

SNAP Healthy Food Choice Demonstration Waiver Request Template



United States Department of Agriculture Food and Nutrition Service

SNAP HEALTHY FOOD CHOICE STATE DEMONSTRATION REQUEST

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

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

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

Type of Request: SNAP HEALTHY FOOD CHOICE

Date of Request: June 10, 2025

State: West Virginia

Region: MARO

Statutory Citations: 7 U.S.C. 2012(k)

Regulatory Citations: 7 CFR 271.2(1), 7 CFR 278.2(a)

Summary of Healthy Food Choice Demonstration Project Request:

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

Proposed Alternative Procedures to Operate Project:

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

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

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

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

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

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

Justification for Request:

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

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

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

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

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

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

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

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

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

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

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

- Proposed restricted items: All types of soda.

SNAP-Eligible Household Considerations:

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

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

Participating households and individuals

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

SNAP-Authorized Retailers Considerations:

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

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

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

Consideration of retailer size

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

Retailer-Level System Changes

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

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

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

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

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

Impacts to the State Agency:

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

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

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

State-Level System Changes

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

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

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

Healthy Food Purchases Compliance Plans

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

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

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

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

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

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

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

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

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

Staff Capacity and Training

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

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

Communication Plan:

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

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

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

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

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

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

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

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

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

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

Timeline:

West Virginia SNAP Healthy Choices Implementation Timeline

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

Proposed Evaluation Procedures:

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

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

Stakeholder Engagement

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

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

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

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

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

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

SNAP-Eligible Individuals

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

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

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

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

SNAP-Authorized Retailers

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

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

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

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

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

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

Redemption and Transaction Data

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

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

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

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

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

Anticipated Program Costs:

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

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

Anticipated Expiration Date: December 31, 2030

SNAP Healthy Food Choice Demonstration Waiver Request Template

Signature of requesting official:

Janie M. Cole

A handwritten signature in blue ink that reads "Janie M. Cole". The signature is written in a cursive style with a large initial "J" and "C".

Bureau for Family Assistance, Commissioner

State Contact:

Name: Marsha Stowers, Director

Email: Marsha.L.Stowers@wv.gov

Telephone: 304-352-4556

Regional Office Contact:

Name: Alyssa Hayes

Email: alyssa.hayes@usda.gov

SNAP Healthy Food Choice Demonstration Waiver Request Template

Appendix

Impermissible Projects

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

Impermissible eligibility criteria waivers

Healthy Food Choice demonstration projects may not:

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

Impermissible State operations waivers

Healthy Food Choice demonstration projects may not:

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

SNAP Healthy Food Choice Demonstration Waiver Request Template

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

Additional Restrictions on Demonstration Projects

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