

HB 1773-FN - AS AMENDED BY THE HOUSE

11Mar2026... 1019h

2026 SESSION

26-2391

05/08

HOUSE BILL

***1773-FN***

AN ACT relative to food and drink purchased under SNAP, the Supplemental Nutritional Assistance Program.

SPONSORS: Rep. Freeman, Belk. 8; Rep. Colcombe, Hills. 30; Rep. Edwards, Rock. 31; Rep. Harvey-Bolia, Belk. 3; Rep. Morse, Merr. 3; Rep. Noble, Hills. 2; Rep. Mandelbaum, Rock. 21; Rep. L. Walsh, Rock. 15; Rep. Harrington, Straf. 18; Sen. Avard, Dist 12

COMMITTEE: Health, Human Services and Elderly Affairs

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ANALYSIS

This bill directs the department of health and human services to submit a waiver to the United States Department of Agriculture to prohibit the purchase of sweetened drinks and candy under SNAP.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to food and drink purchased under SNAP, the Supplemental Nutritional Assistance Program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Section; SNAP; Demonstration Waiver to Prohibit the Purchase of Certain Foods with  
2 SNAP Benefits. Amend RSA 167 by inserting after section 17-d the following new section:

3 167:17-e Demonstration Waiver to Prohibit the Purchase of Certain Foods with SNAP Benefits.

4 I. On or before January 1, 2027, the department of health and human services shall submit  
5 a demonstration project waiver under 7 U.S.C. 2026(b) to the U.S. Department of Agriculture, Food  
6 Nutrition Services, to allow the state to exclude sweetened drinks and candy from the definition of  
7 eligible foods under 7 C.F.R. section 271.2 for purposes of the Supplemental Nutrition Assistance  
8 Program (SNAP).

9 II. The waiver request shall:

10 (a) Exclude sweetened drinks and candy from the definition of eligible foods under  
11 SNAP.

12 (b) Propose methods of implementation, including coordination with retailers.

13 (c) Establish an education and outreach program to help SNAP recipients make healthy  
14 food choices.

15 (d) Include an evaluation plan to measure the impact of the restriction on nutrition,  
16 health outcomes, and program integrity.

17 III. Upon federal approval of the waiver, the commissioner of the department of health and  
18 human services shall adopt rules, pursuant to RSA 541-A, to implement the provisions of this  
19 section.

20 IV. Retailers participating in SNAP shall be notified of the new restrictions and provided  
21 technical assistance to update point-of-sale systems.

22 V. Beginning November 1, 2026, the commissioner shall submit an annual report to the  
23 governor, the president of the senate, and the speaker of the house of representatives relative to:

24 (a) The status of the federal waiver request.

25 (b) Implementation progress.

26 (c) Data on program outcomes, including changes in purchasing patterns and health  
27 indicators among SNAP recipients.

28 VI. In this section:

29 (a) "Sweetened drink" means any nonalcoholic beverage that contains natural or  
30 artificial sweeteners, including soda, pop, cola, energy drinks, sports drinks, and flavored water, but

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1 excluding beverages that contain milk or milk substitutes, soy, rice, or similar dairy alternative  
2 ingredients, or that contain more than 50 percent, by volume, of fruit or vegetable juice. "Sweetened  
3 drink" shall not include coffee or unsweetened tea, 100 percent fruit or vegetable juice, or beverages  
4 containing more than 50 percent juice by volume, milk, milk substitutes, dairy-based drinks, or  
5 similar beverages.

6 (b) "Candy" means any solid, semi-solid, or molded preparation of sugar, sweeteners  
7 (natural or artificial), or chocolate, with or without added ingredients such as flavorings, fruit, nuts,  
8 or flour, that is commonly marketed, advertised, or recognized as candy, chocolate bar, chewing gum,  
9 or similar confectionery. "Candy" shall not include baked goods, cakes, cookies, muffins, brownies,  
10 pastries, bread, or similar products primarily identified and sold as bakery or bread products,  
11 regardless of sweetener content.

12 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1773-FN- FISCAL NOTE**  
 AS INTRODUCED

AN ACT relative to food and drink purchased under SNAP, the Supplemental Nutritional Assistance Program.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$0	\$0	\$2.6 million
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill requires the Department to submit a demonstration waiver to the federal Food and Nutrition Service to allow for the exclusion of candy and soft drinks from the definition of eligible food under SNAP. The Department anticipates that it will cost \$416,000 to facilitate retailers' adoption of the new waiver rules, as well as \$42,000 for certification and \$47,000 for implementation. The EBT vendor is expected to impose additional transaction fees, which the Department expects will come at a small cost of potentially \$5,000. Additionally, the Department anticipates \$842,000 of costs to build the waiver. The costs of customer service related to the waiver are indeterminable, but the Department estimates \$25,000 per fiscal year. The Department assumes that the new waiver will be effective for FY29.

In addition to the waiver requirement, the bill requires the Department to establish an education and outreach program to help SNAP recipients make healthy food choices. The Department notes that it currently conducts a SNAP outreach program to promote the program and encourage potentially eligible households to apply, but that the outreach program does not have a nutrition component. Previously, New Hampshire had conducted a SNAP-Ed program to conduct nutrition outreach using federal funding. The federal funding utilized for the SNAP-Ed program is no longer available due to a change in federal law. The cost to either restart a program similar to SNAP-Ed or amend existing SNAP outreach programs to include nutrition

programs is estimated to be approximately \$1,200,000 per year. After the repeal of the SNAP-Ed program federally it is unclear whether any federal funds would be available to defray the cost of a SNAP nutritional education program. The Department assumes that the nutrition program would begin in the year the waiver begins, or FY29.

In total, the Department anticipates the bill will cost \$2.6 million in FY29 and \$1.4 million in subsequent years.

**AGENCIES CONTACTED:**

Department of Health and Human Services