

SNAP Healthy Choice Waiver Implementation Follow-up Webinar

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Webinar Purpose

- Review the implementation.
- Review compliance expectations.
- Get retailer feedback/concerns.
- Answer questions.

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SNAP Healthy Choice Website

[NE SNAP Healthy Choice Website link.](#)



Website QR Code

- [FNS Guidance Document link](#)
- Signage – English, Spanish & Arabic
- Updated Product Matrix
- Product Comparison
- Retailer Survey

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- Signage – English, Spanish & Arabic
- Updated Product Matrix
- Product Comparison
- Healthy Recipes (for participants)

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Updated List

- **Added Sugars** – Agave Nectar, Cane Sugar, Caramel, Corn Syrup, D-Xylose, Dextrin, Dextrose, Fructose (Levulose), High Fructose Corn Syrup, Honey, Invert Sugar, Invert Sugar Syrup, L-Arabinose, Lactose, Lactose-Hydrolyzed, Malt Syrup (Malt Extract), Maltose, Maple Water, Molasses (Saccharum Officinarum L.), Sucrose, Sucrose Liquid

List is not all inclusive

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Added Sweeteners - Acesulfame Potassium, Advantame, Aspartame, Cornstarch, D-Sorbitol, Glycerin, Licorice Extract Powder (Glycyrrhiza Spp.), Maltodextrin, Maltol, Mannitol, Monk Fruit Extract, Neotame, Phosphoric Acid, Reb M, Saccharin (Ammonium Salt, Calcium Salt, Sodium Salt, Inositol), Stevia, Steviol Glycosides, Sucralose, Synthetic Glycerin, Talc, Tapioca Starch (aka Cassava Starch or Manioca Starch), Xylitol

List is not all inclusive

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- **Stimulants**– Any form of caffeine added to a beverage or beverage mix that is not derived directly and solely from the brewing of tea leaves or coffee beans and water.
- Examples of stimulants: Bitter Orange, Caffeine, Coffee Bean Extract, Coffee Fruit Extract, Ginseng, Glucuronolactone, Green Tea Extract, Guarana, Synephrine, Taurine, Yerba Mate.

List is not all inclusive

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FNS Waiver Guidelines: Walk-In Retail Stores

- Physical walk-in retail stores in Nebraska with in-person shopping.
- Physical walk-in retail stores in Nebraska that offer online ordering.
 - Orders may be picked up at the retail store or delivered to the customer's address (or to a pick-up location) by the retail store's own staff or via a third-party.

FNS Waiver Guidelines: Walk-In Retail Stores

Examples: Online Store Orders

- A customer in Iowa orders a delivery, and the order is fulfilled by a Nebraska retail store, Nebraska waiver applies.
- If an online order is fulfilled by a retail store located in Iowa (even if that retailer also has stores in Nebraska), and delivery is to a Nebraska address, the Nebraska waiver does not apply. However, any Iowa waivers may apply.

FNS Waiver Guidelines: Warehouses

- Online orders from a warehouse (fulfillment center), regardless of their location.
- Fulfilled at a warehouse that is not open to customers.
- Orders shipped directly to the customer's address or to a pick-up location.
- Some retailers will be required to comply with multiple States' waivers.
- Use the State-issued SNAP EBT card's Bank Identification Number (BIN) to determine SNAP Participants' states.

FNS Guidelines: Warehouses

Example:

- Iowa, Nebraska, and Colorado each have an approved SNAP Food Restriction Waiver.
- When fulfilling an online order from a warehouse, a SNAP retailer must comply with:
 - Iowa's waiver for purchases made with an Iowa EBT card;
 - Nebraska's waiver for purchases made with a Nebraska EBT card;
 - Colorado's waiver for purchases made with a Colorado EBT card.

FNS Compliance/Monitoring

- FNS issued (12/31/25) an electronic notification to authorized retailers who are required to comply with the Waiver.
- FNS will add a hard copy of the letter to its retailer training and informational materials.
- FNS will update the retailer application to make it clear that compliance with these waivers is a mandatory condition of SNAP authorization.

FNS Compliance/Monitoring

FNS Retailer Operations and Compliance (ROC):

- ROC will attempt to purchase restricted items according to the State's Waiver policy beginning 90 days after the implementation date.
- If ROC finds evidence of non-compliance with waiver-based restrictions, findings will be addressed through administrative actions.

Nebraska Compliance/Monitoring

- Nebraska will monitor retailer compliance in close coordination with FNS.
- Nebraska may provide designated State personnel with SNAP EBT cards for performing transactions to determine retailer compliance.
- Nebraska is dedicated to working with retailers to ensure compliance with the Waiver.

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Nebraska Compliance/Monitoring

- State agencies will be required to send results of monitoring to FNS. Nebraska will report non-compliance to FNS after the 1st quarter of 2026.
- FNS has sole authority for administrative actions against retailers that commit SNAP violations.
- State agencies are not permitted to administer penalties to retailers that would adversely impact their ability to accept SNAP.

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FNS Consequences: Failure to Comply

90-Day Grace Period

- Waiver will have a 90-day grace period tied to implementation date.
- Recognize the significant challenges associated with implementation.
- SNAP Healthy Choice Waiver grace period begins on January 1, 2026, and ends on April 1, 2026.

FNS Consequences: First Offense

First Offense – Warning Letter

- After the 90-day grace period, retailers will be subject to investigation to determine compliance with the Waiver.
- If evidence of non-compliance is found, following the first offense, ROC will issue the retailer a Warning Letter.
- Letter will serve as an official warning for the infraction and will advise the retailer to take corrective action.

FNS Consequences: Second Offense

Second Offense – Involuntary Withdrawal

- Following the issuance of the Warning Letter the retailer will be subject to future investigations to determine compliance.
- If evidence of non-compliance is found a second time, the retailer will be subject to an Involuntary Withdrawal for failure to comply.

FNS Consequences: Second Offense

Second Offense – Involuntary Withdrawal

- Following an Involuntary Withdrawal, the retailer may reapply to become authorized to accept SNAP.
- Prerequisite to their reinstatement, owner(s) will be required to sign an attestation acknowledging the expectation of adherence to applicable Waiver(s).

FNS Consequences: Administrative Review

Administrative Review

- Following the notification of an Involuntary Withdrawal action, the retailer may request Administrative Review.
- FNS has existing procedures in place for Administrative Review processes.

Retailer Feedback/Questions

- UPC List?
- Sugars/Sweeteners/Stimulants?
- Implementation concerns?
- Compliance concerns?
- Any feedback to share?
- Other questions/concerns?

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Thank you for attending and participating in this Webinar.

Your participation helps DHHS to determine the needs of retailers and consumers concerning this waiver.

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SNAP Healthy Choice Waiver Retailer Website

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