



U.S. DEPARTMENT OF AGRICULTURE

April 22, 2026

Laura Rich, Director
1000 North Division Street
Carson City, Nevada 89703

Dear Director Rich:

On April 13, 2026, the Nevada Department of Human Services requested to modify the restricted food and beverage definitions 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 request, Nevada seeks to revise the definition of candy to reflect current retailer understanding and remove specific brand names from examples. Moreover, the State will clarify that prebiotic and probiotic sodas are excluded from the sugar-sweetened beverage restriction and can therefore still be purchased with SNAP. This modification will not change Nevada's implementation date nor their planned approach to implementation.

As approved by FNS on March 4, 2026, Nevada will implement their project on February 1, 2028. All other terms and conditions, as outlined in the March 2026 approval, remain in effect.

FNS applauds Nevada and its SNAP team for the efforts you have made towards the 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 February 1, 2028.

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

NEVADA SNAP FOOD RESTRICTION DEMONSTRATION PROJECT WAIVER: MODIFICATION TO RESTRICTED FOODS DEFINITION

Candy

Candy refers to confections primarily made with sugar, corn syrup, or high-fructose corn syrup that do not include chocolate, fruits, or nuts.

The term “candy” includes but is not limited to:

- Gelatin-based confections (e.g., gummies), licorice, hard candies, and products primarily composed of sugar, corn syrup, high fructose corn syrup, or other added caloric sweeteners in the form of pieces, tablets, ropes, chews, or similar confections, regardless of texture, form, coating, or method of preparation.

The term “candy” does NOT include:

- Chocolate products; protein or granola bars; fruit- or nut-based products; and items made or sweetened with natural, plant-derived sweeteners (e.g., stevia, monk fruit, allulose), artificial sweeteners, or sugar alcohols (polyols) such as xylitol, erythritol, maltitol, and sorbitol.

Sugar-Sweetened Beverages

Sugar-Sweetened Beverages are defined as non-alcoholic beverages containing added caloric sweeteners introduced during processing, preparation, or at the point of sale.

The term “Sugar-Sweetened Beverages” includes:

- Ready-to-consume or ready-to-mix non-alcoholic beverages that contain added caloric sweeteners (e.g., sugar, high-fructose corn syrup) and meet one or more of the following criteria:
 - Soft drinks, whether carbonated or non-carbonated
 - Fruit or vegetable drinks or juice blends containing less than 50 percent fruit or vegetable juice by volume with added caloric sweeteners.

The term “Sugar-Sweetened Beverages” does NOT include:

- Beverages containing milk, milk products, or milk substitutes (e.g., dairy, soy, rice beverages).
- 100% fruit or vegetable juices or juice blends.
- Beverages that are intended for medical or oral rehydration use.
- Sports or electrolyte-replacement drinks for rehydration use.
- Coffee, tea, coffee or tea beverages, breakfast shakes, protein or nutrition shakes, sports drinks, or meal replacement shakes.
- Plain carbonated or non-carbonated water with no flavor and no added caloric sweeteners (e.g., seltzer or sparkling water).

- Diet beverages (defined as non-alcoholic carbonated or non-carbonated beverages with non-caloric sweeteners and no added sugars or calories), including those specifically represented to enhance energy or alertness.
- Prebiotic or probiotic sodas: Carbonated beverages formulated with ingredients intended to support digestive health, including those that add or support beneficial gut bacteria.
- Frozen treats (popsicles, sorbets, ice creams, etc.).