SNAP Healthy Choice Waiver

Pending Federal Approval:

Effective December 1, 2026

Soda/Soft Drinks and Energy Drinks will no longer be eligible for purchase with SNAP/EBT benefits in the State of Nebraska.

Effective March 1, 2027

Candy will no longer be eligible for purchase with SNAP/EBT benefits in the State of Nebraska.

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Webinar Purpose

- Review Beverage Restriction information:
  - Website information updates
  - Definitions
  - Product eligibility
  - Compliance information
  - Information distributed to the public
- Answer questions?

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SNAP Healthy Choice Website

NE SNAP Healthy Choice Website link.

Website QR Code

- Frequently Asked Questions (FAQ)
- Product Matrix
- Signage
- FNA Guidance Document link

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Disclosure

- Any products referenced in this presentation are exclusively for educational purposes. The restriction applies to all name brands and store brands of the ineligible and eligible products.

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Definitions

- **Sodas/Soft Drinks/Carbonated Beverages**
  - 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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Definitions

- **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.



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Definitions

- **Soft Drinks** and **Energy Drinks** do not include:
  - Beverages marketed primarily as sports drinks to increase hydration, such as Gatorade, or medically necessary nutritional products that do not contain stimulants.
  - 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.







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Definitions

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; 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.
- This can include, but is not limited to, infant formula or meal replacement shakes.











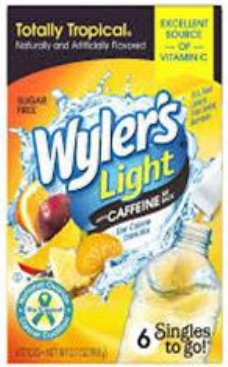
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Definitions

- **Concentrated Liquid or Powdered Drink Mixes**
  - Intended to be mixed with water to be consumable.

- **Ineligible Products:**
  - Contains a stimulant or,
  - Mixed with carbonation for consumption.











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Added Sugars and Sweeteners

- 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
- 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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Added Simulants

- 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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FNA 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.

FNA 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.

FNA 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.

FNA Guidelines: Warehouses

- When fulfilling an online order from a warehouse, a SNAP retailer must comply with waivers based on the state's BIN.
  - Nebraska's waiver for purchases made with a Nebraska EBT card, Kansas' waiver for purchases made with a Kansas EBT card, etc.

Expectation of Retailers

- Retailers will be responsible for updating their POS systems with the changes.
- DHHS does have an available ineligible product list for soda, soft drinks, and energy drinks that may not be comprehensive. Retailers cannot share, reproduce or distribute the list.
- DHHS will assist retailers by providing technical assistance with identifying the restricted items.

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Compliance/Monitoring

- Nebraska would like to work with retailers to ensure compliance with the waiver but will report known non-compliance to USDA Food and Nutrition Administration (FNA). FNA ultimately will be responsible for any consequences related to compliance.
- Not completing and returning the Attestation/Implementation forms is considered non-compliance.

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SNAP/EBT Recipients & Public

- Letters, Text Messages, and Emails
- Fact Sheets
- Flyers
- Community agencies are assisting with outreach to the consumers
- Social Media platforms/Press releases
- EBT card mailings

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Questions/Answers

SNAP Recipient Website: SNAP Healthy Choice Waiver Website

SNAP Retailer Website: SNAP Healthy Choice Retailer Website

SNAP Healthy Choice Waiver Retailer Website QR Code

Retailer Email: DHHS.SNAPRetailers@nebraska.gov

Thank you for joining us today.

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