

SENATE BILL NO. 354

INTRODUCED BY D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REQUEST A WAIVER FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE TO PROHIBIT THE PURCHASE OF SOFT DRINKS AND CANDY WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS; ESTABLISHING REPORTING REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Healthy SNAP Act".

NEW SECTION. Section 2. Purpose. The purpose of the Montana Healthy SNAP Act is to ensure that the supplemental nutrition assistance program, previously known as food stamps, aligns with its intended purpose of improving food security and nutrition in the state by prohibiting the purchase of soft drinks and candy using supplemental nutrition assistance benefits.

NEW SECTION. Section 3. Legislative findings. The legislature finds that:

(1) the federal supplemental nutrition assistance program was created to alleviate hunger and improve nutrition for low-income families;

(2) supplemental nutrition assistance program recipients in the state disproportionately use benefits to purchase nonnutritive items, including soft drinks and candy, that contribute to increasing rates of obesity and chronic disease;

(3) according to United States department of agriculture data, soft drinks are the number one most purchased item with supplemental nutrition assistance program benefits nationwide, which is a use of benefits

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1 that diverts taxpayer dollars away from essential and nutritious foods;

2 (4) obesity-related health conditions are a major driver of increasing medicaid costs in the state,
3 which places a growing burden on taxpayers;

4 (5) the women, infants, and children program already excludes soft drinks and candy, which
5 proves that government nutrition assistance programs can operate effectively while restricting harmful products;
6 and

7 (6) the state has a vested interest in promoting public health, fiscal responsibility, and program
8 integrity within the supplemental nutrition assistance program.

9

10 **NEW SECTION. Section 4. Waiver request requirement -- definitions.** (1) The department of
11 public health and human services shall submit to the food and nutrition service of the United States department
12 of agriculture a request for a waiver that seeks authorization to prohibit the use of supplemental nutrition
13 assistance program benefits for the purchase of candy and soft drinks.

14 (2) The waiver request must include:

15 (a) a justification citing public health concerns, the supplemental nutrition assistance program's
16 statutory intent, and cost savings to taxpayers;

17 (b) an implementation plan to ensure that existing point-of-sale systems used by Montana retailers
18 can properly enforce the restriction;

19 (c) a strategy for education and outreach to inform supplemental nutrition assistance program
20 recipients of alternative healthy food options; and

21 (d) a reporting mechanism to track the impact of the waiver, including spending patterns and
22 health outcomes.

23 (3) For the purposes of this section, the following definitions apply:

24 (a) (i) "Candy" means ~~a preparation of sugar, honey, or other natural or artificial sweeteners in~~
25 ~~combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces~~
26 ~~that does not require refrigeration any food item that is commonly understood to be a confection, snack, or~~
27 ~~sweet and that:~~

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1 (A) has sugar, including cane sugar, high-fructose corn syrup, honey, or similar sweeteners, as
2 one of its main ingredients;

3 (B) provides minimal nutritional value, as determined by the United States department of
4 agriculture smart snacks in school nutrition standards or similar criteria;

5 (C) is marketed or commonly consumed as a sweet snack, treat, or dessert item, including but not
6 limited to chocolate, taffy, chewing gum, marshmallows, hard or soft candies, granola bars, fruit snacks,
7 licorice, sweetened nut or seed clusters, and yogurt-covered snacks.

8 (ii) The term excludes food items primarily intended as meal replacements or that meet
9 established nutritional standards for whole grains, protein, and added sugar content, as certified by the
10 administering agency.

11 (b) (i) "Soft drinks" means nonalcoholic beverages containing natural or artificial sweeteners.

12 (ii) The term does not include beverages that contain milk, milk products, soy, rice, or other milk
13 substitutes, or greater than 50% vegetable or fruit juice by volume.

14
15 **NEW SECTION. Section 5. Implementation -- reporting requirement.** (1) If the waiver request
16 submitted under [section 4] is approved, the department shall implement the restriction within 6 months after
17 receiving federal authorization.

18 (2) If the waiver request is denied, the department shall resubmit the request annually until
19 approval is granted.

20 (3) The department shall submit an annual report to the governor and the children, families, health,
21 and human services interim committee in accordance with 5-11-210 by September 30 detailing:

22 (a) the status of the waiver request;

23 (b) data on supplemental nutrition assistance program spending patterns in the state; and

24 (c) any identified challenges or recommendations for further policy action.

25
26 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be
27 codified as an integral part of Title 53, chapter 2, part 9, and the provisions of Title 53, chapter 2, part 9, apply

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1 to [sections 1 through 5].

2

3 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

4 - END -

AMENDED