

STATE WAIVER REQUEST

1. **Type of request:** To operate a project modifying the eligible foods for purchase under the Supplemental Nutrition Assistance Program (SNAP) to not include soft drinks.
2. **Regulatory citation:** 7 CFR § 282.1, 7 USC Ch. 51 §2012 (k)
3. **State:** Utah
4. **Region:** SWRO
5. **Regulatory requirements:** 7 CFR § 282.1, 7 USC Ch. 51 §2012 (k)
6. **Proposed alternative procedures:**

7 USC Ch. 51 §2012 (k) stipulates SNAP recipients may purchase any food or food product for home consumption including seeds and plants to produce food at home.

Utah Department of Workforce Services proposes to modify the definition of eligible foods under SNAP to exclude "soft drinks," meaning a nonalcoholic beverage that is made with carbonated water and is flavored and sweetened with sugar or artificial sweeteners. "Soft drink" does not include a beverage that contains milk, milk products, soy, rice, or other milk substitutes, or that is greater than 50% vegetable or fruit juice by volume.

7. **Justification for request:**

With the support of House Bill 403 passed by the Utah Legislature, Utah is seeking permission for this pilot to increase the efficient delivery of nutrition in SNAP. 7 CFR 271.1(a) defines the purpose of SNAP as “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.” and “...To alleviate hunger and malnutrition, SNAP permits low-income households to obtain a more nutritious diet...”.¹

SNAP is inefficient at delivering on the purpose of “promoting general welfare and safeguarding health and well-being” and “alleviating malnutrition” because the program does not regulate the types of items that can be purchased with SNAP benefits based on nutrition. The lack of specification means that participants are permitted to spend their limited benefit amounts on objectively unhealthy and non-nutritious items like sugar-sweetened beverages. According to the Centers for Disease Control and Prevention, sugar-sweetened beverages are the leading source of added sugar in the American diet and provide little to no nutritional value. These beverages are associated with weight gain, obesity, type 2 diabetes, heart disease,

¹ 7 CFR 271.1(a), [https://www.ecfr.gov/current/title-7/part-271/section-271.1#p-271.1\(a\)](https://www.ecfr.gov/current/title-7/part-271/section-271.1#p-271.1(a))

kidney diseases, non-alcoholic liver disease, tooth decay and cavities, and gout.² Basu and Gardner state in their research that removing sugar sweetened beverages from the American diet would result in health improvement in the areas of obesity and type 2 diabetes.³

Utah wishes to refocus the SNAP program on its designed and stated intent, “to promote the general welfare and safeguard the health and wellbeing” by encouraging SNAP participants to purchase healthier food items by modifying the definition of “food and food products” to exclude this unhealthy and non-nutritious item.

8. Caseload information, including percent of caseload and description of population expected to be affected by this waiver: 100%

9. Anticipated impact on households and State agency operations:

There is no modification to benefit allotments or eligibility requirements. The department will communicate program changes to SNAP recipients and partner with the retail association in the education of these changes. There is no federal mandate for retail participation in the program. Utah will monitor the participation of the retailers in Utah.

10. Anticipated implementation date and time period for which waiver is needed (please indicate if the waiver approval is needed to make system adjustments):

Upon technical assistance review and approval, 6 months from approval date and retailer implementation period to allow programing and testing for compliance purposes.

11. Proposed quality control review procedures:

There are no changes to the quality control process. The proposed changes do not impact program eligibility or benefit allocation.

12. Proposed evaluation and of request:

Utah will partner with Create Better Health, our SNAP Ed partner. We will use this program to educate customers on making healthier choices and collect self reports from customers who utilize this program to determine if customers make more nutritional choices about food or food products including “soft drinks”.

² Centers for Disease Control (2022), National Center for Health Statistics. [https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html#:~:text=Sugar%2Dsweetened%20beverages%20\(SSBs\),gout%2C%20a%20type%20of%20arthritis.&text=Limiting%20sugary%20drink%20intake%20can,and%20have%20healthy%20dietary%20patterns.](https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html#:~:text=Sugar%2Dsweetened%20beverages%20(SSBs),gout%2C%20a%20type%20of%20arthritis.&text=Limiting%20sugary%20drink%20intake%20can,and%20have%20healthy%20dietary%20patterns.)

³ Basu, S., Seligman, H. K., Gardner, C., & Bhattacharya, J. (2014). Ending SNAP subsidies for sugar sweetened beverages could reduce obesity and type 2 diabetes. *Health Affairs*, 33(6), 1032-1039.

13. Time Period of Request: 5 years

14. Name, title, email, and signature of requesting official:

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Signature:

15. Date of request: May 5, 2025

16. State agency staff contact:

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