American Journal of
Preventive Medicine

RESEARCH BRIEF

State Policies and Waivers to Amend Supplemental Nutrition Assistance Program—Eligible Food in 2025

Jennifer L. Pomeranz, JD, MPH,[1] Elliott Crummer, MA,[2] Ayush Gupta, BA,[3] Dariush Mozaffarian, MD, DrPH,[4,5] David D. Kim, PhD[2,6]

Introduction: Only Congress can amend the statutory definition of eligible food for the Supplemental Nutrition Assistance Program, but states are actively engaged on this topic. The aim of this study was to identify state strategies to address Supplemental Nutrition Assistance Program—eligible food and inform future Supplemental Nutrition Assistance Program policy.

Methods: Using Lexis+, a legal research platform, in 2025 and 2026, state strategies—including legislative actions (bills and laws) and executive orders and U.S. Department of Agriculture state waivers—to restrict Supplemental Nutrition Assistance Program—eligible foods in 2025 were identified. Data were evaluated in 2026.

Results: In 2025, 31 states engaged in relevant activities. There were 40 unique policies that sought to exclude: sugar-sweetened beverages and candy (12 bills, 3 laws, 3 executive orders); sugar-sweetened beverages, candy, snacks, and/or prepared desserts (7 bills); sugar-sweetened beverages (3 bills, 1 law, 1 executive order); food based on broad nutrition criteria (4 bills, 1 executive order); ultraprocessed food (1 bill, 1 law, 1 executive order); and specific additives (2 bills). One law included evaluation requirements. In 2025, U.S. Department of Agriculture granted 18 state waivers to exclude sugar-sweetened beverages and candy (n=9); sugar-sweetened beverages (n=6); and sugar-sweetened beverages, candy, snacks, and/or prepared desserts (n=3); all of which contained evaluation requirements.

Conclusions: The majority of state activity focused on sugar-sweetened beverages and candy. Although bills were proposed by states with diverse political party make-ups, activities with the force of law (laws, executive orders, and U.S. Department of Agriculture waivers) were predominantly passed or issued by Republican trifectas (when the governor and both legislative houses are of the same political party), with 2 waivers granted to Democratic trifectas. The waivers' evaluation requirements are essential to understanding the impacts of Supplemental Nutrition Assistance Program food—eligibility exclusions.

Am J Prev Med 2026;71(5):108486. *© 2026 Elsevier Inc. All rights are reserved, including those for text and data mining, AI training, and similar technologies.*

INTRODUCTION

The Supplemental Nutrition Assistance Program (SNAP)—jointly administered by the federal and state governments—is the nation's largest antihunger program and provides funding to households with low resources to purchase food and drinks (collectively, food). Established as the Food Stamp Program in 1939, SNAP has always had dual goals of "raising levels of nutrition among low-income households" and supporting the U.S. food sector.[1]

From the [1]School of Global Public Health, New York University, New York, New York; [2]Department of Medicine, Biological Sciences Division, University of Chicago, Chicago, Illinois; [3]Graduate Program in Health Administration and Policy, University of Chicago, Chicago, Illinois; [4]Food is Medicine Institute, Tufts University, Boston, Massachusetts; [5]Tufts Friedman School of Nutrition Science and Policy, Tufts University, Boston, Massachusetts; and [6]Biological Sciences Division, Department of Public Health Sciences, University of Chicago, Illinois, Chicago

Address correspondence to: Jennifer L. Pomeranz, JD, MPH, School of Global Public Health, New York University, 708 Broadway, 7th Floor, New York NY 10003. E-mail: jlp284@nyu.edu.

0749-3797/$36.00
https://doi.org/10.1016/j.amepre.2026.108486

© 2026 Elsevier Inc. All rights are reserved, including those for text and data mining, AI training, and similar technologies.

SNAP is now a $100 billion annual program with eligible food, including all food and drinks for home consumption—except hot foods and alcohol—and food-producing plants/seeds.[2] In contrast to other programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children, SNAP lacks nutrition standards. As such, the U.S. Department of Agriculture (USDA)'s most recent (2011) data found that 20% of SNAP dollars are used for sugar-sweetened beverages (SSBs), desserts, salty snacks, candy, and sugar.[3] States cannot unilaterally amend the definition of SNAP-eligible food. However, since at least 2004, states (e.g., Minnesota, Maine, New York) have sought waivers from the USDA to test approaches to raise nutrition levels among SNAP participants by piloting the removal of SSBs or candy from SNAP.[4] The USDA rejected these requests under both Democratic and Republican administrations, on the basis of concerns over complex and controversial policy choices and lobbying by the food industry and antihunger groups.[5]

As part of the Make America Healthy Again strategy to address diet-related diseases,[6] the Secretaries of USDA and HHS jointly requested that states "submit a waiver to the USDA to remove [SSBs] from SNAP."[7] In response, states sought to amend SNAP-eligible foods by requesting USDA waivers, proposing and passing laws, and issuing executive orders (EOs). This paper reviews and evaluates these 2025 state activities. The findings identify the landscape of strategies and inform future state and federal policy efforts.

METHODS

In 2025 and 2026, 2 researchers identified state legislative and executive branch actions using the legal research tool Lexis+ to identify bills, laws, resolutions, and gubernatorial EOs introduced or issued in 2025 for all 50 states and Washington, DC (collectively, states). The inclusion criterion was limited to state actions related to SNAP food-eligibility exclusions. Keywords included *Supplemental Nutrition Assistance Program* and *food stamp*. From the USDA's website,[8] the USDA's 2025 state waivers that temporarily amend the definition of SNAP-eligible individuals were also identified and compared with the identified state legislative and executive activities (This study was IRB exempt).

RESULTS

The Lexis+ search identified 1,064 state policy actions. Of these, 29 bills, 6 EOs, 4 laws, and 2 resolutions were relevant, summing to 40 unique actions across 23 states (Figure 1). Among these policy actions, the proposed

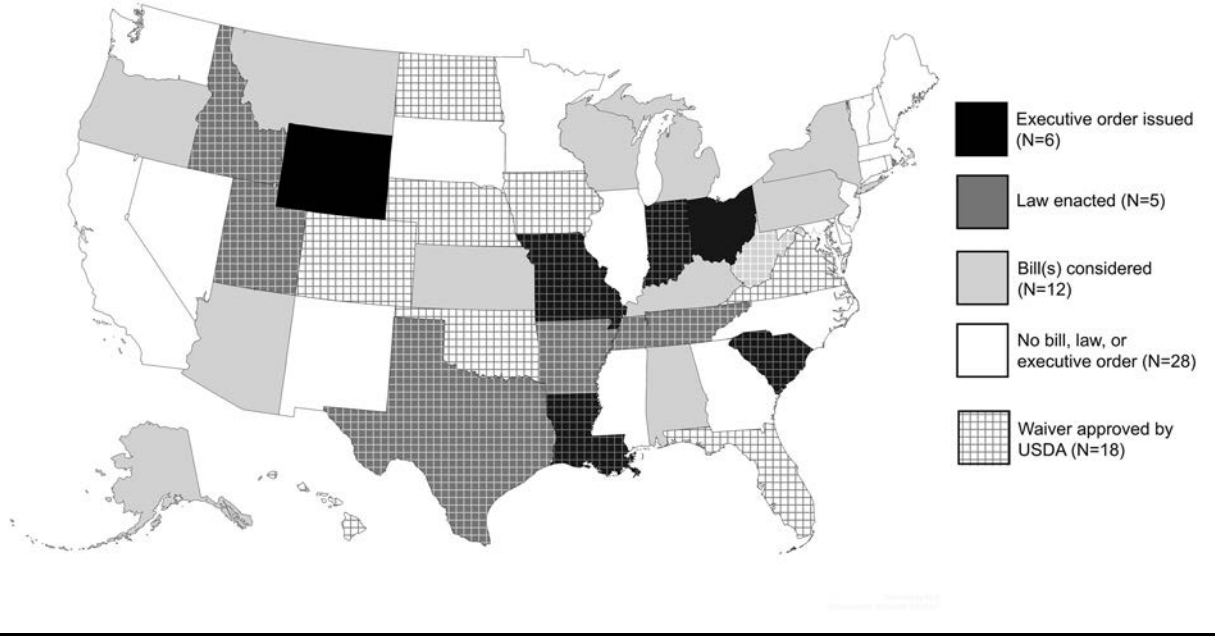


Figure 1. Laws, executive orders, bills, and USDA waivers, 2025.
Note: Among states with approved waivers in 2025 (n=18), 2 had full Democratic control (Colorado and Hawaii), 1 had mixed control (Virginia), and the rest had full Republican control. The share of residents who received SNAP benefits in 2024 ranged from 4.8% to 21.2% across the 50 states.[9]
SNAP, Supplemental Nutrition Assistance Program.

SNAP food-eligibility exclusions fell into the following 6 categories (Table Appendix 1, available online):

- SSBs and candy: 12 bills, 3 laws, and 3 EOs;
- SSBs, candy, and snacks and/or prepared desserts: 7 bills;
- SSBs alone: 3 bills, 1 law, and 1 EO;
- Broad food exclusions based on nutritional value: 4 bills and 1 EO;
- Ultraprocessed, high-sugar, and/or high-fat foods, paired with healthy food incentives: 1 proposed resolution that functions like a bill, 1 enacted joint resolution that functions like a law, and 1 EO; and
- Foods containing specified color or food additives: 2 bills.

The terms used to identify SSBs differed across states and policies (e.g., soft drinks, soda, sweetened drinks). Policy actions anticipated the need to request a waiver from the USDA by either directing a state agency to request a waiver or leaving it to the state agency's discretion to determine whether a federal waiver was necessary. No state both issued an EO and passed a law on the topic. Texas engaged in the most activity (7 bills and 1 law). One law (Utah) required evaluation of the waiver's impact on SNAP recipients' spending patterns and health outcomes. Only Louisiana issued an EO without also engaging in the legislative process. Arizona and Kansas each passed laws (both to exclude SSBs and candy) that were then vetoed by their governors.

As of December 31, 2025, the USDA granted 18 waivers to allow states to engage in demonstration projects that amend the definition of SNAP-eligible food (Figure 1), all of which were requested by state executive branch agencies. The food exclusions fell into the following 3 categories (Table Appendix 2, available online):

- SSBs and candy: 9 waivers;
- SSBs alone: 6 waivers; and
- SSBs and other drinks (e.g., artificially sweetened water), candy, and snacks and/or prepared desserts: 3 waivers.

The waivers' definitions of SSBs and candy varied widely across the states. Of the 18 waiver states, 8 did not engage in any additional legislative or executive branch activity, bringing the total number of states engaged on this topic in 2025 to 31. Of the other 10 waiver states, 4 passed laws, and 3 issued EOs targeting the same product categories as the waivers (e.g., SSBs, candy); 1 EO and 1 enacted resolution excluded ultraprocessed, high-sugar, and/or high-fat foods from SNAP-eligible foods, but the waivers focused on specific product categories (e.g., SSBs, prepared desserts), and 1 had a failed bill that did not match the waiver (Appendix 2, available online).

All of the USDA's waiver approval letters require data collection and evaluation of the demonstration projects, including defining success (e.g., reduced disease, increased nutrition knowledge, behavior change); collecting feedback from retailers, advocates, and SNAP households; and surveying SNAP participants to identify purchase/consumption patterns, nutrition knowledge, and changes in shopping routines.[8]

DISCUSSION

This research systematically identified and evaluated the range of legislative and executive actions that states took in 2025 to redefine SNAP-eligible food in response to the shift in federal policy priorities. In summary, 31 states acted on this topic. The majority of activity targeted SSBs and candy, aligning with scientific evidence on the low nutritional value of these food categories.[10] The remaining actions generally focused on SSBs alone or included snacks and/or prepared desserts. Only a few policies—but no waivers—focused on broader food definitions (e.g., ultraprocessed foods; foods of minimal nutritional value) or specific additives.

Although bills were proposed by states with diverse political party make-ups, all laws and EOs were passed or issued by states with Republican trifectas (i.e., when the governor and both legislative houses are of the same political party).[11] The vetoes in Arizona and Kansas both occurred with a Republican legislature and a Democratic governor.[11] All but 1 of the waivers granted in 2025 were requested by states with trifectas: 2 Democratic trifectas (both for SSBs) and 15 Republican trifectas (including Nebraska, which has a unicameral legislature), for a mix of food targets. In March 2026, the USDA approved waivers for 4 additional states: Ohio and Wyoming—both for SSBs and both with Republican trifectas that issued EOs in 2025 directing a request—as well as Kansas and Nevada (both for candy and SSBs).

In 2025, U.S. Congress members proposed bills to amend the definition of SNAP-eligible food nationwide to exclude SSBs, candy, ice cream, or prepared desserts.[12,13] If a federal law passes, this would obviate the USDA's data collection and evaluation requirements for the waivers, which, if implemented, are essential to understanding the impacts of such food exclusions and identifying how variations in food definitions impact outcomes and administration. Because SNAP benefits are only a portion of total food spending,[14] these restrictions will have an uncertain impact on overall household food purchases, underscoring the importance of evaluation.

Limitations

Despite our efforts, we may have missed policy actions. Nevertheless, our findings confirm the overall trend of state proposals.

CONCLUSIONS

These findings provide a summary of the first-year landscape of state activities to amend SNAP-eligible foods. A year-to-year comparison over time as well as future analyses of state evaluation processes and findings will be valuable for informing future public health and policy priorities.

ACKNOWLEDGMENTS

DM and DDK cosenior authors. This research was determined to be exempt from human subjects research by the Tufts Social, Behavioral, and Educational Research IRB.

Funding: The research was supported by both NIH/National Institute on Minority Health and Health Disparities R01MD019094 (principal investigator: DDK) and NIH/National Heart, Lung, and Blood Institute 2R01 HL115189 (principal investigator: DM). All authors were supported by NIH funding.

Declaration of interest: JLP reports financial support provided by NIH. JLP reports a relationship with Plaintiffs' Law Firms that includes paid expert testimony; royalties from Oxford University Press; previous relationship with William T Grant Foundation, Inc. that includes consulting or advisory; and previous relationship with Physicians for Social Responsibility that includes consulting or advisory. DDK reports financial support provided by NIH. DDK reports receiving research support from the American Heart Association and Arnold Ventures and serving as a Method Associate Editor for the *Annals of Internal Medicine* and a member of the WHO's Guidelines Development Group for GLP-1RAs for obesity management and the Midwest Comparative Effectiveness Public Advisory Council at the Institute for Clinical and Economic Review. DM reports financial support provided by NIH. DM reports receiving research funding from Google Health; being on scientific advisory board of Calibrate, Elysium Health, Instacart Health, January, Inc., Nourish, and WndrHLTH; providing scientific consulting to Amazon Health and Google Health; and holding equity in HumanCo. EC reports financial support provided by NIH, and AG reports financial support provided by NIH.

CREDIT AUTHOR STATEMENT

Jennifer L. Pomeranz: Conceptualization, Methodology, Data curation, Formal analysis, Writing — original draft, Writing — review & editing. Ayush Gupta: Data curation, Visualization. Elliott Crummer: Project administration, Visualization, Writing — review & editing. David D. Kim: Conceptualization, Funding acquisition, Supervision, Writing — review & editing. Dariush Mozaffarian: Conceptualization, Funding acquisition, Writing — review & editing.

SUPPLEMENTAL MATERIAL

Supplemental materials associated with this article can be found in the online version at https://doi.org/10.1016/j.amepre.2026.108486.

REFERENCES

1. 7 USC § 2011.
2. 7 USC § 2012.
3. Food and Nutrition Service. Foods typically purchased by Supplemental Nutrition Assistance Program (SNAP) households [Summary]. Washington, DC: Food and Nutrition Service; 2016. https://fns-prod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased-Summary.pdf. Published Accessed May 9, 2026.
4. Barnhill A. Impact and ethics of excluding sweetened beverages from the SNAP program. *Am J Public Health.* 2011;101(11):2037–2043. https://doi.org/10.2105/AJPH.2011.300225.
5. Paarlberg R, Mozaffarian D, Micha R, Chelius C. Keeping soda in SNAP: understanding the other iron triangle. *Society.* 2018;55(4):308–317. https://doi.org/10.1007/s12115-018-0260-z.
6. White House. Make our children healthy again. Strategy report. Washington, DC: White House; 2025. https://www.whitehouse.gov/wp-content/uploads/2025/09/The-MAHA-Strategy-WH.pdf. Published Accessed May 9, 2026.
7. U.S. Department of Agriculture. HHS and USDA Hold First Public MAHA Event, Outline Vision for Healthier America. Washington, DC: U.S. Department of Agriculture; April 4, 2025. https://www.usda.gov/about-usda/news/press-releases/2025/04/04/hhs-and-usda-hold-first-public-maha-event-outline-vision-healthier-america. Published Accessed May 9, 2026.
8. Food SNAP. Restriction waivers. US Department of Agriculture. https://www.fns.usda.gov/snap/waivers/foodrestriction. Updated June 29, 2026. Accessed July 1, 2026.
9. U.S. Department of Agriculture, Economic Research Service. Statistics and research. Key: Supplemental Nutrition Assistance Program (SNAP); 7/24/2025. Washington, DC: U.S. Department of Agriculture, Economic Research Service; July 24, 2025. https://www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/key-statistics-and-research. Published Accessed May 9, 2026.
10. Mozaffarian D. Dietary and policy priorities for cardiovascular disease, diabetes, and obesity: a comprehensive review. *Circulation.* 2016;133(2):187–225. https://doi.org/10.1161/CIRCULATIONAHA.115.018585.
11. State government trifectas. Ballotpedia. https://ballotpedia.org/State_government_trifectas. Updated July 1, 2026. Accessed July 1, 2026.
12. H.R.813 - Funding is Zero for Zero Nutrition Options (FIZZ-NO) Act of 2025 (119th Congress). https://www.congress.gov/bill/119th-congress/house-bill/813. Accessed July 1, 2026.
13. S.561 - Healthy SNAP Act of 2025 (119th Congress). https://www.congress.gov/bill/119th-congress/senate-bill/561. Accessed July 1, 2026.
14. Tiehen L, Newman C, Kirlin JA. *The food-spending patterns of households participating in the supplemental nutrition assistance program: findings from USDA's FoodAPS.* Washington, DC: U.S. Department of Agriculture, Economic Research Service; 2017. https://ers.usda.gov/sites/default/files/_laserfiche/publications/84780/EIB-176.pdf?v=64143. Published Accessed May 9, 2026.