

SNAP Food Restriction Demonstration Waiver Request Template



United States Department of Agriculture Food and Nutrition Service

SNAP FOOD RESTRICTION STATE DEMONSTRATION REQUEST

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

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

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

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

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

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Type of Request: SNAP FOOD RESTICTION

Date of Request: 6/27/2025

State: LA

Region: SWRO

Statutory Citations: 7 USC §2012 (k)

Regulatory Citations: 7 CFR 271.2

Summary of Food Restriction Demonstration Project Request:

The goal of the demonstration pilot project is to Make Americans Healthier Again by removing soft drinks, energy drinks, and candy as eligible food that may be purchased with Supplemental Nutrition Assistance Program (SNAP) benefits. The intended goal of this project is to obtain better health outcomes for SNAP recipients. Numerous studies equate consumption of unhealthy food and drink, including soft drinks, energy drinks, candy, and other junk food, to instances of disease, including obesity, diabetes, high blood pressure, heart disease, and even some cancers.¹ Multiple studies have shown that SNAP participation is associated with increased obesity risk.²

Proposed Alternative Procedures to Operate Project:

The State of Louisiana and the Louisiana Department of Children and Family Services (DCFS) are requesting to exercise Section 17 of the Food and Nutrition Act of 2008 to modify the definition of eligible foods under SNAP.

Louisiana will exclude soft drinks, energy drinks, and candy from the definition of eligible foods.

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

Louisiana believes that this a permissible project outlined in Section 17 (b)(1)(B)(ii)(I) and (II) of the Food and Nutrition Act (FNA) because it will improve program administration and increase the self-sufficiency of SNAP recipients. The project will prevent soft drinks, energy drinks, and candy from being purchased with SNAP benefits. This will lead to a more balanced diet of nutrient dense foods resulting in improved overall health. A more balanced diet will be a catalyst in increasing the self-sufficiency of SNAP recipients. SNAP recipients who are healthier will not miss work and school as much as non-healthy individuals. Individuals who are healthy are able to work or attend school on a regular basis, and this will result in increased productivity,

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

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

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thereby being more self-sufficient. Self-sufficiency reduces overall SNAP participation which will improve program administration.

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

Louisiana proposes to restrict soft drinks, energy drinks, and candy from being purchased with SNAP benefits.

Soft drinks are defined as any carbonated nonalcoholic beverage containing high fructose corn syrup or artificial sweeteners. The term does not include flavored carbonated water, nor does it include any beverages that contain milk or milk products, soy rice, or similar milk substitutes, or any beverage containing equal to or greater than fifty percent (50%) of vegetable or fruit juice by volume.

Energy drinks are carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.

Candy means a 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, or pieces. The candy exclusion includes any such preparation that also contains flour and is sold in the form of bars, drops, or pieces. This definition does not include protein bars, granola bars, or baking ingredients such as sprinkles, chocolate melting wafers, toffee bits, or chocolate chips.

SNAP-Eligible Household Considerations:

This project will affect 100% of Louisiana's caseload of 405,219 households representing 819,038 recipients. This project will begin at the same time for all SNAP recipients.

SNAP-Authorized Retailer Considerations:

- All retailers, including brick-and-mortar stores, participating retailers' online platforms and farmers' markets, in the state will be subject to the pilot project beginning at the same time. A phased in approach is not expected.

Retailer-Level System Changes

Retailers across Louisiana will be required to make changes within their individual inventory and processing systems in the operation of this demonstration project. The following changes can be expected:

- Updates to product coding to remove soft drinks, energy drinks, and candy from being classified as a SNAP eligible product. Retailers will use the same process they do today to classify products such as hot foods, alcoholic drinks, paper products, etc. as not eligible for purchase with SNAP benefits.

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- A subcategory may be used to exclude soft drinks, energy drinks, and candy from eligible SNAP purchases in the event that the retailer is unable to separate from other eligible food and drinks. The end result must be that soft drinks, energy drinks, and candy are unable to be purchased with SNAP benefits.
- There will be no exemptions for retailers that are unable to make the necessary system changes. However, an in-store workaround such as separating purchases into two separate transactions of SNAP eligible and non-SNAP eligible can be established. The end result must be that soft drinks, energy drinks, and candy are unable to be purchased with SNAP benefits.

Impacts to the State Agency:

Healthier SNAP recipients will be able to attend school and/or work, therefore, reducing their dependence on SNAP. It is anticipated that the SNAP caseload will be reduced due to the corresponding decrease in SNAP applications. Additionally, DCFS anticipates a potential reduction in instances in SNAP fraud involving energy drinks, as such transactions remain a significant contributor to instances of fraudulent SNAP transactions within Louisiana.

State-Level System Changes

The state of Louisiana will not require any State-level system changes in the operation of this demonstration project.

- The State eligibility system will not require any upgrade or enhancements.
- Additional programs such as Summer EBT or any incentive-based programs will also be subject to these restrictions. There are no system changes required to ensure there is no impact to these programs.

Food Restriction Pilot Compliance Plans

- This demonstration project will be in effect statewide. It is the retailer's responsibility to make sure their system is programmed correctly to accept SNAP benefits for allowable items only.
 - The state will inform all SNAP participating retailers in Louisiana via mail or email of the changes to the SNAP eligible items including detailed item specifications/restrictions, SNAP agency contact information, and implementation dates.
 - The state will make all requirements and product specifications/restrictions available on the state agency's website.
 - There will be no changes to how retailer fraud is monitored nor reported. Fraud can be anonymously reported by:
 - Calling the state at 1-888-524-3578, Option 6.
 - Emailing the state at DCFS.Fraud@LA.GOV
 - Calling USDA: (800) 424-9121; (202) 690-1202 (TDD)
 - Writing: USDA Office of Inspector General, PO Box 23399, Washington, DC 20026-3399
 - Submitting a report to USDA OIG online <https://usdaoig.oversight.gov/>

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- As part of the compliance plan prior to Project implementation, the State will have SNAP authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
- SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
- As part of the compliance plan, the State will have a method for notifying SNAP authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.

Staff Capacity and Training

- The State's SNAP policy staff will administer the project by providing retailer requirements and procedures as required by the project.
 - There will be no additional staff required to implement this project.
 - Additional duties will be absorbed by current staff with no adjustment to capacity.

Communication Plan:

DCFS expects to implement this waiver on January 1, 2026. DCFS has been in communication with the Louisiana Retailers Association, Louisiana Beverage Association, and the American Heart Association. DCFS plans to continue communication with these entities throughout the remainder of 2025 to share information, obtain feedback to assist DCFS in the scope of what should be in the waiver. Additional meetings will be held through the planning and implementation phase of the project.

Additional stakeholders that DCFS has been in communication with, include the SNAP Education (SNAP-Ed) Implementing Agencies, the SNAP Outreach Implementing Agencies, the DCFS SNAP Assisters, and the Louisiana Anti-hunger Coalition.

After the waiver request has been submitted, DCFS will continue to have frequent communication and training with the stakeholders identified above.

DCFS will communicate with all SNAP households statewide and all retailers certified to receive SNAP through digital communication and traditional media outreach. This includes website updates, a social media strategy, and email communication. In addition, press releases and print materials will be distributed.

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Timeline:

Phase	Timeframe	Activities	Responsible Party
Pre-Launch Awareness	October 2025	<ul style="list-style-type: none"> Revision of plain language informational materials (brochures, FAQ sheets, website content, press release) Translation of materials into relevant languages Creation of social media campaign strategy 	Communications/ES Admin
Implementation	November – December 2025	<ul style="list-style-type: none"> Mail or email letters to all current retailers Social media campaign launch Provide SNAP-Ed and community outreach partners with revised communications materials Ensure retailer readiness 	Communications/ES Admin/Community Partners/Program Staff
Go-Live	January 2026	<ul style="list-style-type: none"> Issue press release Call center customer service staff trained on changes Weekly social media updates and reminders 	Communications/ES Admin
Ongoing Communication (Post-launch)	2026	<ul style="list-style-type: none"> Regular social media content updates Updates to FAQs based on common questions 	Communications/ES Admin

Justification for Request:

The Declaration of Policy which prefaces the Food and Nutrition Act of 2008 (P.L. 88-525, as amended via P.L. 118-5) emphasizes the health and well-being of the Nation, as well as a nutritious diet. However, data shows that Louisiana, like many others, is experiencing a health epidemic, further induced by diet-related chronic disease. Numerous studies equate consumption of unhealthy food and drink, including soft drinks, energy drinks, candy, and other junk food, to instances of disease including obesity, diabetes, high blood pressure, heart disease, and even some cancers. Notably, the diet quality of SNAP families has worsened over the past decade, regardless of incentive programs and nutrition education. Limiting the purchase of unhealthy foods and drinks with SNAP benefits is one-step to Make America Healthier Again.

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Louisiana has poor health rankings in almost all categories, underlying the importance of this work. According to the America's Health Rankings 2024 Report, Louisiana's rankings on the report's major indices include³:

- Social and Economic Factors: 50th of all states, including:
 - 48th on the Economic Hardship Index
 - 47th for Food Insecurity
 - 49th for Income Inequality
- Physical Environment: 47th of all states, including:
 - 49th for Drinking Water Violations
 - 34th for Severe Housing Problems
- Clinical Care: 34th of all states, including:
 - 48th for Preventable Hospitalizations
 - 32nd for Avoiding Care Due to Cost
- Health Behaviors: 50th of all states, including:
 - 39th for Fruit and Vegetable Consumption
 - 44th for Physical Inactivity
 - 45th for Smoking
- Health Outcomes: 50th of all states, including:
 - 47th for Premature Death
 - 45th for Obesity
 - 45th for Multiple Chronic Conditions

Louisiana believes that this a permissible project outlined in Section 17 (b)(1)(B)(ii)(I) and (II) of the Food and Nutrition Act (FNA) because it will improve program administration and increase the self-sufficiency of SNAP recipients. The project will prevent soft drinks, energy drinks, and candy from being purchased with SNAP benefits. This will lead to a more balanced diet of nutrient dense foods resulting in improved overall health. A more balanced diet will be a catalyst in increasing the self-sufficiency of SNAP recipients. SNAP recipients who are healthier will not miss work and school as much as non-healthy individuals. Individuals who are healthy are able to work or attend school on a regular basis, and this will result in increased productivity, thereby being more self-sufficient. Self-sufficiency reduces overall SNAP participation which will improve program administration.

EBT theft as a result of skimming, phishing or other means is a major problem throughout the United States. Most common is EBT theft, as a result of skimming due to the placement of a skimmer on a point of sale device at a local retailer. Once the thief has the information and Personal Identification Number (PIN), they have full access to the EBT benefits. The majority of such theft occurs at big box retailers where purchases are made in bulk. Louisiana's Fraud Detection Unit has found that the most commonly fraudulently purchased items are energy drinks. EBT thieves targeting energy drinks purchase cases, in bulk, using SNAP benefits and

³ <https://www.americashealthrankings.org/learn/reports/2024-annual-report>

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then resell the energy drinks for profit. A cold energy drink resells for around 50% mark up making it one of the most highly profitably item to purchase with stolen SNAP benefits.

Proposed Evaluation Procedures:

The state will conduct program evaluations by using current SNAP-Education Implementing Agencies (IA). The IAs will interview SNAP recipients and conduct surveys on food purchasing habits using SNAP benefits and non-SNAP methods. In addition, food diaries of the SNAP recipients will also be obtained and evaluated.

- SNAP participants' surveys, at a minimum, will collect the following information:
 - o Meals and foods eaten outside the home or with foods not purchased at SNAP- authorized retailers.
 - o Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - o Non-SNAP dollars spent to purchase food items restricted by the Project.
 - o SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - o The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - o Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).

Louisiana DCFS will work with FNS to determine the appropriate evaluation measures. Preliminary plans for evaluation include a pulse study for all SNAP participants on a quarterly basis to evaluate their spending habits prior to the waiver implementation and in each quarter following implementation. In addition, Louisiana will work with the retailers and FNS to review SNAP purchases and determine the reduction in purchases of soft drinks, energy drinks, and candy. Additionally, outreach efforts will be increased through SNAP Education (SNAP-Ed) to share information about the changes and additional educational opportunities to ensure participants know healthy options and recipes. This information will be shared broadly to increase participation. The increased participation should result in increased survey responses, demonstrating that clients purchase and consume soft drinks, energy drinks, and candy than before the waiver implementation. Louisiana DCFS will also continue to review reports and data regarding obesity rates for both adults and children in Louisiana.

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

The State's evaluation plan will focus on three survey component efforts through its SNAP-Ed partners. For example, assessing changes in what is learned, skills gained and purchasing

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behavior changes; frequency of purchase and consumption for same major food groups; and quality of life questions. The goal is to evaluate how these changes contribute to overall health and wellbeing pre and post Project. The SNAP-Ed plan will be updated to account for the Project and increase the cadence of SNAP-Ed surveys and reporting. Other evaluation tools will potentially include, but are not limited to, retailer and SNAP participant surveys, food logging, SNAP- authorized retailer point-of-sale transaction log data.

The state will not track and evaluate out-of-state transactions in bordering states. The Pilot is only for purchases made in the state of Louisiana.

Louisiana will track retailer, client, and stakeholder complaints received through the toll-free phone number used by the Department. In addition, complaints may also be submitted by email using a special email address.

Anticipated Implementation Date:

Louisiana intends to implement these exclusions by January 1, 2026.

Anticipated Program Costs:

Most of the costs associated with this project will be incurred by the SNAP accepting retailer. SNAP retailers in Louisiana will have to modify their processing systems to not allow the purchase using SNAP of soft drinks, energy drinks, and candy. However, the state of Louisiana will experience some cost related to the notification of these requirement to SNAP accepting retailers. DCFS estimates that based on the current SNAP participating retailer count that 4,465 notices will need to be mailed out. DCFS expects the total cost to be around \$3,394 based on current postage rates. Any other cost including communication will be absorbed by the agency.

Anticipated Expiration Date:

Louisiana anticipates that the expiration date will be December 31, 2031.

Signature of Requesting Official:

State Contact:

X _____

Name: Timothy Jenkins
Email: Timothy.Jenkins@la.gov
Telephone: 225-342-9381

Regional Office Contact:

X _____

Name:
Email:
Telephone:

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Appendix

Impermissible Projects

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

Impermissible eligibility criteria waivers

Food Restriction demonstration projects may not:

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

Impermissible State operations waivers

Food Restriction demonstration projects may not:

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

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

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

Additional Restrictions on Demonstration Projects

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