



United States Department of Agriculture Food and Nutrition Service

## **SNAP FOOD RESTRICTION STATE DEMONSTRATION REQUEST**

Section 17(b) of the Food and Nutrition Act of 2008, as amended (the Act), allows FNS to waive statutory requirements of the Act to conduct pilot projects designed to test program changes to increase the efficiency of the Supplemental Nutrition Assistance Program (SNAP) and improve the delivery of SNAP benefits to eligible households. The Act limits the provisions that may be waived. Projects may be approved for a period of 5 years, and the Act requires that each project must include an evaluation component that demonstrates the effects of the project.

This template intends to guide and assist States in submitting a SNAP Food Restriction Demonstration Project Request. States should follow the guided prompts and questions and offer any additional detail, if applicable, under each section to ensure a complete understanding of the State's proposed project.

States should review the impermissible projects prohibited by Section 17 (b)(1)(B)(iv) of the Act and additional restrictions on demonstration projects in the appendix below before requesting a SNAP Food Restriction demonstration project. Additionally, to facilitate the demonstration review process, FNS strongly suggests States inform their Regional Office to discuss the project and provide any necessary technical assistance prior to submission of a request. The FNS National Office SNAP Food Restriction demonstration pilot team is also open to join Regional or State Agency calls to provide technical assistance.

SNAP Food Restriction demonstration projects are intended to test innovative ideas that develop and implement modernized programmatic systems, infuse SNAP with new programmatic energy and vision, and strengthen State strategies to encourage healthy choices, healthy outcomes, and healthy families. FNS looks forward to working with States on potential changes to program operations that align with the Secretary's vision for nutrition assistance programs.

FNS reserves the right to withdraw its waiver approval and terminate demonstration projects at any time if FNS determines that the project is inconsistent with SNAP goals to increase the efficiency of the program and to improve the delivery of SNAP benefits to raise levels of nutrition among low-income individuals. If the State is unable to provide the data required as part of the terms and conditions of waiver approval or if FNS determines that the project is associated with significant increases in payment errors or access concerns, **FNS may suspend or terminate the project at any time.**

## SNAP Food Restriction Demonstration Waiver Request Template

**Type of Request: SNAP FOOD RESTRICTION**

**Date of Request: October 24, 2025** Click or tap to enter a date.

**State: ND**

**Region: MPRO**

### **Statutory Citations:** 7 U.S.C. § 2026

*Provide the statutory citations from this [Act](#), the State seeks to waive. FNS will work with the State to identify any additional statutory waivers needed for the proposed demonstration project.* The North Dakota (ND) SNAP Food Restriction Waiver Demonstration Project request is in accordance with the requirements to operate demonstration projects under Section 17 [7 U.S.C. 2026] (b)(1)(B)(i) and Section 17 (7 U.S.C. 2026] (b)(1)(B)(ii) of the Food and Nutrition Act of 2008.

### **Regulatory Citations:**

*Provide the regulatory citations from [7 CFR](#) the State seeks to waive. FNS will work with the State to identify any additional regulatory waivers needed for the proposed demonstration project.*

As outlined in 7 CFR § 271.1(a), SNAP is designed to promote the general welfare and to safeguard the health and well-being of the Nation's population by raising the levels of nutrition among low-income households.

As outlined in 7 CFR § 271.2 provides the definition of SNAP-eligible foods.

As outlined in 7 CFR § 282.1, legislative authority authorizes to conduct demonstration, research, and evaluation projects. Additionally, at least 30 days prior to initiation of a demonstration project, a general notice will be published in the federal register if the project will likely have a significant impact on the public.

### **Summary of Food Restriction Demonstration Project Request:**

*Explain in a few words the goal of the project and its intended outcomes. (250 words)*

North Dakota's Department of Health & Human Services (HHS) Economic Assistance-SNAP Division requests to exercise Section 17 of the Food and Nutrition Act (2008) to submit a waiver in order to modify allowable purchases under SNAP. HHS is requesting to exclude all candy, soda and energy drinks from purchase with SNAP benefits. The proposed waiver will be implemented on a statewide basis and apply to all SNAP recipients purchasing food within the state of North Dakota no later than 8 months after waiver approval.

### **Proposed Alternative Procedures to Operate Project:**

*Provide a detailed explanation of the proposed Food Restriction demonstration project, and how the State intends to operate the food restriction choice project that differs from how SNAP currently operates.*

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North Dakota's HHS is recommending excluding all candy, soda and energy drinks from items eligible for purchase with SNAP EBT benefits. This waiver request addresses public health challenges across ND by aiming to improve the nutritional well-being of SNAP participants, acknowledging the state's high rates of obesity and the need to better align with the USDA's Dietary Guidelines for Americans (DGAs).

### ***SNAP-Eligible Food and Food Products Amended by the Food Restriction Demonstration Waiver***

- *Describe the food(s) of interest that will be restricted under this demonstration waiver. What are the desired outcomes of limiting these food(s)?*

North Dakota's proposed alternative procedure is to amend the exclusions under the definition of "Eligible Foods." Under this proposal, "soft drinks," "energy drinks," and "candy" would be ineligible for purchase with SNAP benefits at authorized retailers.

*Soft drinks*, defined as "any carbonated, nonalcoholic beverages that contain 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." Powdered flavorings and carbonated (flavored) water are allowable under this definition.

*Energy drinks*, defined as "any carbonated or non-carbonated beverage 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 or natural fruit pulp, or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance." Two categories include read-to-drink energy beverages and energy shots. This does not include sports drinks for hydration, such as Powerade or Gatorade.

*Candy*, defined by the sales tax definition as 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, or pieces. It does not include any preparation containing flour or requiring refrigeration. Honey, sugar, molasses, maple syrup and corn syrup are allowable under this definition.

The following table lists the restricted beverage and food items:

<b>Restricted Food Items</b>	<b>Restricted Beverages</b>
Candy & confections, including cake decorations (edible), chewing gum, breath mints & licorice	Soft drinks
Baking ingredients, including almond bark, marshmallows, baking chocolate (as bars, drops or pieces); chocolate or butterscotch chips	Energy drinks

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Chocolate covered nuts, candy coated nuts, honey roasted nuts, caramel apples, trail mix with candy pieces	
Cereal bars (sweetened & without flour) & energy bars containing a “supplemental facts” box	

North Dakota is not seeking to change the universal federal restrictions on items such as alcoholic beverages, tobacco, or hot foods and hot food products intended for immediate consumption.

- *If applicable, describe incentivization projects to entice SNAP-eligible households to increase purchasing of fruits and/or vegetables.*

North Dakota is laying the groundwork for a sustainable Double Up Food Bucks (DUFEB) pilot program, a powerful initiative that rewards SNAP participants for buying fresh fruits and vegetables. This effort supports the state’s vision of becoming the healthiest State in the nation and complements new policy proposals, like the Food Restriction Waiver, aimed at improving the nutritional quality of SNAP purchases at the point-of-sale.

By making fresh produce more accessible to North Dakotans who rely on SNAP, we’re helping families put healthier meals on the table, while also boosting local economies by supporting farmers and food producers across the state.

Many North Dakotans who qualify for SNAP face serious nutrition-related health challenges, including high rates of obesity, diabetes, and other chronic diseases.<sup>1</sup> At the same time, rural and tribal communities often struggle with limited access to affordable, healthy food due to geographic isolation, sparse retail options, and economic barriers.

The DUFEB program is a proven, nationwide model that tackles these challenges head-on. It offers a dollar-for-dollar match on fruit and vegetable purchases, increasing demand at local retailers and strengthening community partnerships that support local agriculture. This approach aligns with the goals of the proposed Food Restriction Waiver, to expand access to nutritious foods for SNAP recipients while restricting the use of benefits on soft drinks, energy drinks and candy.

### **SNAP-Eligible Household Considerations:**

*Please complete the next section with possible impacts and considerations to SNAP-eligible households.*

#### ***Participating households and individuals***

- *Describe the target population included in this waiver.*

The target population will include 100% of North Dakota’s SNAP caseload. During FFY2025, there were approximately 83,000 recipients or 42,000 households (unduplicated count for 12-month period).<sup>2</sup>

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- *Will the State limit the project to households that meet certain requirements? For example, targeting households of a certain size, households with individuals participating in SNAP-Ed, households with individuals participating in WIC, households receiving medical assistance, or households with pregnant women and/or young children? No*
- *Describe the pilot approach for households.*
  - *Will all households be participating at once? Yes*
  - *Will there be a phased in approach based on certain household factors? No*
    - *If yes, describe the household types and phase in approach below.*

### **SNAP-Authorized Retailers Considerations:**

*Please complete the next section with possible impacts and considerations to SNAP-authorized retailers.*

### ***SNAP-Authorized Retailers Participating in the Food Restriction Demonstration Waiver***

- *List the retailers participating in this pilot. Include brick-and-mortar stores, participating retailers' online platforms (e.g., Amazon.com, Walmart.com), and specialty retailer types (e.g., farmers' markets, direct marketing farmers, etc.). Write "all" if all retailers in the state will be subject to the pilot.*

This waiver will impact all SNAP retailers (approximately 600) statewide. All retailers must comply by waiver implementation date. Gaining buy in from retailers will be a critical component of this waiver. Communications regarding implementation of this waiver will be required at both the federal and state level. The state will work to educate existing retailers about which items may be purchased with SNAP benefits. North Dakota will work with retailers of all sizes to develop strategies based on technology and size of retailers.

- *Updates to product coding to remove soft drinks, energy drinks and candy from being classified as SNAP-eligible products. Retailers will use the same process they currently follow to classify products, such as hot foods, alcoholic drinks, paper products, etc. as not eligible for purchase with SNAP benefits.*
- *Explain how the participating retailers were selected.*

All ND SNAP retailers must participate.

- *Will retailer participation in the pilot be phased in? If yes, what does that plan look like?*

Retailers will have until waiver implementation date to change or update systems in order to be compliant with the waiver.

### ***Consideration of retailer size***

- *Provide the State's plan to adjust implementation time based on retailer size and system capabilities, if applicable.*

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Regardless of retailer size, all ND retailers will be required to come into compliance by implementation date.

### ***Retailer-Level System Changes***

*Describe any retailer-level system changes and/or updates the retailer(s) will incur in the operation of this demonstration project, for example:*

- *Describe how the retailer systems will be able to support all alternative procedures required of the project, or will it require an upgrade or enhancements?*

Retailers in ND will be required to update their point-of-sale (POS) systems to reflect the excluded soda drinks, energy drinks and candy under the waiver. These system modifications must support real-time transaction adjudication, enabling the transmission of Universal Product Code (UPC) or Price Look-Up (PLU) data at the time of purchase to determine item eligibility in accordance with the waiver.

North Dakota's EBT vendor, Fidelity Information Services (FIS), is not expected to require modifications to the State's existing ebtEDGE system, provided that enforcement of item restrictions remains the responsibility of retailer POS systems. Retailers will be required to transmit item-level data to the EBT processor for adjudication and submit only eligible items for authorization. Any attempted purchases of restricted items will be automatically declined at the point-of-sale.

- *Describe any exemptions for retailers that are unable to make the necessary system changes.*

No exemptions will be allowed for retailers.

### **Impacts to the State Agency:**

*Please complete the next section with possible impacts to the State agency.*

### ***State-Level System Changes***

*Describe any State-level system changes and/or updates the State will incur in the operation of this demonstration project, for example:*

- *If applicable, describe how the State system will be able to support all alternative procedures required of the project, or will it require any upgrade or enhancements?*

North Dakota's integrated eligibility system (SPACES) will not require changes. Additionally, if the customer agreement between the state agency and FIS requires updates, the necessary changes will be implemented.

- *If your state operates Summer EBT, will it also be subject to these restrictions or will EBT system changes be required to ensure no impact to that program?*

North Dakota's Summer EBT will restrict soft drinks, energy drinks and candy, same as SNAP in order to align with the Food Restriction Demonstration waiver.

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### ***Food Restriction Pilot Compliance Plans***

- *Describe the State's plans for enforcing compliance with the pilot among SNAP-authorized retailers in the targeted geographical location (e.g., county-wide, regional, statewide).*
  - *How will the State work with retailers to ensure compliance?*

North Dakota's state SNAP agency will provide written guidance to all SNAP retailers with explanation of the changes as a result of this waiver implementation.

- *Once implemented, how will the State confirm restrictions have been implemented at the retailer level?*

North Dakota will develop a method to confirm system changes have been made at the retailer level, prior to implementation of the waiver.

- *How will retailers be held responsible if their equipment is not updated and clients are able to make ineligible purchases?*

North Dakota SNAP retailers will have to make the necessary changes to ensure they are in compliance with the waiver standards by waiver implementation date.

- *How will retailers authorized after project launch be notified of the pilot parameters?*

USDA/FNS is the entity responsible for authorizing SNAP retailers. FNS will need to assist the state in providing initial information to the prospective retailer, prior to authorization. Once authorized, the state SNAP agency will provide technical assistance to any retailer who needs assistance complying with this statewide waiver.

### ***Staff Capacity and Training***

- *Describe the State's staffing capacity to administer the project and the policy training plan on the alternative procedures required by the project.*
  - *Will the State designate a specific team for the project? If so, please describe it.*

This waiver request will not have a direct impact on the capacity of ND's eligibility staff. There are no alternative procedures for determining eligibility related to this waiver. The statewide Customer Support Center and Human Service Zones will be provided with talking points regarding the food and beverage restrictions associated with this waiver.

In Fiscal Year 2026, ND SNAP leadership will formulate a staffing plan that is in alignment with the waiver requirements, along with the DUFEB program. It is anticipated that additional full-time equivalents (FTEs) will be required for training, technical assistance, monitoring, and evaluation pertinent to this waiver and DUFEB program.

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### Communication Plan:

*States must develop a strategic roll out plan for communicating this project to impacted populations for FNS approval. FNS expects ongoing and frequent outreach to SNAP-eligible individuals and retailers throughout the planning process and implementation phase of this project. We also encourage outreach to relevant stakeholder groups and local media to raise awareness of the impending program changes.*

- *Describe the anticipated timeframe and details of the State’s plan, including any training and communication, to reach the target SNAP population for the project.*

North Dakota will develop and execute the following plans:

- SNAP Retailer Communication Plan
- SNAP Recipient Communication Plan
- Monitoring/Compliance Plan
- Evaluation Plan

Key components of these plans will include:

- **Retailer-focused resources** to support effective communication and implementation, food restriction waiver marketing materials (I.e. flyers & shelf-talkers) will be provided for retailers.
- **Household and staff communication materials**, such as print and digital resources (I.e. mass mailings), along with integration into existing state communication channels. Training for state and county staff, particularly those conducting SNAP interviews or managing customer interactions, to ensure they are well-prepared to explain the changes and respond to participant questions accurately and confidently.
  - *Also describe how communication and training will be provided to SNAP households that become eligible after the project launch.*

North Dakota will update the “Apply for Help” website and all necessary materials for this change. Also, the state will request SNAP eligibility workers to inform SNAP households about restricted items. Furthermore, the State will provide ongoing social media messages for a period of time following implementation.

- *If applicable, describe any nutrition education (ex- SNAP-ed) provided, or planned to be provided, to SNAP-eligible households.*

We are actively partnering with the training team to explore a training plan. This plan will be tailored for participants, retailers, and community partners. We will collaborate with FIS on training needs for participants and Call Center Staff.

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- Describe the anticipated timeframe and details of the State’s outreach plan, including any training and communication, to reach the participating retailers for the project.

North Dakota will launch a comprehensive communication plan six months ahead of the waiver’s implementation date. This plan will be organized into key focus areas, including technical assistance, outreach, training, and both public and internal awareness efforts.

- Also describe how communication and training will be conducted with newly authorized retailers over the course of the demonstration project.

Any new SNAP retailer will be provided with technical assistance from the state and access to guidance documents.

### **Timeline:**

- Provide an overall timeline of expected timeframes and end dates for specific tasks required to achieve project outcomes. This may be presented as a chart or other format (e.g., Gant Chart, Visio). At a minimum, the timeline should include:
  - SNAP target population and household communication plans;
  - Retailer communication plans;
  - Retailer readiness target date(s);
  - Go-live implementation, including phases if applicable.

<b>Phase</b>	<b>Timeframe</b>	<b>Activities</b>
Engagement & Discovery Phase	October – December 2025	<ul style="list-style-type: none"> <li>• Retailer &amp; Grocer Partnership meetings - Kick-off meeting October 22, 2025</li> <li>• FNS collaboration</li> <li>• Research &amp; review identified strategies developed by other state agencies</li> </ul>
Internal Communication / Marketing & Development	November 2025 – January 2026	<ul style="list-style-type: none"> <li>• Creation of staff messaging &amp; training</li> <li>• Develop Attestation form &amp; retailer tracking tool</li> <li>• Partner with retailers to develop marketing materials</li> <li>• Development of baseline, 6-month and 12-month evaluation surveys</li> </ul>
Pre-Launch Awareness - Retailer (Phase 1)	January - April 2026	<ul style="list-style-type: none"> <li>• Retailer &amp; EBT Vendor Notifications</li> <li>• Develop stakeholder toolkit, to include FAQ, signage examples &amp; fact sheets</li> <li>• Conduct survey</li> </ul>

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Pre-Launch Awareness - HHS (Phase 2)	February – April 2026	<ul style="list-style-type: none"><li>• Social media campaign strategy</li><li>• Revision of informational &amp; online materials &amp; webpages</li></ul>
Implementation	April – July 2026	<ul style="list-style-type: none"><li>• Ensure retailer readiness</li><li>• Social media campaign launch</li><li>• Human Service Zone (HSZ) staff implementation training</li><li>• Mass mailing to all current SNAP participants</li><li>• Issue Attestation Forms to Retailers (<i>due back by May 1, 2026</i>)</li></ul>
Baseline Survey	March – June 2026	<ul style="list-style-type: none"><li>• Conduct &amp; analyze baseline evaluation survey</li></ul>
Go-Live	July 2026	<ul style="list-style-type: none"><li>• Press release</li></ul>
6-Month Survey	January – April 2027	<ul style="list-style-type: none"><li>• Conduct &amp; analyze 6-month evaluation survey</li></ul>
Ongoing Communication/ Monitoring (Post-Launch)	FY 2026 - 2027	<ul style="list-style-type: none"><li>• FAQ updates based on common questions</li><li>• Collect data and information for evaluation</li><li>• Send out &amp; collect Retailer Attestation form annually</li></ul>
12-Month Survey	July – November 2027	<ul style="list-style-type: none"><li>• Conduct &amp; analyze 12-month evaluation survey</li></ul>

### **Justification for Request:**

*Explain how the demonstration project will benefit the administration of SNAP in the State and improve the delivery of SNAP benefits to eligible households. Use the space below to describe how implementing this demonstration project will achieve the intended objectives, for example:*

- *Describe how the project will impact administrative burden.*

The eligibility criteria and benefit allotments for participants and households will remain stable, and we anticipate no additional costs. While the implementation of monitoring, training, and evaluation components of the waiver will influence state agency staffing capacities, this presents an opportunity for growth and improvement in our services.

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- *Describe how the project will strengthen strategies to encourage healthy choices, healthy outcomes, and healthy SNAP families.*

Currently, SNAP guidelines do not restrict the purchase of food and beverage items that are high in sugar, sodium, and empty calories, offering little to no nutritional value.

These purchases are inconsistent with the Dietary Guidelines for Americans (DGAs) and HHS's vision of ND becoming the healthiest state in the nation, as supported in the [2024-2029 State Health Improvement Plan](#) (SHIP). Relevant focus areas for SNAP participants in the SHIP include improving well-being through chronic disease prevention and management, enhancing childhood development, and strengthening overall community resilience, particularly in rural areas, where one in thirteen SNAP households reside.<sup>3</sup>

The table below outlines the prevalence of select chronic health conditions among ND residents<sup>4</sup>:

<b>Chronic Condition</b>	<b>Prevalence</b>
Obesity	14%
Hypertension	54%
Diabetes	31%
Hyperlipidemia	54%

According to the America's Health Rankings 2024 Annual Report, North Dakota ranks 35th among U.S. states for adult fruit and vegetable consumption.<sup>5</sup> North Dakota is expanding the DUFEB program to incentivize the purchase of fruits and vegetables in the retailer setting. Additionally, 8.6% of households in the state experience food insecurity, meaning they lack consistent access to sufficient food due to financial or other resource constraints.<sup>6</sup>

Modifying SNAP-approved food and beverage options through a food restriction waiver offers a promising path to enhance public health. By reducing socioeconomic barriers and promoting healthier food choices as accessible, convenient, and routine for SNAP participants, these interventions can drive meaningful improvements in community well-being.

To better fulfill SNAP's purpose of promoting the general welfare and protecting health, ND proposes refining the definition of SNAP-eligible food and beverage purchases to encourage participants to choose more nutritious options.

### **Proposed Evaluation Procedures:**

*Demonstration projects must include an evaluation component to determine the project's effects. FNS will require quarterly evaluation reports during the first year of implementation.*

*Thereafter, States will be required to report on an annual basis.*

*Use the space below to describe how the State plans to evaluate the demonstration project and measure the intended outcomes and benefits, for example:*

- *Describe what data will be collected as part of this project.*
  - *FNS strongly encourages the State to collect data on food and beverage purchase consumption and health outcomes by interviewing recipients and collecting*

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*qualitative data on food purchasing habits and non-SNAP spending either through a collection of food purchase receipts or a 24-hour dietary recall.*

In order to evaluate the effectiveness of this demonstration waiver, changes in health behaviors and purchasing patterns among SNAP recipients will be monitored. North Dakota will collaborate with USDA, FNS, and FIS (EBT vendor) to collect baseline data and analyze SNAP recipients' purchasing patterns and shifts in health-related habits.

- **Program Implementation Assessment** will include monitoring and will analyze participation rates and benefit utilization throughout the demonstration period.
- **Behavioral and Health Outcomes Evaluation**
  - Implement an impact study utilizing a sampling approach to examine participant shopping and nutrition behaviors across three distinct time points:
    - **Baseline:** prior to the waiver's implementation
    - **6-Month:** halfway through the demonstration period
    - **12-Month:** at the conclusion of the first year of waiver implementation
  - The study will include participants from across North Dakota.

### ***SNAP-Eligible Individuals***

- *Describe how the State will evaluate the impact of this project on program administration and program access.*
- *Describe how the State will measure client satisfaction.*

In addition to the evaluations mentioned previously, ND will explore methods to assess whether individuals eligible for SNAP continue to have access to approved retailers within their communities.

### ***SNAP-Authorized Retailers***

- *Describe how the State will evaluate the impact of this project on program administration and program access as it relates to retailers.*
- *Describe how the State will measure retailer satisfaction.*

This assessment may involve evaluating changes in the number and locations of approved retailers over time. By reviewing data both at the time of implementation and at later intervals, we can identify any changes in the number and distribution of retailers authorized to accept SNAP benefits. This ongoing assessment will help us better serve our communities and improve the overall effectiveness of the program. Retailer satisfaction surveys will be conducted within the same timeline as the participant surveys.

### ***Redemption and Transaction Data***

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- *Describe how the State will track and evaluate out-of-state transactions in bordering states.*

While North Dakota does not receive item-level data on SNAP purchases made out-of-state, the State's EBT vendor (FIS) provides monthly reports on all out-of-state transactions completed with EBT cards. These reports include:

- Total number of transactions
- Total redemption value
- State and zip code of transaction origin

HHS will use these reports to monitor changes in cross-border shopping behavior following implementation of the waiver. Comparison of online and in-store purchases will be analyzed. Where patterns indicate a significant shift in purchasing behavior, HHS will include this information in quarterly evaluations submitted to USDA FNS.

- *FNS will require the following additional data be provided:*
  - *Client complaints about the pilot project;*
  - *Retailer complaints about the pilot project;*
  - *Any additional feedback on the pilot project provided by key stakeholders (e.g., grocer associations or community-based organizations); and*
  - *Out of state transaction data to determine cross-border shopping transactions.*

North Dakota is committed to gathering and analyzing feedback from clients and retailers about this demonstration. As part of its communications and outreach strategy, the State will disseminate information to clients, retailers, and the general public regarding the appropriate channels for submitting complaints, inquiries, and other feedback to the SNAP program related to the demonstration.

### **Anticipated Implementation Date:**

*Provide the anticipated implementation date. FNS will provide technical assistance, as it relates to this waiver, to help the State reach the goal implementation date.*

North Dakota intends to implement this effort 8 months following approval.

*Note: States should submit a demonstration request at least six months before their anticipated implementation date.*

### **Anticipated Program Costs:**

*Use the space below to describe what additional expenses will be incurred to implement this pilot project. This could reflect costs associated with notifying clients and retailers, EBT system changes, evaluation contract support, or other items not listed here.*

There are no anticipated impacts on the costs of the SNAP program for the state. However, additional expenses will arise as the project unfolds. SNAP leadership is estimating additional retail specialist positions will be needed to stand up both the DUFEB program and food restriction

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waiver. The majority of costs associated with this initiative will be incurred by SNAP-accepting retailers. ND retailers will be required to modify their processing systems to prevent the purchase of restricted food and beverage items using SNAP benefits. Funds remaining from the SNAP-Ed program will support communication, publication and marketing costs for the participants and retailers involved.

### **Anticipated Expiration Date:**

Five years from the date of FNS approval.

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1. Source: North Dakota Healthcare Dashboard, [Microsoft Power BI](#)

2. Source: North Dakota Assistance Dashboard, [North Dakota Dashboard Suite Landing Page - Power BI](#)

3. Source: Food Research & Action Center, *State-by-State SNAP Fact Sheets*, <https://frac.org/research/resource-library/snap-state-fact-sheets>

4. Source: University of North Dakota School of Medicine & Health Sciences, Biennial Report, [Biennial Report | University of North Dakota](#)

5. Source: America Health Rankings 2024 Annual Report, [2024 Annual Report | 2024 Annual Report](#)

6. Source: Center on Budget & Policy Priorities ND SNAP Fact Sheet, [https://www.cbpp.org/sites/default/files/atoms/files/snap\\_factsheet\\_north\\_dakota.pdf](https://www.cbpp.org/sites/default/files/atoms/files/snap_factsheet_north_dakota.pdf)

## SNAP Food Restriction Demonstration Waiver Request Template

### Signature of Requesting Official:

**Michele A. Gee** Digitally signed by Michele A.  
Gee  
Date: 2025.11.03 14:53:19 -06'00'

### State Contact:

Name: Michele Gee

Email: [mgee@nd.gov](mailto:mgee@nd.gov)

Telephone: 701-328-1633

### Regional Office Contact:

Name: Josh McDaniel

Email: [Joshua.McDaniel@udsa.gov](mailto:Joshua.McDaniel@udsa.gov)

Telephone: 303-571-6194

# SNAP Food Restriction Demonstration Waiver Request Template

## Appendix

### Impermissible Projects

Section 17(b)(1)(B)(iv) of the Act explicitly prohibits waivers of certain provisions of the Act. FNS is unable to approve projects that involve a waiver of these provisions.

### Impermissible eligibility criteria waivers

Food Restriction demonstration projects may not:

- Change the definition of household for those living in Federally subsidized housing for older adults, group living arrangements, domestic violence shelters, homeless shelters, and drug and alcohol treatment centers), institutions, or boarding houses (Sec. 3(m)(4) and (5));
- Change the gross income standards of eligibility for households that do not have an elderly or disabled member to a level other than 130 percent of the Federal Poverty Level (Sec. 5(c)(2));
- Change the work requirements exemption for parents or household members caring for with dependent children under the age of 6 or caring for an incapacitated person (Sec. 6(d)(2)(B));
- Increase the shelter deduction for households with low or no out-of-pocket housing costs; or
- Deny benefits to an otherwise eligible individual or household (last sentence of Sec. 5(a)).

### Impermissible State operations waivers

Food Restriction demonstration projects may not:

- Waive the requirements (Sec. 11(e)(2)(B)) for States to:
  - Provide timely, accurate and fair service to SNAP applicants and participants;
  - Develop a SNAP application; and if the State has a website, make the application available on their website in every language a printed application is available;
  - Allow a household to apply on the same day they first contact a SNAP office during office hours;
  - Consider an application with only name, address, and signature to be filed on the date of application;
  - Require an adult representative to certify that the information on the application is true and that all members are citizens or eligible aliens;
  - Provide a method of certifying and issuing benefits to homeless households; or
  - Determine applicant eligibility within 30 days of the date of the filing of an application (time standard in Sec. 11(e)(3)).
- Change the provisions outlining which parts of the Act are not allowed to be waived;
- Absolve a State from acting with reasonable promptness on substantial reported changes in income or household size;

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- Prohibit States from operating a Workfare Program or change the 50/50 matching provisions for workfare activities, including reimbursements for participants in workfare activities;
- Waive provisions of the Simplified SNAP (an optional program for TANF households);
- Waive the State Option to issue benefits to individuals who are not compliant with the work requirements established by welfare reform. If the State issues benefits to these individuals, they must pay the Federal Government back and will not receive Federal match for those recipients.
- Change the 50/50 Federal reimbursement provisions;
- Change QC system requirements, payment error rate, and associated liability process for payment error rates; or
- Change 50/50 Federal reimbursement provisions for eligibility systems.

FNS is available to answer questions and provide technical assistance to States requesting demonstration projects. If you are unsure whether your state's request would require an impermissible waiver, please contact FNS.

### Additional Restrictions on Demonstration Projects

- Demonstration projects may be approved for up to five years with extensions possible thereafter.
- If a demonstration project reduces benefits by more than 20 percent for more than 5 percent of households in the project area (excluding households whose benefits are reduced for failure to comply with work requirements), the demonstration project:
  - cannot affect more than 15% of households in the State AND
  - may not continue for more than 5 years unless the Secretary approves an extension request.
- Demonstration projects **may not**:
  - Provide benefits in the form of cash or a manner otherwise non-restricted to food (except for a project approved before August 22, 1996);
  - Allow SNAP funds to be used to fund other public assistance programs, or use the funds for any purpose other than the purchase of food, program administration, or employment and training activities; or
  - Count SNAP benefits as income or resources for tax purposes, welfare, public assistance programs or any other Federal, State, or local assistance program (Sec. 8(b)).