

## 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 soda, "soft drinks", and energy drinks. The State of Nebraska is adding candy to the list of items restricted from purchase with SNAP benefits.

### Q2: What purchases are being excluded?

A2: Soda, "soft drinks", and energy drinks are no longer available to be purchased with SNAP benefits. Candy will no longer be able to be purchased with SNAP benefits, effective November 1, 2026. Below are the definitions of soda, "soft drinks", energy drinks, and candy.

- 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.
- Soft drinks and energy drinks 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.
- 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; or 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. This can include, but is not limited to, infant formula or meal replacement shakes.
- Candy:

- 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 or traditionally intended to be eaten by itself in the form in which it is sold. Candy is considered shelf-stable and also includes some items that are not in the form of bars, drops, powder, or pieces, such as cotton candy and candy-coated fruit.
- Candy 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 items such as sprinkles, melting wafers, plain marshmallows, sweetened coconut, toffee bits, and baking chips.
- Other non-candy items 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.

### Q3: Are there any exceptions to the definitions of excluded items?

A3: Yes, the following items will not be restricted and may be purchased with SNAP.

- 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.
- Coffee and tea with no added caffeine or sweeteners and derived directly and solely from the brewing of tea leaves or coffee beans and water.
- 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 items such as sprinkles, melting wafers, plain marshmallows, sweetened coconut, toffee bits, and baking chips.
- Other non-candy items 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.

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

A4: The restrictions for soda, soft drinks, and energy drinks went into effect on January 1, 2026. The candy restrictions will take effect on November 1, 2026.

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

A5: The restriction will be implemented at the retailer level, and each retailer will be responsible for updating their systems to reflect 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: Retailers will be responsible for updating their POS systems with the changes. DHHS will assist retailers by providing technical assistance with identifying the restricted items.

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

A7: DHHS has established definitions for the excluded products and will assist retailers in making determinations. DHHS plans to provide a one-time UPC list of excluded candy items, which may not be 100% comprehensive.

**Q8: Will the retailers be responsible for programming their POS to decline candy, like they were for soda, "soft drinks", and energy drinks?**

A8: Yes, the 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, "soft drinks", energy drinks, and candy are specific to Nebraska. If an individual from another state is in Nebraska, they would not be allowed to buy soda, "soft drinks", energy drinks, or candy with SNAP benefits at a Nebraska SNAP retailer.

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

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

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

A12: Kansas SNAP recipients would not be able to purchase soda, "soft drinks", and energy drinks from a Nebraska SNAP retailer, as those purchases are restricted in Nebraska. Beginning on November 1, 2026, Kansas SNAP recipients will also no longer be able to purchase candy from a Nebraska SNAP retailer.

**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.