

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 79

As Amended by Senate Committee on
Government Efficiency

Brief*

SB 79, 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).

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 define “candy” and “soft drinks” as found in the Kansas Retailers’ Sales Tax Act, KSA 79-3602, which states:

- “Candy” means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces;
 - “Candy” does not include any preparation containing flour and shall require no refrigeration; and
- “Soft drinks” means nonalcoholic beverages that contain natural or artificial sweeteners;
 - “Soft drinks” does not include beverages that contain milk or milk products, soy, rice, or

*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/>

similar milk substitutes or beverages that are greater than 50 percent vegetable or fruit juice by volume.

The bill would also make technical changes.

Background

The bill was introduced by the Senate Committee on Government Efficiency at the request of Senator Erickson.

Senate Committee on Government Efficiency

In the Senate Committee hearing, **proponent** testimony was provided by a representative of Opportunity Solutions Project and a private citizen. The proponents generally stated that both candy and soft drinks have well known negative impacts on an individual's health and that it is in the state's interest to promote healthier choices for those utilizing public food assistance.

Opponent testimony was provided by a representative of Fuel True Independent Energy and Convenience Association and a representative of Harvesters Community Food Network, Kansas Community Food Bank, and Second Harvest Community Food Bank. The opponents generally stated the definitions of candy and soft drinks in statute were poorly defined and would create a burden on small businesses that could lead to them no longer accepted SNAP benefits. The opponents stated that this could limit the ability of SNAP recipients to access food in their communities.

Written-only opponent testimony was provided by representatives of Kansas Action for Children, Greater Topeka Chamber, Kansas Appleseed Center for Law and Justice, Kansas Beverage Association, Kansas Chamber, and the Kansas Department for Children and Families.

No other testimony was provided.

The Senate Committee amended the bill to make a technical correction of the statute referenced for the definitions of “candy” and “soft drinks.”

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department for Children and Families states the bill would have no fiscal effect.

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