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A BILL
TO BE ENTITLED
AN ACT

Relating to public assistance; to require the Department of Human Resources to request a waiver to exclude candy and soda from the definition of "eligible foods" for purposes of SNAP benefits; to require the department to prohibit the purchase of candy and soda with SNAP benefits if the waiver is granted; to provide for the resubmission of the request, if the request is denied; to require the Governor to designate an agency to publish certain information relating to products that are ineligible for purchase using SNAP benefits; and to prohibit penalties for certain retailers for accidental noncompliance, with exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) CANDY. Food products that list sugar, cane sugar, corn syrup, or high fructose corn syrup as a primary ingredient. The term includes any confectionery products primarily composed of sugar or sweeteners and intended for consumption as candy, including, but not limited to, chocolate bars, non-chocolate candy, chewing gum, and similar products.



29 The term does not include any baked goods, prepared desserts,
30 bakery items, baking mixes, cooking ingredients, dessert
31 toppings, frostings, jellies, jams, marshmallows, hot cocoa
32 mix, powdered drink mixes, or other foods intended primarily
33 for cooking, baking, or meal preparation.

34 (2) DEPARTMENT. The Alabama Department of Human
35 Resources.

36 (3) SNAP BENEFIT. A financial benefit, coupon, or
37 privilege available under the federal Supplemental Nutrition
38 Assistance Program, 7 U.S.C. Chapter 51.

39 (4) SODA. Beverages that list, as the first two
40 ingredients, any combination of: (i) carbonated water; and
41 (ii) sugar, cane sugar, corn syrup, or high fructose corn
42 syrup. The term does not include any beverages that contain
43 low or non-caloric sweeteners.

44 (5) USDA FOOD AND NUTRITION SERVICE. The United States
45 Department of Agriculture Food and Nutrition Service.

46 (b) The commissioner of the department shall request a
47 waiver from the USDA Food and Nutrition Service to authorize
48 the department to exclude candy and soda from the definition
49 of "eligible foods" under 7 C.F.R. § 271.2. The requested
50 waiver shall include an implementation date of no sooner than
51 April 1, 2027.

52 (c) (1) If the waiver described in subsection (b) is
53 approved by the USDA Food and Nutrition Service, the
54 department shall prohibit the use of SNAP benefits for the
55 purchase of candy and soda, provided that retailers must be
56 provided at least one month's notice before the waiver may



57 become effective. The department shall provide notice of the
58 effective date of the waiver to SNAP-authorized retailers.

59 (2) If the waiver described in subsection (b) is
60 approved by the USDA Food and Nutrition Service, the Governor
61 shall direct the appropriate agency to publish a list of items
62 included and excluded under the waiver. The list shall
63 include, but not be limited to, product identification on
64 existing universal product codes or other standard
65 point-of-sale identifiers used by retailers.

66 (d) If the waiver described in subsection (b) is
67 denied, the commissioner shall resubmit the request for a
68 waiver to the USDA Food and Nutrition Service annually until
69 approval is granted.

70 (e) If the waiver described in subsection (b) is
71 approved, no retailer may be subject to any fine, penalty, or
72 other punishment for the accidental acceptance of SNAP
73 benefits for the purchase of candy or soda, unless the
74 retailer has more than three accidental acceptances during one
75 fiscal year.

76 Section 2. This act shall become effective on October
77 1, 2026.