



U.S. DEPARTMENT OF AGRICULTURE

May 11, 2026

Shannon Grotrian, Director  
Nebraska Department of Health and Human Services  
301 Centennial Mall South  
Lincoln, Nevada 8970368509

Dear Director Grotrian:

On April 23, 2026, the Nebraska Department of Health and Human Services requested to modify the restricted food definition of its Supplemental Nutrition Assistance Program (SNAP) Food Restriction Waiver. The State agency has requested to add candy to the waiver as a restricted food category, effective November 1, 2026.

On May 19, 2025, the Food and Nutrition Service (FNS) approved Nebraska's initial Food Restriction Waiver request, restricting the purchase of soda, soft drinks, and energy drinks with SNAP, effective January 1, 2026, through December 31, 2027. Nebraska successfully implemented its waiver on January 1, 2026.

The Food and Nutrition Service (FNS) approves Nebraska's modification request to add candy to its restricted foods definition. As expressed in its request, Nebraska seeks to add candy as a restricted food to continue improving the overall health of its population. Nebraska has committed to developing implementation plans for this modification in coordination with FNS, following the model of the State agency's successful initial waiver development process. These plans will outline how and when the State agency will effectively conduct retailer education and technical assistance, communicate the change to SNAP households, and make any necessary adjustments to the evaluation plan.

FNS provides the State agency's approved modified restricted foods definition in the enclosure, including soda, soft drinks, energy drinks, and candy, which will be effective November 1, 2026. All other terms and conditions included in FNS's May, 19, 2025 initial approval remain in effect.

FNS applauds Nebraska and its SNAP team for its successful implementation of its SNAP Food Restriction pilot. We look forward to continuing to support you in your efforts to successfully implement this modification on November 1, 2026.

Sincerely,

PATRICK A. PENN

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

Enclosure

Food and Nutrition Service, Braddock Metro Center, 1320 Braddock Place, Alexandria, VA 22314

## **NEBRASKA SNAP FOOD RESTRICTION DEMONSTRATION PROJECT WAIVER: MODIFICATION TO RESTRICTED FOODS DEFINITION**

### **Candy:**

Nebraska's definition of candy is 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/traditionally intended to be eaten by itself in the form in which it is sold. Candy is considered shelf-stable, and also includes items that are not in bar, drop, powder, or piece form, 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 sprinkles, melting wafers, plain marshmallows, sweetened coconut, toffee bits, and baking chips. Other items that are not considered candy 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.

### **Soda and Soft Drinks:**

Nebraska's definition of soda and soft drinks is 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.

Under Nebraska's definition, both soda and soft drinks are intended for human consumption and 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 considered soda and soft drinks.

### **Energy Drinks:**

Nebraska's definition of energy drinks is 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 or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.

Under Nebraska's definition, energy drinks are intended for human consumption and 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 considered energy drinks.