

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 109

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; AMENDING CHAPTER
2 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-275, IDAHO
3 CODE, TO DEFINE TERMS AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT
4 OF HEALTH AND WELFARE SHALL REQUEST A WAIVER EXCLUDING CERTAIN ITEMS
5 FROM SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS; AND DECLARING
6 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 56-275, Idaho Code, and to read as follows:

12 56-275. WAIVER TO ENHANCE NUTRITION IN THE SUPPLEMENTAL NUTRITION AS-
13 SISTANCE PROGRAM. (1) For the purposes of this section:

14 (a) "Candy" means a preparation of sugar, honey, or other natural or
15 artificial sweeteners combined with chocolate, fruits, nuts, or other
16 ingredients or flavorings in the form of confections, bars, drops, or
17 pieces. "Candy" does not include any item that contains more than ten
18 percent (10%) flour by weight or requires refrigeration.

19 (b) "Soda" means any nonalcoholic beverage that contains natural or ar-
20 tificial sweeteners. "Soda" does not include any beverages that con-
21 tain milk or milk substitutes, that are greater than fifty percent (50%)
22 vegetable juice or fruit juice by volume, or that require preparation
23 before consumption, such as powders or concentrates.

24 (2) The director of the department of health and welfare shall request a
25 waiver from the United States department of agriculture to exclude candy and
26 soda from the definition of eligible foods under 7 CFR 271.2. If such waiver
27 is granted, then the director shall prohibit the purchase of candy and soda
28 with benefits provided through the supplemental nutrition assistance pro-
29 gram. If no such waiver is granted, then the director shall request such a
30 waiver annually until such waiver is granted.

31 SECTION 2. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after
33 July 1, 2025.