

HB492 INTRODUCED



1 HB492
2 L53FDAW-1
3 By Representative Ingram
4 RFD: Health
5 First Read: 24-Feb-26



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SYNOPSIS:

This bill would require the State Department of Human Resources to request a waiver from the United States Department of Agriculture Food and Nutrition Service to exclude candy, soda, prepared desserts, and energy drinks from the definition of eligible food for purposes of SNAP benefits.

If the waiver is granted, this bill would require the department to prohibit the purchase of candy, soda, prepared desserts, and energy drinks with SNAP benefits.

If the waiver is granted, this bill would require the Department of Revenue to provide guidance on SNAP-eligible purchases to retailers.

This bill would also require the department to annually resubmit the request for a waiver if the request is denied.

A BILL
TO BE ENTITLED
AN ACT

Relating to public assistance; to require the Department of Human Resources to request a waiver to exclude



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29 candy, soda, prepared desserts, and energy drinks from the
30 definition of "eligible foods" for purposes of SNAP benefits;
31 to require the department to prohibit the purchase of candy,
32 soda, prepared desserts, and energy drinks with SNAP benefits
33 if the waiver is granted; to require the Department of Revenue
34 to coordinate implementation of the waiver and provide for the
35 duties of the department; and to provide for the resubmission
36 of the request, if the request is denied.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

40 (1) CANDY. Food products that list sugar, cane sugar,
41 corn syrup, or high fructose corn syrup as a primary
42 ingredient. The term includes any confectionery products
43 primarily composed of sugar or sweeteners and intended for
44 consumption as candy, including, but not limited to, chocolate
45 bars, non-chocolate candy, chewing gum, and similar products.
46 The term does not include any baked goods, prepared desserts,
47 bakery items, baking mixes, cooking ingredients, dessert
48 toppings, frostings, jellies, jams, marshmallows, hot cocoa
49 mix, powdered drink mixes, or other foods intended primarily
50 for cooking, baking, or meal preparation.

51 (2) DEPARTMENT. The Alabama Department of Human
52 Resources.

53 (3) ENERGY DRINK. A beverage containing at least 65
54 milligrams of caffeine per eight fluid ounces which is
55 advertised as being specifically designed to provide metabolic
56 stimulation or an increase to the consumer's mental or



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57 physical energy. The term does not include coffee or tea or
58 any substantially coffee or tea-based beverage.

59 (4) PREPARED DESSERT. A processed, shelf-stable,
60 ready-to-eat, pre-packaged sweet food intended for immediate
61 consumption without any further preparation. The term includes
62 foods mostly made out of chemically modified substances
63 extracted from foods, along with additives to enhance taste,
64 texture, appearance, and durability, with minimal whole foods.

65 (5) SNAP BENEFIT. A financial benefit, coupon, or
66 privilege available under the federal Supplemental Nutrition
67 Assistance Program, 7 U.S.C. Chapter 51.

68 (6) SODA. Beverages that list, as the first two
69 ingredients, any combination of: (i) carbonated water; and
70 (ii) sugar, cane sugar, corn syrup, or high fructose corn
71 syrup. The term does not include any beverages that contain
72 low or non-caloric sweeteners.

73 (7) USDA FOOD AND NUTRITION SERVICE. The United States
74 Department of Agriculture Food and Nutrition Service.

75 (b) The commissioner of the department shall request a
76 waiver from the USDA Food and Nutrition Service to authorize
77 the department to exclude candy, soda, prepared desserts, and
78 energy drinks from the definition of "eligible foods" under 7
79 C.F.R. § 271.2.

80 (c) (1) If the waiver described in subsection (b) is
81 approved by the USDA Food and Nutrition Service, the
82 department shall prohibit the use of SNAP benefits for the
83 purchase of candy, soda, prepared desserts, and energy drinks
84 provided that retailers must be provided at least one month's



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85 notice before the waiver may become effective. The Department
86 of Revenue, in consultation with the department, shall provide
87 notice of the effective date of the waiver to SNAP-authorized
88 retailers.

89 (2) The Department of Revenue shall coordinate with
90 SNAP-authorized retailers to implement the approved waiver.
91 The Alabama Department of Revenue shall work directly with
92 retailers to:

93 a. Identify items included and excluded under the
94 waiver; and

95 b. Provide guidance on SNAP-eligible and
96 SNAP-ineligible purchases. The guidance shall include, but not
97 be limited to, product identification on existing universal
98 product codes or other standard point-of-sale identifiers used
99 by retailers.

100 (3) The Department of Revenue shall offer technical
101 assistance, training, and any other necessary resources to
102 support retailers in compliance with the waiver and minimize
103 disruption to retail operations.

104 (d) If the waiver described in subsection (b) is
105 denied, the commissioner shall resubmit the request for a
106 waiver to the USDA Food and Nutrition Service annually until
107 approval is granted.

108 Section 2. This act shall become effective on October
109 1, 2026.