

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2673

As Amended by House Committee on Welfare
Reform

Brief*

HB 2673 would amend law pertaining to public assistance programs for which federal moneys are expended. The bill 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 in the food assistance program, known as the Supplemental Nutrition Assistance Program (SNAP). If the waiver is granted, the Secretary would prohibit the purchase of candy and soft drinks with food assistance. If denied, the Secretary would request such a waiver each year until it is granted. The bill would also make a technical change.

The bill would apply the definitions of candy and soft drinks found in the Kansas Retailers' Sales Tax Act, KSA 79-3602c, 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;

*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 <http://www.kslegislature.org>

- “Soft drinks” 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 Awerkamp.

House Committee on Welfare Reform

In the House Committee hearing on February 13, 2024, a representative of the Opportunity Solutions Project and a private citizen provided **proponent** testimony. Proponents discussed the potential health benefits of a candy and soda prohibition and pointed to a similar prohibition already in place for the federal Supplemental Nutrition Program for Women, Infants, and Children (WIC) program. [*Note: The Kansas WIC program is managed by the Kansas Department of Health and Environment, whereas the Kansas SNAP program is managed by the Department for Children and Families (DCF).*]

Opponent testimony was provided by representatives of DCF, Fuel True: Independent Energy and Convenience, the Greater Topeka Chamber, Kansas Action for Children, Kansas Food Bank, Harvesters—The Community Food Network, Retail Grocers Association of Greater Kansas City, and Second Harvest Community Food Bank. The representatives emphasized the infeasibility of a candy and soda prohibition, saying the vague definitions and ever-accelerating nature of product market would mean that eligibility decisions would often be left to individual cashiers, and retailers and regulators would not have capacity for oversight. One representative noted the one state that has requested such a waiver, Maine, was denied by the previous administration.

Written-only opponent testimony was provided by representatives of the Kansas Beverage Association, the Kansas Chamber, Kansas Appleseed Center for Law and Justice, and the National Confectioners Association.

No other testimony was provided.

The House Committee made a technical amendment to the bill and recommended the bill be passed as amended.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, DCF indicates that enactment of the bill would have no fiscal effect on the agency. To be granted a waiver, additional monitoring and reporting may be required by Food and Nutrition Services, but it is not known at this time what that would entail. If a waiver was approved, local retailers would be responsible for enforcement of the additional prohibitions.

Food assistance; Supplemental Nutrition Assistance Program; waiver; candy; soft drinks; soda