

## Healthy Choices SNAP Waiver Frequently Asked Questions

### Q1: What is the Healthy Choices SNAP Waiver?

A1: The United States Department of Agriculture (USDA) Food and Nutrition Services (FNS) approved Nebraska's waiver to improve healthy food choices within the Supplemental Nutrition Assistance Program (SNAP) by eliminating the purchases of soft drinks and energy drinks from SNAP purchases.

### Q2: What purchases are being excluded?

A2: Soft drinks or soda and energy drinks will no longer be an allowable purchase using SNAP. Below are the definitions for both:

- Soda or soft drinks:
  - 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.
- Energy drinks:
  - 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, natural fruit pulp, or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.
- For this definition, soft and energy drinks are beverages intended for human consumption and available in various flavors, formulations, and packaging.

### Q3: Are there any exceptions to the definition of excluded beverages?

A3: Yes, the following items will not be restricted:

- Beverages marketed primarily as sports drinks to increase hydration, such as Gatorade, or medically necessary nutritional products that do not contain stimulants, as defined.
- Beverages that contain milk or milk products; soy, rice, or similar milk substitutes; mineral water sold in containers; and 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 that do not contain carbonation or stimulants as described in restricted items. This can include, but is not limited to, infant formula or meal replacement shakes.

**Q4: When will the purchase restrictions begin?**

A4: The planned implementation date is January 1, 2026.

**Q5: How will the updates to restricted SNAP purchases be completed?**

A5: The restriction will be done at the retailer level, and each retailer will be responsible for updating their systems to indicate the newly restricted items.

**Q6: Will this change be downloaded through the Point of Sale (POS) system or will retailers have to know what is or is not available through SNAP purchases?**

A6: DHHS will assist retailers by providing technical assistance with identifying the restricted items, but retailers will also need to be knowledgeable.

**Q7: Will DHHS determine a specific product list of what will no longer be SNAP eligible?**

A7: DHHS has created definitions of the excluded products and will assist retailers with making determinations.

**Q8: Will the retailers be responsible for programming their POS to decline pop and energy drink transactions?**

A8: Yes, SNAP restrictions will be done at the retailer level.

**Q9: Will there be financial help to upgrade POS systems?**

A9: No additional funds are available at this time.

**Q10: Do the restrictions affect every SNAP user regardless of which state issues them?**

A10: The restrictions on soda and energy drinks are specific to Nebraska. If an individual from another state is in Nebraska, they would not be allowed to purchase soda and energy drinks with SNAP benefits at a Nebraska SNAP retailer.

**Q11: Do the restrictions follow the cardholder into other states?**

A11: The restrictions are Nebraska retailer-specific. Depending on those states' restrictions, a Nebraska EBT card could be used in other states to purchase soda and energy drinks.

**Q12: Can Kansas SNAP recipients buy soda and energy drinks?**

A12: Kansas SNAP recipients would not be able to purchase soda and energy drinks from a Nebraska SNAP retailer, as those purchases are restricted in Nebraska.

**Q13: Will retailers be asked to provide data regarding items purchased with SNAP?**

A13: Yes, as part of the evaluation, purchase data will be reviewed quarterly, including distinguishing SNAP versus non-SNAP purchases.

**Q14: How are retailers supposed to share data for the evaluation?**

A14: Public Consulting Group (PCG) will be completing the evaluation. Retailers should complete the following survey to gather initial information. <https://forms.office.com/r/fKR2FucvHX>