



U.S. DEPARTMENT OF AGRICULTURE

April 22, 2026

J. Patrick Traynor, Interim Commissioner  
North Dakota Department of Health and Human Services  
600 East Boulevard, Department 325  
Bismarck, ND 58505

Dear Interim Commissioner Traynor:

On February 27, 2026, the North Dakota Department of Health and Human Services requested to modify the restricted food and beverage definition of the State agency's Supplemental Nutrition Assistance Program (SNAP) Food Restriction Waiver.

The Food and Nutrition Service (FNS) approves this modification request. As expressed in the State agency's request letter, this modification is intended to further explain the state's restricted food and beverage items. North Dakota has cited that the modified definitions will improve clarity, align with public health objectives, and maintain administrative feasibility for retailers and SNAP households.

As approved by FNS on December 10, 2025, North Dakota will implement their project on September 1, 2026. All other terms and conditions, as outlined in the December 2025 approval, remain in effect.

FNS applauds North Dakota and its SNAP team for the significant efforts you have made towards implementation of your SNAP Food Restriction pilot thus far. We look forward to continuing to support your efforts to successfully implement this innovative and impactful project on September 1, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick A. Penn", written over a circular blue stamp or seal.

PATRICK A. PENN  
Acting Administrator, Food and Nutrition Service  
Deputy Under Secretary, Food, Nutrition, and Consumer Services  
U.S. Department of Agriculture

Enclosure

## NORTH DAKOTA SNAP FOOD RESTRICTION DEMONSTRATION PROJECT WAIVER: MODIFICATION TO RESTRICTED FOODS DEFINITION

### Sweetened Beverages

*Sweetened Drinks or Beverages*, defined as non-alcoholic, water-based beverages that meet any of the following criteria:

- Contain five (5) grams or more of added sugar, or any amount of artificial sweetener; and/or
- Contain less than fifty percent (50%) vegetable or fruit juice by volume

This category *also* includes drink mixes and ingredients for liquid or frozen beverages, whether in concentrated or ready-to-mix forms.

The following products are not included in the definition of sweetened beverages:

- Milk or milk-based products
- Soy, rice, or other milk substitutes

### Energy Drinks

*Energy Beverages, Energy Shots or Energy Drink Mixes*, defined as carbonated, non-carbonated or powdered products that are marketed for energy and contain any of the following criteria:

- At least 65 milligrams (mg) of caffeine per 8 fluid ounces; or
- Stimulants such as fortified caffeine, guarana, glucuronolactone, ginseng or taurine

### Candy

*Candy*, defined as products marketed or sold as candy, including but not limited to:

- Chocolate bars
- Gummies
- Caramels
- Taffy
- Licorice
- Candy bars, or products containing wafers, cookies, or flour components, when primarily sold as candy
- Non-bakery items dipped, coated, or covered in chocolate, yogurt, or other candy coatings, including:
  - Chocolate-covered raisins
  - Chocolate-covered almonds
  - Chocolate-covered nuts
  - Similar coated items
- Private label or store brand products that are equivalent to candy and marketed as such.

The following products are not included in the definition of candy:

- Items primarily sold as baking ingredients
- Protein bars
- Granola bars
- Cereal bars