

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018*.

1. State agency submitting waiver request and responsible State agency staff contact information:

Louisiana Department of Health Economic Stability
Camille Conaway, Executive Director
Camille.Conaway@la.gov

2. Region: SWRO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

FNS authorized SNAP/SUN Bucks retailers

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

The goal of the demonstration pilot project is to Make Americans Healthier Again by removing soft drinks, energy drinks, and candy as eligible food that may be purchased with Supplemental Nutrition Assistance Program (SNAP) benefits. The intended goal of this project is to obtain better health outcomes for SNAP recipients. Numerous studies equate consumption of unhealthy food and drink, including soft drinks, energy drinks, candy, and other junk food, to instances of disease, including obesity, diabetes, high blood pressure, heart disease, and even some cancers. Multiple studies have shown that SNAP participation is associated with increased obesity risk.

Louisiana proposes to restrict soft drinks, energy drinks, and candy from being purchased with SNAP benefits.

Soft drinks are defined as any carbonated nonalcoholic beverage containing high fructose corn syrup or artificial sweeteners. The term does not include flavored carbonated water, nor does it include any beverages that contain milk or milk products, soy rice, or similar milk substitutes, or any beverage containing equal to or greater than fifty percent (50%) of vegetable or fruit juice by volume.

Energy drinks are carbonated or non-carbonated beverages containing a stimulant such as fortified caffeine, guarana, glucuronolactone, or taurine. They may also include herbal extracts such as ginseng, mineral salts and vitamins, or high doses of organic acids, amino acids, inositol, sugars, or other similar compounds in addition to sweeteners. Juices or natural fruit pulp or concentrates may also be added. Energy drinks are specifically formulated to enhance energy, alertness, or physical performance.

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. The candy exclusion includes any such preparation that also contains flour and is sold in the form of bars, drops, or pieces. This definition does not include protein bars, granola bars, or baking ingredients such as sprinkles, chocolate melting wafers, toffee bits, or chocolate chips.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: Pursuant to section [13A\(b\)\(1\)\(A\)](#) of the NSLA, State issued Summer EBT benefits may only be used to purchase food as defined by section 3 of the FNA. Since Summer EBT requirements fall within the NSLA, it does not fall within SNAP's waiver. Therefore, a separate 12(l) waiver is necessary to waive the definition of "food" under section 13A of the NSLA. With this submission, Louisiana DOH intends to waive the 13A(b)(1)(A) NSLA definition of food for the purposes of Summer EBT. Additionally, this request accompanies a waiver of the definition of food under SNAP submitted separately.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Proposed Alternative Procedures to Operate Project:

The State of Louisiana and the Louisiana Department of Health (LDH) are requesting to exercise Section 17 of the Food and Nutrition Act of 2008 to modify the definition of eligible foods under SNAP.

Louisiana will exclude soft drinks, energy drinks, and candy from the definition of eligible foods.

This request abides by the provisions outlined in Section 17, 7 U.S. Code § 2026, permitting States to conduct projects on a trial basis to align the goals of Louisiana to the goal of SNAP - providing food assistance, alleviating food insecurity, and raising levels of nutrition among low-income individuals.

Louisiana believes that this a permissible project outlined in Section 17 (b)(1)(B)(ii)(I) and (II) of the Food and Nutrition Act (FNA) because it will improve program administration and increase the self-sufficiency of SNAP recipients. The project will prevent soft drinks, energy drinks, and candy from being purchased with SNAP benefits. This will lead to a more balanced diet of nutrient dense foods resulting in improved overall health. A more balanced diet will be a catalyst in increasing the self-sufficiency of SNAP recipients. SNAP recipients who are healthier will not miss work and school as much as non-healthy individuals. Individuals who are healthy are able to work or attend school on a regular basis, and this will result in increased productivity, thereby being more self-sufficient. Self-sufficiency reduces overall SNAP participation which will improve program administration.

Impacts to the State Agency:

Healthier SNAP recipients will be able to attend school and/or work, therefore, reducing their dependence on SNAP. It is anticipated that the SNAP caseload will be reduced due to the corresponding decrease in SNAP applications. Additionally, LDH anticipates a potential reduction in instances in SNAP fraud involving energy drinks, as such transactions remain a significant contributor to instances of fraudulent SNAP transactions within Louisiana.

State-Level System Changes

The state of Louisiana will not require any State-level system changes in the operation of this demonstration project.

- The State eligibility system will not require any upgrade or enhancements.
- Additional programs such as Summer EBT or any incentive-based programs will also be subject to these restrictions. There are no system changes required to ensure there is no impact to these programs.

Staff Capacity and Training

- The State's SNAP policy staff will administer the project by providing retailer requirements and procedures as required by the project.
 - There will be no additional staff required to implement this project.
 - Additional duties will be absorbed by current staff with no adjustment to capacity.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

This Healthy Foods Waiver does not impact this section.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

Unknown at this time.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

SNAP retailers in Louisiana will have to modify their processing systems to not allow the purchase using SNAP of soft drinks, energy drinks, and candy. However, the state of Louisiana will experience some cost related to the notification of these requirement to SNAP accepting retailers. LDH estimates that based on the current SNAP participating retailer count that 4,465 notices will need to be mailed out. LDH expects the total cost to be around \$3,394 based on current postage rates. Any other cost including communication will be absorbed by LDH.

10. Anticipated waiver implementation date and time period:

Louisiana intends to implement these exclusions by February 18, 2026 and the expiration date will be December 31, 2031.

11. Proposed monitoring and review procedures:

Proposed Evaluation Procedures:

The state will conduct program evaluations by using current SNAP-Education Implementing Agencies (IA). The IAs will interview SNAP recipients and conduct surveys on food purchasing habits using SNAP benefits and non-SNAP methods. In addition, food diaries of the SNAP recipients will also be obtained and evaluated.

- SNAP participants' surveys, at a minimum, will collect the following information:
 - o Meals and foods eaten outside the home or with foods not purchased at SNAP- authorized retailers.
 - o Purchase and/or consumption of less healthy or "unhealthy" food items not restricted by the Project.
 - o Non-SNAP dollars spent to purchase food items restricted by the Project.
 - o SNAP client's ability and confidence in correctly identifying food items that can or cannot be purchased with SNAP benefits during the Project.
 - o The point in time in which the SNAP client became aware of the Project and how (State SNAP webpage, retail store signage, State press release, etc.).
 - o Any impacts the Project potentially had on participants shopping routines (such as distance traveled to store, increase spending of non-SNAP dollars, more frequent shopping trips, etc.).

Louisiana LDH will work with FNS to determine the appropriate evaluation measures. Preliminary plans for evaluation include a pulse study for all SNAP participants on a quarterly basis to evaluate their spending habits prior to the waiver implementation and in each quarter following implementation. In addition, Louisiana will work with the retailers and FNS to review SNAP purchases and determine the reduction in purchases of soft drinks, energy drinks, and candy. Additionally, outreach efforts will be increased through SNAP Education (SNAP-Ed) to share information about the changes and additional educational opportunities to ensure participants know healthy options and recipes. This information will be shared broadly to increase participation. The increased participation should result in increased survey responses, demonstrating that clients purchase and consume soft drinks, energy drinks, and candy than

before the waiver implementation. Louisiana LDH will also continue to review reports and data regarding obesity rates for both adults and children in Louisiana.

To evaluate the Project, the State will undertake a mixed-methods approach, and activities will include tracking and analyzing SNAP households and SNAP-Ed program participation and an assessment of participant changes to behavior and health outcomes. The State will also evaluate retailer participation, such as feedback relating to concerns, barriers and outcomes of Project.

The State's evaluation plan will focus on three survey component efforts through its SNAP Ed partners. For example, assessing changes in what is learned, skills gained and purchasing behavior changes; frequency of purchase and consumption for same major food groups; and quality of life questions. The goal is to evaluate how these changes contribute to overall health and wellbeing pre and post Project. The SNAP-Ed plan will be updated to account for the Project and increase the cadence of SNAP-Ed surveys and reporting. Other evaluation tools will potentially include, but are not limited to, retailer and SNAP participant surveys, food logging, SNAP- authorized retailer point-of-sale transaction log data.

The state will not track and evaluate out-of-state transactions in bordering states. The Pilot is only for purchases made in the state of Louisiana.

Louisiana will track retailer, client, and stakeholder complaints received through the toll-free phone number used by the Department. In addition, complaints may also be submitted by email using a special email address.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):
Unknown at this time.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:
<https://ldh.la.gov/SNAPWaiver>

14. Signature and title of requesting official:

Signed by:

E42356048AFB4C6
Title: Camille Conaway, Executive Director

Requesting official's email address for transmission of response:

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

☐ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

Regional Office Analysis and Recommendations: