



Secretary Brooke L. Rollins
Washington, D.C. 20250

June 10, 2025

The Honorable Sarah Huckabee Sanders
Governor of Arkansas
State Capitol Building
Little Rock, AR 72201

Kristi Putnam
Secretary
Arkansas Department of Human Services
Post Office Box 1437
Little Rock, AR 72203

Dear Governor Huckabee Sanders:

The Food and Nutrition Service (FNS) is pleased to approve the request dated April 15, 2025, from the Arkansas Department of Human Services to allow the State to operate a novel demonstration project to amend the statutory definition of ineligible food for purchase by Supplemental Nutrition Assistance Program (SNAP). Arkansas will exclude from the definition of eligible foods the following food and beverage items: soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, other unhealthy drinks, and candy. This approval, subject to the enclosed terms and conditions, is for 2 years, effective July 1, 2026.

Due to the novel design of the Project, FNS is committed to carefully and comprehensively evaluating how waiving the State's definition of food in this way impacts SNAP participants and retailers. FNS will carefully review the results of the Project, based on the evaluation data provided by the State and other available information.

FNS will continue to collaborate with the State to finalize data collection points, define key metrics, and outline any necessary data analysis for the quarterly evaluation reports as well as finalize key implementation parameters such as a threshold standard for retailers.

Please submit written acceptance of this approval and the terms and conditions signed by the appropriate State official. Attach this acceptance letter to a chatter post in WIMS case # 00012126. Please tag the relevant Regional and National staff listed in the WIMS case team using the @ sign when uploading this document.

FNS appreciates the State's willingness to test innovative approaches to support healthy choices and healthy outcomes to best serve SNAP participants. FNS is committed to working with the State to obtain robust data to inform ways to improve nutrition assistance programs.

Sincerely,

Brooke L. Rollins
Secretary

U.S. Department of Agriculture

Enclosures

WAIVER SUMMARY

ARKANSAS FOOD RESTRICTION WAIVER DEMONSTRATION PROJECT

The Arkansas SNAP Food Restriction Waiver Demonstration Project (the Project) is approved 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, as amended (the Act).

WAIVERS OF THE ACT: Section 3(k)(1) of the Act defines “Food” for SNAP as “any food or food product for home consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this section to allow the State to modify the list food items that can be excepted from the definition of “food” items. Items that are not defined as “food” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Arkansas. Specifically, the State amends the definition’s language of “any food or food product for home consumption except...” to include as an exception, and therefore be ineligible for purchase with SNAP, for the following items: soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy. The State will use the GS1 US product classification framework and standards, including a Global Trade Item Number (GTIN), to define ineligible foods.

WAIVERS OF SNAP REGULATIONS: 7 CFR 271.2 defines “Eligible foods” for SNAP as “any food or food product intended for human consumption...” The definition goes on to define items excepted from this definition. These “except[ed]” items cannot be purchased with SNAP benefits.

FNS is waiving this provision of the regulations to allow the State to modify the list of items that can be excepted from the definition of “Eligible foods”. Items that are not defined as “Eligible foods” cannot be purchased with SNAP benefits at SNAP-authorized retailers in Arkansas. Specifically, the State amends the definition’s language of “any food or food product intended for human consumption except ...” to include as an exception and therefore by ineligible for purchase with SNAP, for the following items: soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy. The State will use the GS1 US product classification framework and standards, including the GTIN, to define ineligible foods. The State will communicate this change to all existing and newly authorized SNAP households and retailers during the Project.

IMPLEMENTATION

Eligibility: This Project will apply to the entire Arkansas SNAP population (100 percent of the SNAP caseload).

Opt-Out: No SNAP household in Arkansas may opt out of the SNAP eligible food restrictions project. The purpose of the Project is to evaluate the impact of excluding select food items including soda and candy from eligible purchases under SNAP on participant’s consumption of these products. As part of the evaluation of the Project the State is developing key metrics and

data collection methods including, but not limited to, surveys, interviews, and dietary recalls. SNAP households' participation in these evaluation and data collection methods is voluntary, and any household may opt into or out of the corresponding evaluation tools.

Alternative Procedures: Arkansas' proposed alternative procedure is to modify the list of items that can be excepted from the definition of "Eligible foods". Items that are not defined as "Eligible foods" cannot be purchased with SNAP benefits at SNAP-authorized retailers in Arkansas. Arkansas specifically will include as an exception, and ineligible for purchase with SNAP, soda, low and no-calorie soda, fruit and vegetable drinks with less than 50% natural juice, unhealthy drinks, and candy. The State will use the GS1 US product classification framework and standards, including the GTIN, to define ineligible foods.

The GS1 US product classification standards provide industry-accepted categories for products. This allows businesses to have a common language for categorizing and talking about their products, enabling increased product data accuracy and simplified reporting for product categories. Universal Product Code (UPC) barcodes carry the GTIN.

Arkansas' proposed alternative procedures make no changes to the provisions that allow certain populations of SNAP recipients to purchase prepared meals from appropriate facilities like senior centers, domestic violence centers, substance misuse centers, and homeless shelters or to universally banned products. FNS also recognizes that the State is not seeking to propose alternative procedures to ban SNAP products such as alcoholic beverages, tobacco, or hot foods, or hot food products ready for immediate consumption.

TERMS AND CONDITIONS

Prior to the Project's implementation date, July 1, 2026, the State must meet all terms and conditions listed below. If the State cannot meet these terms and conditions in full, the Project's implementation date must be delayed. After Project implementation, the State may request at any time to revise the Project's scope by submitting revisions for FNS consideration and approval. Any changes must be agreed upon by the State and FNS prior to implementation.

- FNS authorizes Arkansas to operate the Demonstration Project to waive the definition of "food and food products" (the Project) for a period of 2 years from the Project's start date. The Project will begin on July 1, 2026, and end on June 30, 2028, with the option to request three annual extensions thereafter for a total Project period not to exceed 5 years. The State will operate this Project statewide.
- If the State is unable to implement on July 1, 2026, the State will communicate a new implementation date, and FNS will update the terms and conditions and evaluation schedule accordingly. Moreover, any changes the State wishes to make to their Project (including, but not limited to, Project design, target populations, evaluation procedures, compliance plans, and communication plans) following implementation should be shared with FNS for review and sign-off prior to implementing them.
- The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 CFR 274.8(b)(10).
- Clients' out of State transactions will not be used as a primary indicator of fraud or negatively impact SNAP eligibility for the household.
- The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP-authorized retailers.
 - The State must provide a designated centralized communication resource, to serve as a point of contact for retailers and to route inquiries FNS receives from the Retailer Service Center. For example, this resource could be a public email inbox or dedicated call center line.
- The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
 - The State will update their SNAP webpage to provide information about the Project for SNAP households.
- The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.

- The evaluation plan must detail how the State will mitigate SNAP client reporting bias for any Project data collection methods.
 - The evaluation plan will define Project success (i.e., reduction of diseases/illnesses, changes in behaviors, increase nutrition knowledge).
 - The evaluation plan must describe in detail all data points and metrics that the State will be collecting, aside from those listed in these terms and conditions, and how they will be analyzed.
- If the evaluation plan requires updating or amending existing contracts between the State and another entity (including, but not limited to SNAP-Ed, outreach partners, and community partners) the State will provide FNS copies of the completed contracts.
- The State will provide a finalized proposed budget for the Project.
 - Subsequent to the finalized budget the State will submit quarterly costs to FNS throughout the duration of the Project.
- The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.
 - As part of the compliance plan prior to Project implementation, the State will have SNAP-authorized retailers confirm Project compliance. For example, retailers may complete and return a self-attestation compliance form for the Project.
 - SNAP-authorized retailers are solely responsible for managing Project compliance with third party e-commerce platforms. Third party e-commerce providers will not be held liable or responsible for managing project compliance.
 - As part of the compliance plan, the State will have a method for notifying SNAP-authorized retailers that are not in compliance with the Project. For example, the State may send a compliance warning letter to retailers. Compliance warnings and other procedures will adhere to 7 CFR Part 278.
- FNS reserves the right to withdraw its waiver approval and terminate the Project 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.
- Continued approval of the Project is contingent upon the results of the ongoing Project evaluation. This Project may be extended in yearly increments for an additional 3 years, for a total of 5 years, provided that the State and FNS agree upon additional evaluative measures prior to renewal so that FNS can continue to assess this demonstration

Project's impact. Any request for extension must be submitted by December 31, 2027, at least 6 months prior to the end of the initial 2-year Project period.

- If any Federal laws regarding this Project change during the approved period, the State will submit a modification request to FNS to ensure the Project's terms and conditions reflect current Federal law. FNS will review and approve the modification in accordance with section 17(b)(1)(D) of the Food and Nutrition Act of 2008, as amended.
- SNAP participants' surveys, at a minimum, will collect the following information:
 - Meals and foods eaten outside the home or with foods not purchased at SNAP-authorized retailers.
 - Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - Non-SNAP dollars spent to purchase food items restricted by the Project.
 - SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).
- The State will provide FNS with quarterly reports using the evaluation reporting template FNS will provide to the State in WIMS based upon finalized data collection points, defined key metrics, and data analysis. The quarterly evaluation report template at a minimum will include:
 - Baseline and monthly data collection for out of State transactions for all States that border Arkansas.
 - Baseline and total monthly amount of SNAP dollars spent out of State.
 - Total monthly amount of SNAP client hearings filed related to the Project.
 - Monthly total number of SNAP-authorized retailer Project compliments and complaints received and a qualitative summary.
 - Monthly total number of SNAP households Project compliments and complaints received and a qualitative summary.
 - Monthly total number of Project compliments and complaints from advocacy, community, or retailer association groups and a qualitative summary.
 - Whenever possible, partner with retailers to collect baseline and monthly retailer data on SNAP shopping cart transaction data.
- The State will participate in routine calls with FNS ahead of the Project implementation.
 - Frequency and scheduling of the calls will be set following consultation between the State and FNS.

- FNS will provide the State with a proposed agenda for each call.

FNS is available and willing to provide technical assistance on all components of the Project, including but not limited to communication plans, evaluation strategies, budgets, and a compliance framework. However, all final decisions regarding the development and implementation of the Project materials and plans reside solely with the State. FNS will serve in an advisory capacity and will not provide final approval on Project materials.

REQUEST FOR AN EXTENSION

If the State would like to continue the Project beyond June 30, 2028, the State should send a request to FNS by December 31, 2027, six months before the Project's two-year period expiration. The extension request letter must include a summary of progress to date, including data from the time between the last quarterly report and the extension request.

EVALUATION

The State must provide FNS with a report for each quarter of the Project during the first year of implementation. The quarterly report will be segmented into monthly sections. Reports are due 45 days after the end of each reporting period. Thereafter, based on the results of the first year quarterly reports the State and FNS will discuss the potential to shift to an annual reporting schedule.

Arkansas Project Reporting Schedule

REPORT	DATA RANGE COVERED	DUE DATE
Year 1, Quarter 1	July 1, 2026-September 30, 2026	November 16, 2026
Year 1, Quarter 2	October 1, 2026-December 31, 2026	February 15, 2027
Year 1, Quarter 3	January 1, 2027-March 31, 2027	May 17, 2027
Year 1, Quarter 4	April 1, 2027-June 30, 2027	August 16, 2027
Year 2, Quarter 1	July 1, 2027-September 30, 2027	November 15, 2027
Year 2, Quarter 2	October 1, 2027-December 31, 2027	February 14, 2028
Year 2, Quarter 3	January 1, 2028-March 31, 2028	May 15, 2028
Year 2, Quarter 4	April 1, 2028-June 30, 2028	August 14, 2028
Extension Request	Submitted by December 31, 2027	

To evaluate the Project the State is proposing to use a difference-in difference (DiD) quantitative analysis model comparing a treatment and control group including an analysis of purchasing patterns and regression models to control confounding factors such as income, household size, and geography. If possible, the state plans to use a matched group of SNAP participants from comparable states that are not operating a SNAP Choice Pilot as the comparison group. The State is also proposing to use open ended participant surveys, interviews and dietary recall conversations for participant data collection methods for qualitative analysis.

The State has identified the University of Notre Dame, Laboratory for Economic Opportunity

(LEO) and University of Pennsylvania, Center for Health Incentives and Behavior Economics as potential evaluation partners for the Project.

Based on previous and ongoing technical assistance calls with FNS and the proposed evaluation partners, the State may revise its evaluation plan subsequent to this approval. Any updates or revisions to the State's evaluation plan needs to be communicated to FNS.

Evaluation Components

The State's quarterly and annual reports must include the following:

1. Executive Summary/Methodology: Summary describing methods of data collection and analysis and the quarter and month(s) covered by the report.
2. Any administrative costs associated with the Project.
3. Various qualitative and quantitative data points, defined metrics, and analytical approaches aligned with the Project's objectives related to health and health behavior change outcomes.

Please note: When submitting reports to FNS, do not include any SNAP clients' Personally Identifiable Information (PII). FNS reserves the right to add additional data fields in consultation with the State for reporting purposes.