

February 27, 2026

Subject: Amendment to Proposed SNAP Food Restriction Waiver – Modified Definitions

Dear Federal Nutrition Service:

On behalf of North Dakota Health and Human Services (ND HHS), we respectfully submit this amendment to our proposed Supplemental Nutrition Assistance Program (SNAP) Food Restriction Waiver. This correspondence outlines revised product definitions for soft drinks, energy drinks and candy for purposes of waiver implementation and administration.

These modified definitions are intended to provide additional clarity, improve enforceability, and ensure consistent application across retail settings.

Revised Definitions:

1. *Sweetened Drinks or Beverages*, defined as non-alcoholic, water-based beverages that meet any of the following criteria:
 - Contain five (5) grams or more of added sugar, or any amount of artificial sweetener; and/or
 - Contain less than fifty percent (50%) vegetable or fruit juice by volume

This category also includes:

- Drink mixes and ingredients for liquid or frozen beverages, whether in concentrated or ready-to-mix forms

The following products are not included in this definition:

- Milk or milk-based products
- Soy, rice, or other milk substitutes

2. *Energy Beverages, Energy Shots or Energy Drink Mixes*, defined as carbonated, non-carbonated or powdered that are marketed for energy and contain any of the following criteria:
 - At least 65 milligrams (mg) of caffeine per 8 fluid ounces; or
 - Stimulants such as fortified caffeine, guarana, glucuronolactone, ginseng or taurine

3. *Candy*, defined as products marketed or sold as candy, including but not limited to:

- Chocolate bars
- Gummies
- Caramels
- Taffy
- Licorice
- Candy bars, or products containing wafers, cookies, or flour components, when primarily sold as candy
- Non-bakery items dipped, coated, or covered in chocolate, yogurt, or other candy coatings, including:
 - Chocolate-covered raisins
 - Chocolate-covered almonds
 - Chocolate-covered nuts
 - Similar coated items
- Private label or store brand products that are equivalent to candy and marketed as such

The following products are not included in this definition:

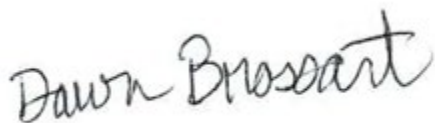
- Items primarily sold as baking ingredients
- Protein bars
- Granola bars
- Cereal bars

ND HHS believes these revised definitions improve clarity, align with public health objectives, and maintain administrative feasibility for retailers and SNAP clients. We respectfully request FNS review and approval of this amendment.

Please contact Dawn Brossart at djbrossart@nd.gov with any questions or requests for additional information.

Thank you for your continued partnership.

Sincerely,

A handwritten signature in dark ink that reads "Dawn Brossart". The signature is written in a cursive, flowing style.

Dawn Brossart, MS, RD, CP-FS
ND SNAP Director
North Dakota Health and Human Services
