



# DCF Legislative Testimony

February 13, 2024

**TESTIMONY OF:** Carla Whiteside-Hicks, Director of Economic and Employment Services,  
Department for Children and Families

**TESTIMONY ON:** Written Only, House Bill 2673 — Directing the secretary for children and families to request a waiver from supplemental nutrition assistance program rules and prohibit the purchase of candy and soft drinks with food assistance.

## DCF | HB 2673 | FOOD ASSISTANCE USDA WAIVER

Chair Averkamp and members of the committee. Thank you for the opportunity to provide testimony on HB 2673, a bill directing the Department for Children and Families (DCF) to request a waiver from federal partners that prohibits the purchase of candy and soft drinks with food assistance, and to continuing to submit such a waiver until it has been granted.

The process for requesting a waiver begins with DCF consulting the Food and Nutrition Service (FNS) Mountain Plains Regional Office (MPRO) team to ensure the waiver request is well-reasoned, thorough, and clearly provides the reason and need for the waiver. Once MPRO staff deem the waiver request complete, that team submits a recommendation to the national office for review. USDA recommends submitting complete waiver requests at least 60 calendar days prior to the anticipated implementation date. The USDA Secretary considers every waiver request, and FNS provides all responses to a state's waiver request in writing.

In order for such a waiver that excludes candy and soft drinks, as defined in K.S.A 79-3602c, to be granted, additional monitoring and reporting may be required by Food and Nutrition Services. It is not known at this time what these may entail as no state or territory currently has been approved to issue this type of waiver.

However, the approval of such a waiver would create a responsibility for retailers to appropriately and consistently add and regularly update, their list of unallowed items. DCF would require access to each participating EBT retailer's full list of merchandise and the list of unallowable items for review and comparison.

In response to similar candy and soda waivers requested by other states, across all prior administrations, the USDA response has been clear that they do not intend to pick approved and unapproved food groups. Additionally, in response to such waivers, administrations consistently urge for the continued support and expansion of the Supplemental Nutrition Assistance Program Education (SNAP-Ed).

SNAP-ED is an evidence based, federally funded grant program which helps people make their SNAP dollars stretch by teaching them how to cook healthy meals and lead physically active lifestyles. SNAP-Ed partners with State and local organizations to meet people where they are. SNAP-Ed funds projects in all US States and Territories, including Kansas. The goal of SNAP-Ed is to implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices and physical activity consistent with the most recent Dietary Guidelines for Americans.

Thank you again for the opportunity to provide testimony on House Bill 2673. DCF is opposed to this legislation as written and would ask that the committee vote no.