible food and beverage purchases to encourage participants to choose more nutritious options.” However, SNAP already achieves many of these goals for participants as currently operated, which the authors did not acknowledge. There is abundant research demonstrating SNAP’s critical role in improving food security, dietary intake, weight outcomes, and health,²⁷⁸ and in reducing health care costs.^{279,280} According to the Academy of Nutrition and Dietetics, “although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families.”²⁸¹

State officials argue that adjusting SNAP-approved food options via a food restriction waiver could improve public health. They believe that lowering socioeconomic barriers and making healthier food choices easier and more routine for SNAP participants can lead to significant improvements in community health. However, since they cite no supporting evidence, it is unclear why Kansas officials are confident these restrictions will meet these aims. Recent research reviews highlight that findings on SNAP purchasing restrictions are limited, problematic, and inconsistent.^{282,283,284} According to a commentary in the *American Journal of Public Health*, “evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health. On the contrary, evidence suggests that should restrictions be implemented, they may instead produce a paradoxical effect through accumulation of new stressors that exacerbate preventable health disparities.”²⁸⁵ Despite this uncertainty, Kansas is pursuing, and USDA has approved, this large-scale demonstration.

Finally, like the Missouri waiver, Kansas is “laying the groundwork to increase collaboration” on the Double Up Food Bucks (DUF) program. “This is a powerful initiative that rewards SNAP participants for purchasing fresh fruits and vegetables. This deliberate collaboration underpins the aim of this waiver request by offering further support to enhance the nutritional well-being of SNAP participants.” The suggestion is that these restrictions will support and align with both current and future DUF) initiatives in the state.

Communications Plans

Effectively communicating program changes to SNAP participants and retailers is essential to prevent confusion and frustration at checkout and to ensure retailers follow the waiver. There is little information available about the specific communication plans and materials for this project, making it impossible to assess the adequacy and effectiveness of the state's communication strategy for SNAP recipients and retailers. The waiver request offered a brief overview of potential communication methods but stated that “the contractor will review and finalize the communication plans drafted in this request.” It also indicated that a “comprehensive communication plan” will be implemented six months before the start date. Key activities include a community partner toolkit with FAQs and signage for retailers, website updates, a social media campaign, mass mailings to SNAP participants, a

UPC list of restricted items for retailers, talking points for KDCF staff, and stakeholder training (e.g., participants, retailers, staff, community partners).

While the KDCF SNAP Food Assistance website²⁸⁶ does not reference the state's waiver request, it does include the following language regarding what can be purchased with SNAP benefits: “Additional purchase restrictions may apply in states that have implemented a SNAP Food Restriction Waiver.” Users are then directed to the USDA state waiver website.

Overall, existing materials suggest that Kansas had not developed a comprehensive communication strategy prior to approval. Whether meaningful guidance becomes available as implementation approaches remains uncertain.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.²⁸⁷ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.²⁸⁸

Two documents pertaining to the Kansas waiver evaluation are publicly available: the brief evaluation in Kansas's waiver request and the evaluation considerations and summary from USDA in their approval letter. A finalized, USDA-approved evaluation plan has not yet been made available on the USDA state waiver website, making it difficult to assess the evaluation's rigor for the Kansas project. Nonetheless, concerns persist that the evaluation may not fully meet the research needs specified by HER.

Evaluation Language in the Waiver Request

The Kansas waiver request offers only a brief overview of their evaluation plans, stating that the contractor will “develop monitoring/compliance and evaluation plans based on evidence-informed methodologies.” Until these are finalized, the state will move forward with draft evaluation plans.

Because the described procedures were only an outline, they lacked enough detail to assess the sufficiency and rigor of the evaluation. For example, there was no mention of specific metrics or data collection tools such as dietary recall. Additionally, there was no information on sampling strategies for SNAP participant and retailer data collection, raising concerns about potential selection bias. Such bias can compromise the validity of results and misguide policy decisions, which underscores the importance of minimizing it. The waiver request also noted that the initiative is broader than just the restrictions, incorporating incentives. However, it did not explain how evaluators will isolate the effects of purchasing restrictions from incentives or other ongoing state efforts.

(continued)

Evaluation Language in the USDA Approval Letter

The USDA's approval letter for Kansas's waiver request includes limited guidance under their "Terms and Conditions," which can be somewhat difficult to interpret. Some guidance aligns with HER's identified research needs. USDA requires that SNAP participant surveys gather information on food purchases and consumption, such as "unhealthy" items eligible under the waiver, ineligible items bought with non-SNAP funds, confidence in identifying eligible foods, project awareness, and impacts on shopping routines like travel distance and increased non-SNAP spending. However, the guidance lacks specific metrics, data sources, and a standardized set of variables, making cross-state comparisons challenging. Thus, states have significant discretion over what data to collect and how to do so.

Quarterly reporting requirements include providing data on SNAP hearings related to the project and stakeholder feedback from participants, retailers, and advocacy groups. USDA also encourages partnerships with retailers for transaction-level data, though representativeness concerns remain.

Unfortunately, the brief summary of Kansas's evaluation in the USDA approval letter was too vague to provide reassurance regarding the quality and rigor of the evaluation. For example, there was no specific information on sampling strategies for collecting data from SNAP participants. The evaluation timeline also differed from the waiver request, but no explanation was provided for the change. However, the letter did have additional details than what was included in the waiver request, which suggests that USDA and state officials may have had additional communications regarding the evaluation after the waiver request was submitted, although the specific details of those communications are unavailable.

Overall, the evaluation description in the waiver request, USDA's evaluation guidance, and the state evaluation summary in the approval letter offer limited reassurance about the quality, rigor, or comparability of evaluations across different states. Notably, the extra evaluation details provided in the letter were generic and resembled those in other recent approvals, like Nevada and Ohio, which raises concerns about the thoroughness of USDA's review and the absence of state-specific feedback.

Conclusion

Kansas's SNAP waiver raises substantial concerns regarding its justification, clarity of restrictions, communication strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.



Nevada

February 1, 2028

(This state analysis is current as of May 15, 2026.)

Nevada submitted a waiver request to USDA on February 2, 2026, targeting certain candies and sugar-sweetened beverages. USDA approved the request on March 4, 2026, though the approval letter oddly states the request was made on February 6, 2025. On April 13, 2026, Nevada requested a modification to their initial definition of candy and provided clarifying information for certain sugar-sweetened beverages. The request was approved by USDA on April 22, 2026. The waiver is valid for two years, with an option for three one-year extensions, and is set to start on February 1, 2028. The restrictions will apply statewide to all SNAP participants, including Summer EBT participants, at SNAP-authorized retailers. No plans for a feasibility study, pilot, or phased rollout exist before implementation.



The waiver request includes a Nevada Healthy Access Project (NHAP) demonstration that features these restrictions alongside six statewide nutrition and retailer-focused initiatives. These are integrated through the Nevada Division of Social Services (DSS) SNAP-Ed program, Rethink Your Drink Nevada. The initiatives include a statewide Rethink Your Drink campaign; promotion and potential expansion of Double Up Food Bucks; support for Farm to SNAP households through Community Supported Agriculture programs; marketing of healthier alternatives; in-store digital incentives like EBT bonuses (pending internal DSS approval); and retailer recognition programs to promote healthier choices. Unlike most other waivers, Nevada's request outlines a broad effort, making it difficult to separate the restrictions from the other initiatives. The USDA approval letter, however, only mentions the restrictions, omitting the broader components.

USDA has not posted finalized plans for compliance, public or retailer communication, or evaluation on their state waiver website. It is unclear when or if these will be submitted. Limited resources, such as the waiver request and USDA approval letter, provide some insights into implementation. Advocates should monitor the USDA and Nevada DSS websites regularly for updates or changes to these plans.

The following sections highlight key issues with Nevada's demonstration project, including the restricted items, the evidence used to justify the waiver, and the sufficiency of communication and evaluation plans. Nevada also acknowledges the potential costs of implementing the waiver, estimating that the broader NHAP demonstration will cost \$3 million over 27 months, with 20 percent allocated for evaluation support and 80 percent for nutrition education. It remains unclear which costs are specifically linked to implementing the restrictions themselves, such as developing retailer guidance and consumer materials. Nevertheless, the waiver request states, "while the State would reallocate limited FFY25 SNAP-Ed funds to provide initial support for the requested demonstration efforts, additional funding would be needed to fully support the requested demonstration's evaluation plan and nutrition education support beyond 9/30/2026."

Unless otherwise indicated, this state analysis is based on information available at: <https://www.fns.usda.gov/snap/waivers/foodrestriction/nevada>.

TABLE: Examples of Foods and Beverages Identified for Restriction in Nevada

 Ineligible for Purchase With SNAP Benefits*	 Eligible for Purchase With SNAP Benefits*
Compressed candy (e.g., Nerds, Starburst, Airheads), gummy candy, and licorice	Chocolate products (e.g., Snickers, Twix, M&Ms)
Regular hard candy	Sugar-free hard candy
Regular soft drinks, including soda and lemonade	Sweetened coffee and tea, diet soft drinks, sports drinks

*Based on FRAC’s interpretation of the waiver language and supporting materials.

Foods and Beverages Subject to Restriction in Nevada

Under the waiver, Nevada will ban the use of SNAP benefits, including Summer EBT benefits, for certain sugar-sweetened beverages and candy at all SNAP-authorized retailers.

The definitions in the initial and modified waiver requests are lengthy and complex, with many exceptions and caveats. Under the waiver, “candy” refers to confections primarily made with sugar, corn syrup, or high-fructose corn syrup that do not include chocolate, fruits, or nuts. More specifically, the following are categorized as “candy”: gelatin-based confections (like gummies), licorice, hard candies, and products “primarily composed of sugar, corn syrup, high fructose corn syrup, or other added caloric sweeteners in the form of pieces, tablets, ropes, chews, or similar confections, regardless of texture, form, coating, or method of preparation.” The following are not considered “candy”: chocolate products, protein or granola bars, fruit or nut-based items, and products containing natural plant-derived sweeteners (like stevia or monk fruit), artificial sweeteners, or sugar alcohols (like xylitol or erythritol). In short, “candy” does not include confections with chocolate, fruits, or nuts.

“Sugar-sweetened beverages” encompass carbonated or noncarbonated soft drinks with added caloric sweeteners, as well as fruit or vegetable drinks or juice blends containing less than 50 percent fruit or vegetable juice by volume with added calorie sweeteners. This covers ready-to-consume and ready-to-mix products.

(continued)



▶ **EXAMPLE:** Ready-to-drink Minute Made Lemonade is ineligible for purchase under the waiver, but ready-to-drink Great Value Sweet Brewed Iced Tea is eligible for purchase. The lemonade contains 70 calories and 17 grams of added sugar in a single 8-ounce serving. The iced tea contains 80 calories and 20 grams of added sugar in an 8-ounce serving. (Product information reflects publicly available labeling.)

Exclusions include beverages with milk, milk products, or milk substitutes; 100 percent fruit or vegetable juices or juice blends; drinks meant for medical or oral rehydration; sports or electrolyte-replacement drinks; coffee, tea, and various shakes; carbonated or noncarbonated water with no flavor and added caloric sweeteners; diet drinks; prebiotic and probiotic sodas; and frozen treats like popsicles. The mention of frozen treats is particularly puzzling.

The definitions highlight how challenging it is to categorize foods and drinks for restrictions. In practice, the numerous exceptions and caveats often create confusion and seem illogical from a nutritional perspective, as illustrated by some examples in the table.

These types of examples reinforce the challenge in identifying specific items for restriction in SNAP, especially when considering and comparing the nutritional content and ingredient lists of items (see Example box).

It remains unclear how numerous common products will be classified, including chocolate-covered gummies and flavored water with a minimal amount of fruit juice or non-caloric sweetener. Additional details and clarifying information should emerge as Nevada develops retailer guidance and consumer educational materials.



Evidence Used to Justify the Waiver

Nevada's waiver proposal offers an inadequate and sometimes deceptive basis of evidence for limiting SNAP purchases. For example, Nevada officials discussed state obesity rates — including those calculated by DSS for SNAP-eligible residents — and outlined the link between sugar consumption and health issues. Although their explanation was clearly written and well-organized, they did not provide any supporting evidence for their claims. The waiver also fails to recognize obesity as a complex chronic condition influenced by genetic, behavioral, environmental, social, and pharmaceutical factors, instead focusing narrowly on dietary intake.³⁰²

The waiver further distorted the available data on SNAP and nutrition to justify targeting SNAP participants. Nevada officials summarized data on candy and sugar-sweetened beverage purchases with SNAP benefits but did not specify their source. It seems they relied on a flawed USDA study from 2016 and misinterpreted its findings. A Food Research and Action Center brief highlights the many challenges in studies on SNAP participants' food purchases and dietary intake, such as selection bias, misreporting of SNAP participation, and cross-sectional study designs.³⁰³ Unfortunately, these challenges are often overlooked or ignored by those seeking to restrict purchases in SNAP, which can lead to misleading conclusions about SNAP usage and its impact on dietary intake. The reality is that the food purchases and dietary intake of SNAP participants are remarkably similar to non-participants.^{304,305}

Without citing any evidence, Nevada officials argued in their waiver request that the demonstration, “aims to support nutrition security, mitigate chronic disease risk associated with sugar-sweetened beverage and candy consumption, and enhance the ability of SNAP households to purchase healthier foods.” However, SNAP already achieves these goals for participants as currently operated, which the authors did not acknowledge. There is abundant research demonstrating SNAP's critical role in improving food security, dietary intake, weight outcomes, and health,³⁰⁶ and in reducing health care costs.^{307,308} According to the Academy of Nutrition and Dietetics, “although SNAP is not intended to serve as a dietary health intervention for chronic disease, it plays a vital role in helping participants meet their basic nutritional needs ... SNAP upholds the dignity, autonomy and personal choice of participants, empowering them to decide how best to nourish themselves and their families.”³⁰⁹

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The state even claims, without providing evidence, that excluding sugar-sweetened beverages and candy from SNAP eligibility would directly lower sugar consumption and improve nutrition security by guiding households to healthier alternatives. This is quite a bold assertion, especially since many sugar-sweetened beverages and candies, like sweetened tea and chocolate bars, will still be eligible for purchase using SNAP benefits. Additionally, without citing evidence, it is unclear why Nevada officials are confident that this demonstration will successfully shift purchasing habits toward healthier foods and promote better public health and social outcomes for low-income families.

In fact, recent research reviews describe the limited, problematic, and mixed findings on SNAP purchasing restrictions and their impacts.^{310,311,312} According to a commentary in the *American Journal of Public Health*, “evidence does not support the assertion that setting nutrition standards for eligible SNAP purchases will improve diet quality or health. On the contrary, evidence suggests that should restrictions be implemented, they may instead produce a paradoxical effect through accumulation of new stressors that exacerbate preventable health disparities.”³¹³ And yet, Nevada is pursuing, and USDA has approved, this large-scale demonstration.

Communications Plans

Clear communication of programmatic changes to SNAP participants and retailers is crucial for preventing confusion and frustration at checkout and ensuring compliance with the waiver. Nevada included a brief summary of their communication strategy and materials in the waiver request. They also attached an NHAP communications plan, a first among the initial state waiver requests. However, this attachment was not posted on the USDA state waiver website, making it impossible to assess the plan’s adequacy and likely effectiveness for SNAP retailers and recipients.

Despite this, the summary in the waiver provides some insight into Nevada’s approach. The state plans to develop a comprehensive, multi-phase strategy to inform SNAP participants, retailers, staff, and community partners of the NHAP demonstration. This includes training staff and outreach partners, mailers, technical assistance, public announcements, press releases, and a dedicated email, phone line, and website to handle questions. These activities will utilize existing networks and coordinate with established partners.

Evaluation Plan

Federal law requires SNAP waivers to include evaluations assessing program effects.³¹⁴ Healthy Eating Research (HER) emphasizes that evaluations of food restriction waivers should assess changes in purchases and consumption, participant experiences (including stigma and stress), unintended consequences, administrative burden, retailer participation, and impacts across sociodemographic groups, using standardized methods to allow cross-state comparison.³¹⁵

Two documents pertaining to the Nevada waiver’s evaluation are publicly available: one briefly outlined in Nevada’s waiver request, and the other from USDA’s approval letter, which includes evaluation considerations and a summary. A final USDA-approved evaluation plan has not yet been published on the USDA state waiver website, making it hard to assess the evaluation’s rigor

for the Nevada project. Despite this, there are concerns that the evaluation may not meet the research needs identified by HER.

Evaluation Language in the Waiver Request

Compared to other state waivers, Nevada offered a well-considered overview of their evaluation strategy. However, since the proposed procedures were only a summary, they lacked sufficient detail to assess the evaluation’s adequacy and rigor. For example, there was no information on sampling methods for collecting data from SNAP participants and retailers, raising concerns about potential selection bias. This bias can affect the validity of results and lead to ineffective policies, so minimizing it is crucial. It was also unclear if data on participant purchases of restricted items with non-SNAP funds (such as cash or personal credit cards) would be collected and analyzed.

(continued)

As previously mentioned, the demonstration in Nevada extends beyond the restrictions alone. The waiver request indicates that the demonstration is not solely testing the impact of restrictions, making it unclear how evaluators will distinguish their effects from other initiatives, such as the six statewide nutrition education and retailer-focused programs. Additionally, the proposal mentioned collaboration with SNAP-Ed for nutrition education and evaluation, but it is unclear how recent federal cuts to SNAP-Ed from H.R. 1 might affect project implementation and evaluation. The waiver request states, “DDS is actively working with its staff to identify options to sustain key nutrition education efforts, partnerships, and resources to continue supporting implementation of this waiver.”

These are just a few potential limitations of the evaluation. Nonetheless, USDA’s approval letter did not address these methodological concerns. Historically, waiver requests were denied prior to 2025 due to inadequate evaluation plans, raising questions about how thoroughly USDA reviewed Nevada’s submission.

Evaluation Language in the USDA Approval Letter

USDA’s approval letter includes general evaluation expectations consistent with other states, such as participant surveys assessing purchases, consumption, awareness, and shopping behavior. However, USDA does not specify required metrics, standardized variables, or data sources, leaving states broad discretion.

Quarterly reporting requirements include border-state transaction data, participant hearings, and stakeholder feedback. USDA also encourages partnerships with retailers for transaction-level data, though participation is not mandatory. This raises concerns about selection bias, particularly if participating retailers are not representative of the broader retail environment.

Unfortunately, the brief summary of Nevada’s evaluation in the USDA approval letter was too vague to assure the quality and thoroughness of the assessment. For instance, it lacked details on sampling strategies for collecting data from SNAP participants. However, the letter included more information than the waiver request, indicating that USDA and Nevada officials may have had further discussions about the evaluation after the waiver was submitted, though the details of these discussions are not available. Notably, the extra evaluation details provided in the letter were generic and resembled those in other recent approvals, like Kansas and Ohio, which raises concerns about the thoroughness of USDA’s review and the absence of state-specific feedback.

Overall, the evaluation description in the waiver request, evaluation guidance from USDA, and state evaluation summary in the approval letter provide limited assurance regarding evaluation quality, rigor, or comparability across states.

Conclusion

Nevada’s SNAP waiver raises significant concerns regarding its justification, clarity of restrictions, communications strategy, and evaluation design. These concerns are compounded by the decision to implement restrictions statewide without a pilot, the absence of finalized public plans, administrative challenges facing SNAP agencies under H.R. 1, and substantial USDA staffing losses since January 2025. Together, these factors may hinder effective implementation and limit meaningful federal oversight as the demonstration proceeds.

CONCLUSION

The current wave of SNAP food restriction waivers represents a major departure from decades of evidence-based federal policy, undertaken at scale without sufficient evidence, fiscal transparency, or evaluative rigor. Across states, USDA-approved restrictions rely on inconsistent and non-nutrition-based definitions, lack credible justification for targeting SNAP participants, and impose substantial administrative burdens during a period of acute state fiscal stress and federal cost shifting under H.R. 1.

Rather than strengthening SNAP's effectiveness, these waivers risk increasing confusion, stigma, and food access barriers while diverting limited state capacity away from implementing new statutory requirements that directly affect program integrity. Absent corrective action, this approach threatens to undermine SNAP's core purpose as an antihunger program. USDA should halt further expansion of purchase restrictions, refocus on technical assistance to support states during H.R. 1 implementation, and reaffirm SNAP's longstanding principles of dignity, choice, and evidence-based policy.

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