

SNAP Food Restriction Demonstration Waiver Request Template



United States Department of Agriculture Food and Nutrition Administration

SNAP FOOD RESTRICTION STATE DEMONSTRATION REQUEST

Section 17(b) of the Food and Nutrition Act of 2008, as amended (the Act), allows FNA 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, FNA strongly suggests States inform their Regional Office to discuss the project and provide any necessary technical assistance prior to submission of a request. The FNA 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. FNA looks forward to working with States on potential changes to program operations that align with the Secretary's vision for nutrition assistance programs.

FNA reserves the right to withdraw its waiver approval and terminate demonstration projects at any time if FNA 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 FNA determines that the project is associated with significant increases in payment errors or access concerns, **FNA may suspend or terminate the project at any time.**

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Type of Request: SNAP FOOD RESTRICTION

**Date of Request: September 1, 2026 (revised
September 21, 2026)**

State: NE

Region: MPRO

Statutory Citations:

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

7 U.S. Code § 2012(k)

Regulatory Citations:

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

7 CFR § 271.2

Summary of Food Restriction Demonstration Project Request:

Explain in a few words the goal of the project and its intended outcomes. (250 words)

The State of Nebraska Department of Health and Human Services (DHHS), Office of Economic Assistance (OEA), is requesting to implement a demonstration project to modify the definition of eligible foods under the Supplemental Nutrition Assistance Program (SNAP). The State of Nebraska will exclude soda, soft drinks, energy drinks, and candy from the definition of eligible foods. Excluding soda, soft drinks, energy drinks, and candy is part of Nebraska DHHS' mission to ensure that the health and wellness of Nebraska children and families remain at the forefront of its work. This demonstration project is one more step in the right direction toward making Nebraska healthy again. Through this demonstration project, households are expected to use SNAP benefits to make healthier choices and improve their overall health.

Proposed Alternative Procedures to Operate Project:

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

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

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

The State of Nebraska will exclude from the definition of eligible foods the following:

1. "Soda" or "Soft Drinks." "Soda" or "Soft Drinks" are any carbonated non-alcoholic beverage that contains water, a sweetening agent (including but not limited to sugar, high-fructose corn syrup, or artificial sweeteners), flavoring, and carbon dioxide gas to create carbonation.

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2. "Energy drink." Energy drinks are carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.
 - a. For the purposes of this definition, soda, soft drinks, and energy drinks are intended for human consumption and are available in various flavors, formulations, and packaging. However, beverages marketed primarily as sports drinks to increase hydration, like Gatorade or medically necessary nutritional products, are not included.
 - b. "Soda," "Soft drinks," and "Energy drinks" do not include beverages that contain milk or milk products; soy, rice, or similar milk substitutes; mineral water sold in containers; specialty foods that are liquids or that are to be added to a liquid and that are intended to be a substitute in the diet for more commonly used food items are not included as soft drinks or energy drinks.
3. Candy is 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, powder, or pieces, typically/traditionally intended to be eaten by itself in the form in which it is sold. Candy is considered shelf-stable and also includes items that are not in bar, drop, powder, or piece form, such as cotton candy and candy-coated fruit.
 - a. This definition does not include baking ingredients or other items that are used in baking or cooking but not intended to be eaten in the form in which they are sold. Baking ingredients include sprinkles, melting wafers, plain marshmallows, sweetened coconut, toffee bits, and baking chips.
 - b. Other items that are not considered candy include protein bars, granola, granola bars, cereal, cereal bars, Toaster Pastries, yogurt with candy pieces, ice cream, cookies, pastries, cakes, muffins, and other bakery-style items. These items may contain minor candy additives, but their primary form is non-candy.

Nebraska DHHS requests this demonstration project to improve the health of low-income SNAP participants and increase responsible spending of federal SNAP dollars.

Nebraska DHHS will continue to promote the Double Up Food Bucks (DUFb) incentive program. Nebraska DUFb helps SNAP participants purchase more healthy foods. When SNAP is used to buy fresh fruits and vegetables at participating grocery stores or farmers' markets, participants receive extra money to buy even more fruits and vegetables.

SNAP-Eligible Household Considerations:

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

Participating households and individuals

- *Describe the target population included in this waiver.*
 - *Will the State limit the project to households that meet certain requirements? For example, targeting households of a certain size, households with individuals participating in SNAP-Ed, households with individuals participating in WIC, households receiving medical assistance, or households with pregnant women and/or young children?*

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- *Describe the pilot approach for households.*
 - *Will all households be participating at once?*
 - *Will there be a phased in approach based on certain household factors?*
 - *If yes, describe the household types and phase in approach below.*

The demonstration project will impact all SNAP participants and authorized retailers throughout Nebraska. The demonstration project will be applied to all households on specific dates that will be communicated. The restriction on soda, soft drinks, and energy drink purchases will take effect on December 1, 2026, and the restriction on candy purchases will take effect on March 1, 2027.

SNAP-Authorized Retailers Considerations:

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

SNAP-Authorized Retailers Participating in the Food Restriction Demonstration Waiver

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

All SNAP-authorized retailers in Nebraska will be included in the demonstration project. DHHS will communicate and coordinate with all retailers before the project implementation. Retailers will not be phased in and will be expected to implement the restrictions on the effective dates. DHHS will follow the FNA memo from December 30, 2025, to allow for a grace period of 90 days following the implementation dates for retailers to come into compliance. In addition, DHHS will provide technical assistance to the retailers throughout the implementation period as well as after the implementation has occurred.

Consideration of retailer size

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

Smaller retailers with limited system capabilities will be considered and will receive additional technical assistance to ensure the restrictions are implemented.

Retailer-Level System Changes

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

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

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DHHS has communicated with retailers, and they are able to update their systems to reflect the restrictions. DHHS will provide technical assistance and additional support to those retailers who need more time to make the necessary system changes.

Impacts to the State Agency:

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

State-Level System Changes

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

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

No major state-level system changes are needed. The restrictions will be imposed at the retailer level.

Summer EBT benefits will also be included in the restriction. Summer EBT benefits are loaded onto EBT cards, similar to SNAP EBT, and will require no system changes.

Food Restriction Pilot Compliance Plans

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

DHHS will resume the food restriction in the same manner as was previously implemented. DHHS will utilize the initial attestation forms provided by the retailers and continue to monitor SNAP retailers through an Attestation form, which will be completed annually. Retailers will be responsible for ensuring that all restricted items that meet the definitions outlined in the waiver are updated in their Point of Sale (POS) systems or other mechanisms used by the retailer. Retailers will also be responsible for ensuring that employees and staff are aware of the restrictions and are provided with adequate information to address concerns raised by SNAP participants. DHHS will continue to provide technical assistance and signage for stores to utilize in their implementation to ensure clients are aware of the restrictions and who they can contact with questions.

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Non-Compliance Letters will be sent to retailers who have not completed the attestation to impose the restrictions. After two Non-Compliance Letters, the non-compliance information will be provided to the Food and Nutrition Administration (FNA).

Annual retailer attestation forms will be sent to all retailers. Forms will be sent to all new EBT retailers for completion within 60 days. The retailer attestation forms collected during Nebraska's initial implementation of the SNAP restrictions on soda, soft drinks, and energy drinks will continue to be used. DHHS will coordinate with FNA to obtain new retailers and will provide attestation forms to all new retailers.

Staff Capacity and Training

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

DHHS has a team established to assist with project administration. This includes Program Specialists dedicated to working with retailers, as well as a SNAP nutritionist.

Communication Plan:

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

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

DHHS has created a website dedicated to this demonstration project. The website is used to share information with both retailers and SNAP participants. The information included on the website will consist of the following:

- Details regarding the waiver, including definitions of excluded purchases and the effective date;
- Frequently Asked Questions (FAQ);
- Community resources;
- Information on participating retailers and where to find authorized retailers;
- Link to the SNAP Outreach website; and

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- Contact information for questions.

In addition, the following communications will be developed for participants, retailers, and eligibility staff:

- FAQ documents and other helpful information;
- Review current interview scripts and guides, and update them to incorporate information regarding the waiver for new and current participants.
- Flyers for participants and community agencies can be posted or handed out with information regarding the changes to SNAP purchases.
- Develop language to add to the SNAP Notice of Action (NOA) so that information is included with all approval notices going to participants.
- Letters to participating households that include:
 - The effective date of the waiver;
 - The definition of excluded purchases;
 - Examples of alternative purchases;
 - Contact information for questions; and
 - Links to the website for additional information.
- Letters will be mailed to participants multiple times to share information regarding the waiver and nutritional information with current and new participants.

Communication will be available on the website shortly after the demonstration project is approved. Direct communication to participants and eligibility staff will start at least two months before the implementation dates.

Timeline:

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

The restriction on soda, soft drinks, and energy drink purchases will take effect on December 1, 2026, and the restriction on candy purchases will take effect on March 1, 2027. A participant and retailer communication plan that includes additional timelines and readiness target dates will be provided to FNA.

Justification for Request:

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

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

Nebraska DHHS will be responsible for overseeing the waiver and ensuring that the implementation plan is developed in conjunction with all stakeholders and participants affected by the waiver. Efforts will be necessary to inform retailers of the new restrictions included in the demonstration project and to ensure they understand the definitions now in effect. This will allow retailers time to update their systems before the implementation date. In addition, information and education will be necessary to inform SNAP participants of the new restrictions on SNAP spending. Nebraska DHHS would ensure that all participants are informed of the changes and their potential impacts when making purchases with their SNAP cards.

Proposed Evaluation Procedures:

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

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

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

SNAP-Eligible Individuals

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

DHHS will evaluate biannual behavioral surveys. DHHS previously conducted a pre-implementation survey in 2025 as well as a post-implementation survey after six months. The data from these surveys will continue to be used. In addition, post implementation surveys will be sent every six months throughout the project. These surveys will measure changes in knowledge, skills, and behavior (KSB) related to the SNAP purchasing restrictions. The surveys will also include health status questions for participants to reflect on their overall health-related quality of life post-intervention, using a validated quality-of-life tool such as the Short Form-12 (SF-12) Health Survey.

SNAP-Authorized Retailers

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

DHHS will continue to use surveys with retailers to gather data on implementation impacts and retailer satisfaction. Additional details about the evaluation will be shared in the Evaluation Plan provided to FNA.

Redemption and Transaction Data

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

DHHS will coordinate with FIS to obtain out-of-state transaction histories. These reports will be monitored monthly to determine the frequency of out-of-state transactions in bordering states.

- *FNA 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.*

DHHS has established processes in place to capture the additional data to be provided. Email addresses are available for both client and retailers to submit compliments or complaints regarding the Healthy Choice project. DHHS tracks these compliments and complaints and can provide this data as needed.

Anticipated Implementation Date:

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

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

The soda, soft drink, and energy drink restriction will be implemented on December 1, 2026, and the candy restriction will be implemented on March 1, 2027.

Anticipated Program Costs:

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

Estimated Program Costs:

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Salaries and Benefits	\$250,000
Client Education (Print & Text Campaign)	\$60,000
Contracts (evaluation)	\$450,000
Total:	\$760,000

Anticipated Expiration Date:

December 31, 2028

Signature of Requesting Official:



State Contact:

Name: Barbara Lacina, Director, Office of Economic Assistance

Email: Barbara.Lacina@nebraska.gov

Telephone: 402-471-2738

Regional Office Contact:

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. FNA 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.

FNA 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 FNA.

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)).