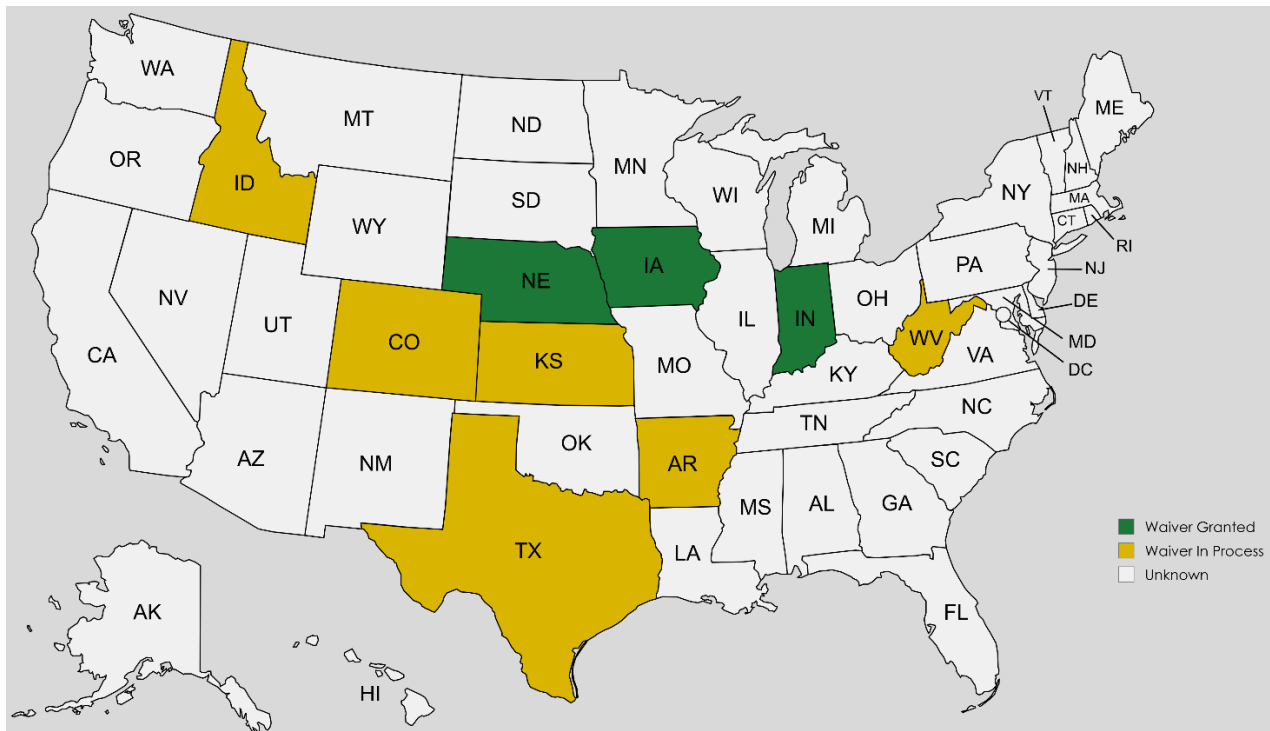


USDA Grants First State-Specific Restrictions on SNAP-Eligible Foods

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Recently, the United States Department of Agriculture (USDA) granted requests from Nebraska, Iowa and Indiana to exclude certain food items from eligibility under the Supplemental Nutrition Assistance Program (SNAP). The approval of these waivers will likely be the first of many, as USDA Secretary Brooke Rollins “look[s] forward to signing even more waivers in the days ahead.”¹ In turn, state-specific standards for SNAP-eligible food items may become the norm. The USDA has publicized a tracker on SNAP food restriction waivers, noting that “[t]he Trump Administration is leading bold reform to strengthen integrity and restore nutritional value within [SNAP].”² As of the date of this writing, we are aware of SNAP waiver requests in the following states:



Overview of the SNAP Program and Waiver Requests

SNAP is the United States’ largest food assistance program with nearly 42 million beneficiaries. The SNAP program is implemented by the USDA based on parameters set by federal legislation. Individual states run day-to-day operations of the program (*i.e.* issuing benefits and determining eligibility).³ Federal statutes describe the food items eligible for purchase using SNAP benefits. Thus, Congress may amend the definition of “food” in the Food and Nutrition Act of 2008 to exclude

¹ See [Secretary Rollins Approves State Waivers to Make America Healthy Again by Removing Unhealthy Foods from SNAP in Indiana and Iowa](#), USDA (May 23, 2025)

² See [SNAP Food Restriction Waivers](#), USDA (May 27, 2025).

³ [Supplemental Nutrition Assistance Program \(SNAP\)](#), USDA (Jan. 8, 2025).

additional food items from SNAP eligibility. Senator Mike Lee recently introduced the [Healthy SNAP Act](#), which would exclude soft drinks, candy, ice cream and prepared desserts from SNAP eligibility by statute. Currently, federal law does not exclude these or many other food items that states may wish to prohibit from SNAP eligibility.

While Congress is responsible for determining eligible food items, the USDA may grant waivers to states on a trial basis to test potential changes to the SNAP program.⁴ The USDA may grant a waiver if the waiver would:

1. Improve program administration;
2. Increase self-sufficiency of SNAP recipients;
3. Test innovative welfare reform strategies; or
4. Allow greater conformity with rules of other programs.⁵

History of the USDA's Responses to Waiver Requests

Since the early 2000s, states have sought waivers to ban specific food items with little success. The current wave of state waiver requests and the USDA's granting of such state waiver requests is a mark of the sharp changes in food policy with the new administration. Up until the recent waiver approvals for Nebraska, Iowa and Indiana, the USDA denied all food-restriction waiver requests. In fact, in 2007, the USDA issued a paper detailing the Agency's reasoning for denying waivers, arguing:

1. There are no clear standards to define "good or bad, or healthy or not healthy" foods;
2. Restrictions would increase program costs and complexity;
3. Restrictions may not change food purchases; and
4. No evidence exists that SNAP benefits contribute to poor food choices and poor dietary outcomes.⁶

Products Targeted by the Approved Waivers

Each waiver that the USDA may grant is only applicable to the state requesting the waiver and the food items included in the request. Nebraska, Indiana and Iowa, therefore, have differing lists of food items to which each state's waiver will apply:

- **Nebraska:** The Nebraska waiver will permit the state to exclude soda, soft drinks and energy drinks from SNAP eligibility.⁷ The waiver does not exclude noncarbonated soft drinks or sports drinks.
- **Indiana:** The Indiana waiver will permit the state to exclude candy and soft drinks from SNAP eligibility.⁸
- **Iowa:** The Iowa waiver will permit the state to exclude any taxable food item. This includes candy, baking chocolate, chocolate-covered fruit, nuts, carbonated and noncarbonated

⁴ 7 U.S.C. § 2026(b)(1)(A).

⁵ See 7 U.S.C. § 2026(b)(1)(B)(ii).

⁶ USDA, *Implications of Restricting the Use of Food Stamp Benefits* 1 (Mar. 1, 2007).

⁷ See [Letter from USDA to Nebraska Governor Jim Pillen](#) (May 19, 2025).

⁸ See Ind. Exec. Order. [No. 25-55](#) (Apr. 15, 2025).

soft drinks, and sweetened (naturally or artificially) water.⁹ Although Iowa requested seeds and food producing plants to be removed from eligibility, the request to restrict these specific items was denied.¹⁰

Timing for Implementation

The waivers permit Nebraska, Iowa, and Indiana to exclude the food items identified in their respective waiver requests on Jan. 1, 2026.¹¹

Notably, the initial term for each waiver granted is for two years with the option of requesting three annual extensions.¹²

Other States' Waiver Requests

As noted above, we anticipate that the USDA will grant additional waivers. In addition to Nebraska, Indiana and Iowa, several states—Texas, Kansas, Colorado, Idaho, Arkansas and West Virginia—have requested waivers seeking to exclude certain foods from SNAP eligibility. As is the case for the already approved waivers, the proposed restrictions vary depending on the state and may be amended in the future. For example, Texas Governor Greg Abbott requested a waiver to prohibit “sweetened drinks and candy” from SNAP eligibility.¹³ While Governor Abbott’s request was limited to drinks and candy, the Texas House and Senate recently passed [Senate Bill 379](#), which would broaden the request to include energy drinks, potato chips, corn chips and pre-packaged cookies.

Next Steps

Exclusions to the current list of SNAP-eligible foods are likely to be added soon. As more decisions are made on pending waiver requests, it will be important for food grocers, manufacturers and distributors to be aware of each state’s specific restrictions on SNAP purchases to comply. In addition, industry leaders should closely follow federal legislation, including the [Healthy SNAP Act](#), which seeks to add exclusions by statute.

⁹ See [Letter to USDA from Iowa Governor Kim Reynolds](#) (Mar. 12, 2025).

¹⁰ See [Letter to Iowa Governor Kim Reynolds from USDA](#) (May 22, 2025).

¹¹ See [Secretary Rollins Approves State Waivers to Make America Healthy Again by Removing Unhealthy Foods from SNAP in Indiana and Iowa](#), USDA (May 23, 2025); See [Letter from USDA to Nebraska Governor Jim Pillen](#) (May 19, 2025).

¹² See, e.g., [Letter from USDA to Nebraska Governor Jim Pillen](#) (May 19, 2025).

¹³ See [Letter to USDA from Governor Greg Abbott](#) (May 14, 2025).