

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.**

SNAP Food Restriction Demonstration Waiver Request Template

Type of Request: SNAP FOOD RESTRICTION

Date of Request: 1/7/2026

State: Wyoming

Region: MPRO

Statutory Citations:

7 USC Ch. 51 §2012 (k) provides that SNAP recipients may purchase: (1) seeds and plants to produce food at home or (2) any food or food product for home consumption. The provision also bars SNAP recipients from purchasing alcoholic beverages, tobacco, and hot food products ready for immediate consumption.

Regulatory Citations:

7 CFR 271.2 “Eligible foods” defines purchases recipients may make with SNAP benefits aligned with the statutory citation.

Summary of Food Restriction Demonstration Project Request:

As outlined in 7 CFR 271.1(a), the purpose of SNAP is to promote 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. To promote this purpose, the Wyoming Department of Family Services (Agency) is requesting a waiver to exclude ‘sweetened, carbonated beverages’ and ‘candy’ from the definition of “food” and “eligible food” under the Supplemental Nutrition Assistance Program (SNAP).

The Agency employed a novel, stakeholder-driven approach prior to submitting this waiver. A survey was developed to gather input on which items should be restricted; how restricted items should be defined; potential measures of success; and anticipated impacts of the proposed pilot. The survey was distributed through social media, the Agency’s website, and partner organizations. In addition, the Agency hosted two public town hall meetings to collect further feedback, posing the same questions included in the survey. Beyond the public forums, the Agency also met with key stakeholders, including Associated Food Stores, the Wyoming Beverage Association, and Cent\$ible Nutrition (SNAP-Ed). The Agency also consulted with neighboring states and conducted a thorough review and analysis of other states’ food restriction waivers.

Efforts were made to ensure that affected households and stakeholders were provided meaningful opportunities to share input. The Agency’s final determinations regarding the items proposed for restriction and their definitions were informed by survey responses, town hall discussions, stakeholder engagement, analysis of other states’ experiences, and extensive internal analysis and planning, with a continued commitment to supporting low-income households in achieving a more nutritious diet.

Based on the above feedback, in addition to extensive internal analysis and planning, the Agency plans to implement the waiver using a phased approach. ‘Sweetened, carbonated beverages’ will be excluded during the first year of implementation, followed by ‘candy’ in the second year.

SNAP Food Restriction Demonstration Waiver Request Template

Stakeholder feedback consistently emphasized the importance of simplicity. This phased strategy addresses that need by allowing for a straightforward initial rollout while providing time to learn from other states' experiences and to adopt definitions and processes that are effective, efficient, and easy for both clients and retailers to understand and follow.

The Agency seeks approval of this waiver with the goal of reducing the purchase of nonnutritive beverages and candy items, thereby supporting improved public health outcomes, reducing long-term healthcare costs, and aligning the program more closely with its purpose of strengthening food security through access to nutritious foods.

Proposed Alternative Procedures to Operate Project:

The Agency is requesting a waiver to exclude 'sweetened, carbonated beverages' and 'candy' from the definition of "food" and "eligible food" under SNAP.

Definition of 'sweetened, carbonated beverages'

'Sweetened, carbonated beverages' means any nonalcoholic beverage that is made with carbonated water and is flavored and sweetened with sugar or artificial sweeteners. This definition 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.

Definition of 'candy'

The Agency will submit a waiver modification no later than April 1, 2027, to establish a formal definition of 'candy'. As noted in the Summary on page 2, the phased approach was intentionally selected based on stakeholder feedback and is designed to provide the Agency with sufficient time to learn from other states' experiences and to adopt definitions and processes that are effective, efficient, and easy for both clients and retailers to understand and follow. The Agency will closely monitor how definitions adopted by other states function in practice and will use lessons learned and emerging best practices to inform its decision. Particular attention will be given to approaches used by neighboring states to promote consistency, ease of implementation for retailers, and reduced confusion at the point of sale. The Agency is actively tracking other states' implementation efforts and collaborating with peer states to gain insight and share information.

The Agency's proposed alternative procedure makes 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.

SNAP-Eligible Household Considerations:

This waiver will affect 100% of households receiving SNAP in Wyoming.

SNAP Food Restriction Demonstration Waiver Request Template

SNAP-Authorized Retailers Considerations:

This waiver will impact all SNAP retailers in Wyoming; all SNAP retailers within the bounds of Wyoming will participate. As of November 2025, Wyoming has 389 active SNAP retailers. Upon approval, the Agency will begin working with all SNAP retailers to provide additional information about the definitions of ‘sweetened, carbonated beverages’ that will need to be excluded, system updates that will need to be made, and communications to ensure consistent information is shared across the state. Retailer point-of-sale (POS) machines will be programmed to exclude these ineligible foods from purchase with SNAP benefits. All SNAP retailers in Wyoming will be required to be in compliance by February 1, 2027.

Since the United States Department of Agriculture Food and Nutrition Service (USDA FNS) enrolls and regulates retailers as it administers the SNAP program, it will need to communicate new requirements to new retailers. The Agency will work to educate existing retailers about which items may be purchased with SNAP. Retailers that fail to make the necessary changes within the required time frame may be referred to USDA FNS for compliance action or reconsideration of SNAP authorization status in the state.

The Agency actively engaged with different retailer groups, representing retailers that include both independent grocers and convenience stores across the state. The Agency plans to continue these conversations and expand them into communications with all retailer types well before the implementation date to ensure all retailers have the information and tools necessary to be in compliance. Through these conversations, it has been made apparent that retailers are in need of education for their staff as well as for any SNAP recipient, including out-of-state SNAP travelers, to ensure that there is clear understanding of the Agency’s specific restrictions and what other healthy and nutritious options are available for purchase.

Impacts to the State Agency:

Due to the Agency’s limited ability to independently enforce certain aspects of this pilot without USDA FNS assistance, the primary impacts to the Agency will be staff time and resources required to implement and monitor the pilot project, evaluate the effectiveness of the waiver, and maintain ongoing engagement with both SNAP participants and retailers throughout the duration of the pilot. Additional fiscal impacts are anticipated for the development of marketing and communication materials and for evaluation activities. These represent the currently known costs associated with implementation; however, additional expenses may arise as the pilot progresses and operational needs are further identified. Given Wyoming’s small workforce, potential staffing impacts will remain an important consideration as the pilot moves forward.

The Agency does not foresee any IT-related changes or any changes to our eligibility system in order to implement this waiver. The Agency does anticipate an increase in call volume, stakeholder and media inquiries and social media and public awareness efforts as well as communication and training materials.

While the Agency doesn’t foresee any system or IT changes, the Agency recognizes that the retailers will have an increase of cost to update their point-of-sale systems and technology as well as training staff. The Agency is committed to working with all SNAP retailers to ensure that

SNAP Food Restriction Demonstration Waiver Request Template

this transition is as cost-effective as possible. The Agency will continue to monitor the participation of the retailers in Wyoming as this pilot progresses.

Communication Plan:

The Agency has already started to implement several communication methods with both participants and retailers alike, as mentioned above. The Agency will continue to work on a formalized communication plan and submit this to USDA FNS upon completion. This plan will not only include the Agency's outlined timeframe for all communication projects for retailers and participants, but will also include plans for communication with any partnering agencies (i.e. SNAP-Ed, Wyoming Department of Health).

The Agency plans to have a robust portion of the Agency's website dedicated to communication for all affected parties. The timeframe for this to be active will be included in the submitted communication plan and will remain updated throughout the entirety of the project.

The Agency will also ensure that all internal staff are educated and trained on all aspects and impacts of this waiver.

Timeline:

The Agency plans to implement the restriction on 'sweetened, carbonated beverages' effective February 1, 2027. The Agency will submit a waiver modification no later than April 1, 2027, to establish a definition of 'candy', with implementation of the candy restriction planned no later than February 1, 2028.

All additional plans submitted to USDA FNS (retailer communication, SNAP participant communication, evaluation, and monitoring and compliance) will each include their respective timelines. These plans will be submitted to USDA FNS upon completion of all plans.

Justification for Request:

The Agency is committed to helping low-income households achieve a more nutritious diet, in line with USDA FNS SNAP's core goal. Given the significant and concerning rise in adult obesity within the state—a steady trend since the early 1990s¹—it is a priority for the Agency to assist SNAP eligible households in purchasing food with genuine nutritional value. Addressing this public health issue is in the best interest of all Wyoming residents.

The Agency aims to improve public health, lower long-term healthcare expenses, and better align the SNAP program with its core goal of boosting food security through access to nutritious food. This will be achieved by restricting the purchase of nonnutritive items with SNAP benefits. This pilot will be a way to show the Agency's commitment to align with the increased focus, both locally and federally, for all Wyomingites' health. As this is a demonstration waiver, the Agency is taking the first steps in being a solution to the long-term problem.

¹ <https://www.americashealthrankings.org/explore/measures/obesity/WY#measure-trend-summary>

SNAP Food Restriction Demonstration Waiver Request Template

Proposed Evaluation Procedures:

The Agency will begin developing the evaluation plan upon USDA FNS approval and will be completed by the February 1, 2027 implementation deadline.

Anticipated Implementation Date:

As described above, the Agency has planned two separate implementation dates to ensure the Agency conducts appropriate due diligence and provides SNAP participants and retailers with advance notice and sufficient time to adjust to these significant changes and to accommodate retail capacity to implement changes. Accordingly, the Agency plans to implement the restriction on ‘sweetened, carbonated beverages’ effective February 1, 2027 after the holiday season. The Agency will submit a waiver modification no later than April 1, 2027, to establish a definition of ‘candy’, with implementation of the candy restriction planned for February 1, 2028.

Anticipated Program Costs:

Anticipated costs include expenses associated with the planning, implementation, and ongoing management of the waiver. To appropriately implement and monitor the waiver, the Agency will require:

- Staffing support, including a program manager and contracted key personnel such as an outreach manager, evaluator, and dietitian;
- Development and distribution of vendor and client communication and/or training materials;
- Resources to support retailer coordination, point-of-sale system updates, and product classification work; and
- Costs associated with data collection, evaluation activities, required reporting to USDA, and other operational needs necessary to ensure the waiver is implemented accurately, consistently, and with minimal burden on both clients and retailers.

The estimated annual cost is approximately \$600,000. The Agency recognizes that additional, currently unidentified costs may emerge as planning and implementation progress.

Anticipated Expiration Date:

The Agency is requesting an expiration date of 1/31/2030.

Signature of Requesting Official:



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SNAP Food Restriction Demonstration Waiver Request Template

Regional Office Contact:

Name:

Email:

Telephone:

SNAP Food Restriction Demonstration Waiver Request Template

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;
- Prohibit States from operating a Workfare Program or change the 50/50 matching provisions for workfare activities, including reimbursements for participants in workfare activities;

SNAP Food Restriction Demonstration Waiver Request Template

- 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)).