

# SNAP Food Restriction Demonstration Waiver Request Template



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.**

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**Type of Request: SNAP FOOD RESTRICTION**

**Date of Request: 11/4/2025**

**State: VA**

**Region: MARO**

## **Statutory Citations:**

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

**7 U.S. Code § 2012(k)**

7 U.S. Code § 2026(b)

## **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.*

**7 CFR § 271.2**

7 CFR § 282.1

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

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

The Commonwealth of Virginia Department of Social Services (VDSS) is requesting to implement a demonstration project authorized by Section 17 of the Food and Nutrition Act of 2008 to modify the definition of eligible foods under the Supplemental Nutrition Assistance Program (SNAP).

This request is permitted by Section 17 of the Food and Nutrition Act of 2008, 7 U.S. Code § 2026, which allows states to conduct projects on a trial basis to better align the goals of the Commonwealth. Restricting sweetened beverages is a targeted public health strategy aimed at reducing the disproportionate impact of diet-related diseases, such as type 2 diabetes and obesity, among low-income populations.

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

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

VDSS will make the following changes to approved items in its SNAP:

- a. "Sweetened beverages" means a beverage that is made with carbonated water and that is flavored or sweetened with added sugar or artificial sweeteners such as corn sweetener, corn syrup, aspartame, acesulfame potassium, sucralose, dextrose, fructose, glucose, high fructose corn syrup, malt syrup, maltose, raw sugar, or sucrose. "Sweetened beverages" do

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not include carbonated water which is plain or naturally flavored or any beverage that contains less than five grams of added sugar.

e. “Sweetened beverages” do not include beverages that contain milk or milk products; soy, rice, or similar milk substitutes; mineral water sold in containers; specialty foods that are liquids or that are to be added to a liquid and that are intended to be a substitute in the diet for more commonly used food items are not included as sweetened beverages. This can include, but is not limited to, infant formula or meal replacement shakes. Beverages marketed primarily as sports foods to increase hydration, such as Gatorade or medically necessary nutritional products, are not included.

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

The benefit allotment and eligibility parameters for individuals and households will not change. No additional costs are anticipated. SNAP-authorized retailers currently restrict households from purchasing many items not included as SNAP "eligible food" in code or regulation. This waiver will only expand the list to exclude sweetened beverages as eligible foods. There is no federal mandate for retailers to participate in the program and accept SNAP benefits. It remains a voluntary program.

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

VDSS will work with FNS to ensure retailer compliance is maintained. Additionally, efforts have been made to ensure that proposed definitions in other states align with Virginia’s definitions, facilitating the ease of use for SNAP recipients who may be using their benefits in other states while traveling.

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

- All retailers will be participating
- Efforts will be necessary to inform retailers of the changes included in the waiver and ensure they are aware of the definitions that will now be in effect. This will allow the grocers time to update their systems prior to the implementation date.

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

The Commonwealth plans to work with retailers of all scope and sizes to implement the requested waiver. Walmart and Food Lion are the two largest recipients of SNAP benefits and will be the initial focus of our efforts. Individual “mom and pop” retailers will be included once we are able to work with the larger retailers as our primary options. As this is a waiver, the Commonwealth strives to prove this concept is feasible and workable before implementing to all EBT retailers across the state. A one-size fits all model doesn’t fit the various types of retailers and will require significant collaboration to implement.

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

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One of the first steps for Virginia will be to expand the discovery phase to assist with determining retailer impacts and required systems changes. We fully expect retailer level impacts to the various POS devices used by the overall community. The discovery phase will include a close partnership with our various retailers to better understand what system-level changes will be necessary to implement the requested waiver. Virginia's long-term expectation is that all EBT retailers will implement consistent requirements across the state, while allowing the point-of-sale flexibility necessary to implement the waiver.

Using the definitions included in this waiver, Virginia will provide clear guidance on what is included in the waiver restrictions. Any costs and systems changes will be borne by the EBT retailer. During our discovery phase, we will review opportunities to minimize any costs placed upon the retailers, while ensuring their adherence to the restrictions included in this waiver. The implementation work will be completed in close partnership with our retailer community and we will jointly problem-solve items as they arise.

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

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

Most of the changes will require changes for the retailer & card vendor side

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

Virginia does not anticipate needed changes at the state level as part of this demonstration waiver. The included restrictions are designed to be implemented through the retailer point-of-sale systems and costs and systems changes are expected to occur at that level.

Being as Summer EBT (Sunbucks) uses the same delivery systems, no additional restrictions will be necessary for this implementation. The same restrictions will be applicable to SNAP and the Sunbucks program.

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

- Virginia does not have the regulatory authority to approve, sanction, or monitor retailers for compliance with federal program regulations. As part of Virginia's discovery phase and implementation plan, we will seek input from the retailer community to identify challenges and opportunities in meeting the included restrictions.
- In reviewing the approved plans from other states, Virginia has identified potential strategies to include:
  - The use of secret shoppers to ensure compliance.
  - Development of a monitoring plan to review a certain percentage of participating retailers annually

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- Requesting self-monitoring plans from EBT retailers on how they will monitor individual compliance.

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

Virginia plans to use current staff and resources within the agency to administer the waiver. This will include staff from our SNAP team, Sunbucks team, larger Benefit Programs Division staff, Public Affairs and the larger department wide leadership team.

### **Communication Plan:**

VDSS will ensure that all participants are informed of the changes and their potential impacts when making purchases with their SNAP cards. Outreach efforts to impacted stakeholders will be accomplished through multiple avenues, including social media, electronically, collaboration with community partners, current nutrition education efforts, and mailings.

### **Timeline:**

Upon technical assistance review and approval, within 60 days, VDSS will begin working with SNAP retailers to provide additional information about the definitions of sweetened beverages that will need to be excluded, system updates that will be made, and communication to ensure consistent information is shared across the state. VDSS anticipates full implementation by April 2026.

***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.*

### **Justification for Request:**

The Declaration of Policy, which prefaces the Food and Nutrition Act of 2008 (P.L. 88-525, as amended through P.L. 118-5), emphasizes the health and well-being of the nation, as well as a nutritious diet. However, data shows the Commonwealth of Virginia is experiencing a health epidemic further induced by diet-related chronic disease. In many Virginia communities, obesity is the top health concern and access to healthy food options is a significant problem. The proposed waiver enables VDSS to restrict unhealthy beverage options in our nutrition programs and creates incentives for beverage manufacturers to innovate and develop healthier products.

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### **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:*

Virginia DSS will work with FNS to determine the appropriate evaluation measures. Preliminary plans for evaluation include a pulse study for all SNAP participants on a quarterly basis to evaluate their spending habits prior to the waiver implementation and in each quarter following implementation.

In addition, Virginia will work with the retailers and FNS to review SNAP purchases and determine the reduction in purchases of sweetened beverages. The Virginia Department of Social Services will also continue to review reports and data regarding obesity rates for both adults and children in Virginia.

- *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.*

### **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.*

The statistics discussed previously reiterate the growing crisis surrounding chronic disease in Virginia. VDSS' mission is to ensure that the health and wellness of Virginia children, adults and families is at the forefront of the work done by our agency. The Virginia healthy foods waiver to omit sweetened beverages from the SNAP-eligible purchase list is just one more step in Virginia's efforts to improve the health of our citizens. Through this waiver, we are assisting Virginians in prioritizing the usage of their SNAP benefits by directing the usage of these benefits to purchase healthier options.

VDSS will be responsible for overseeing the waiver and ensuring the implementation plan is created in conjunction with all the stakeholders and participants impacted by the waiver. Efforts will be necessary to inform retailers of the changes included in the waiver and ensure

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they are aware of the definitions that will now be in effect. This will allow the grocers time to update their systems prior to the implementation date. In addition, information and education will be necessary for SNAP participants to inform them of the new changes in purchasing options. VDSS will ensure that all participants are informed of the changes and their potential impacts when making purchases with their SNAP cards. Outreach efforts to impacted stakeholders will be accomplished through multiple avenues, including social media, electronically, collaboration with community partners, current nutrition education efforts, and mailings.

### **Anticipated Program Costs:**

Virginia will work to maintain cost neutrality. The requested changes will not affect household eligibility for SNAP or the overall benefit allotments. Any anticipated costs for these changes are expected to impact retailers as they update their systems with the proposed changes and develop communication strategies to ensure Virginians are aware of the changes, as well as provide educational materials on purchasing healthier options.

### **Anticipated Expiration Date:**

March 31, 2031

### **Signature of Requesting Official:**



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## 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)).