

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2738

As Amended by House Committee on Welfare
Reform

Brief*

HB 2738, as amended, would direct the Secretary for Children and Families (Secretary) to request a waiver from the U.S. Department of Agriculture to exclude candy and soft drinks from the definition of eligible foods for the Supplemental Nutrition Assistance Program (SNAP).

Waiver

If the waiver is granted, the bill would require the Secretary to prohibit the purchase of candy and soft drinks with SNAP benefits. If denied, the Secretary would be required to request such a waiver annually until it is granted. The bill would require any waiver granted by the federal government to be implemented by the Secretary within 6 months of being granted, and would require an additional waiver request be re-submitted 12 months prior to the expiration of a waiver that has been granted and implemented.

Definition of “Candy”

The bill would define “candy” to mean any solid, semi-solid, or molded preparation of sugar, natural or artificial sweeteners, or chocolate, which may include added ingredients, such as flavorings, fruits, nuts, or flour, that is

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

commonly marketed, advertised, or recognized as candy, chocolate bar, chewing gum, or similar confectionery.

The definition would include, but would not be limited to:

- Chocolate bars;
- Hard candies;
- Gummies;
- Caramels;
- Taffy;
- Licorice;
- Mints; and
- Chewing gum.

The definition of “candy” would not include baked goods such as cakes, cookies, muffins, brownies, pastries, bread, or similar products or items primarily identified and sold as bakery or bread products, regardless of sweetener content.

Definition of “Soft Drinks”

The bill would define “soft drinks” as found in the Kansas Retailers’ Sales Tax Act, which defines “soft drinks” as nonalcoholic beverages that contain natural or artificial sweeteners and does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes or beverages that are greater than 50 percent vegetable or fruit juice by volume.

Background

The bill was introduced by the House Committee on Welfare Reform at the request of Representative Averkamp.

House Committee on Welfare Reform

In the House Committee hearing, a representative of FGA Action testified as a **proponent** on the bill. The proponent stated excluding candy and soft drinks from SNAP purchases would promote the health of Kansans and reduce long-term costs for chronic diseases in the state.

Neutral testimony was provided by a representative of the Department for Children and Families (DCF), who expressed concerns with the impact of the bill's new definition of "candy" on the current waiver request that has been submitted by the agency, which could ultimately delay approval.

Written-only **opponent** testimony was provided by representatives of Fuel True Independent Energy and Convenience and the National Confectioners Association.

The House Committee amended the bill to:

- Make a technical amendment;
- Specify that any waiver granted must be implemented within 6 months of being granted; and
- Specify that any additional waiver requests must be resubmitted 12 months prior to the expiration of a waiver that has been granted and implemented.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration, the Kansas Department of Labor, and DCF indicate that enactment of the bill would not have a fiscal effect on the courts or the agencies.

DCF states that a waiver request has been submitted. To be granted a waiver, additional monitoring and reporting may be required by the U.S. Department of Agriculture's Food and Nutrition Service. It is not known at this time what these additional requirements may entail.

The Kansas Association of Counties indicates that enactment of the bill could affect sales taxes and could increase the administrative or enforcement burden on counties, which would increase expenditures.

Public assistance; food assistance; waiver application; Secretary for Children and Families; candy; soft drinks; Supplemental Nutrition Assistance Program