

Commenting on FNA's SNAP Purchase Restriction Waivers

The U.S. Department of Agriculture (USDA) Food and Nutrition Administration (FNA) has opened public comment on 18 of the 23 approved state SNAP food restriction waivers, formally called SNAP Demonstration Projects. Each state has its own separate docket, and FNA is asking for input on how each state's project is being implemented or operated. **A table with all docket information is at the bottom of this document.**

- **Note:** Colorado, Iowa, Nebraska, Tennessee, and West Virginia are not open for comment. Those waivers were vacated by court order and currently carry stop-implementation notices.

This is the first formal opportunity retailers have had to tell USDA what these restrictions actually cost and how they work at the store level.

The comment period closes for every docket on **October 15, 2026**. It's very important that FNA hears directly from SNAP retailers like you about what you have experienced in your stores. Below are instructions on how to format, write, and file your comment letter.

- Have questions? Contact Margaret Mannion, Director of Government Relations for NACS (mmannion@convenience.org). She will also file your comments on your behalf with USDA.

Comment Letter Formatting Instructions

Draft your letter on company letterhead and format as follows:

[Your Company Letterhead]

[Date]

Shiela Corley, Acting Administrator
Food & Nutrition Administration
George Washington Carver Center
5601 Sunnyside Avenue
Beltsville, MD 20740

RE: "Supplemental Nutrition Assistance Program: [State(s) Where You Operate] SNAP Demonstration Project"

Dear Acting Administrator Corley,

[TEXT OF COMMENT LETTER]

How to Draft the Comment Letter: Points to Include

***NOTE:** Several examples are provided below to assist you as you draft your letter. Please use SPECIFIC real-life examples in your letter wherever possible (i.e. specific items that caused problems, dollar figures and staff hours, and potential incidents with customers at your registers). USDA already knows our industry's general position on these restrictions, but what it does not know is what has actually happened in your stores due to these policies.

1. **Introduce your company and provide context for FNA by opening with information about your business.**
 - a. How many stores do you own? Where do you operate?
 - i. Do you operate in rural, urban, or suburban areas? [Give some flavor of the geographic region(s) where you operate]
 - b. How many people do you employ in your stores?
 - c. How many of your stores participate in the SNAP program?
 - d. How long have you participated in SNAP?
2. **Explain why your participation in SNAP is valuable.**

- a. Are your stores open during hours of the day when other stores are not? 24/7 or extended hours?
- b. Are your stores in remote/rural communities where they're the only location for SNAP customers to shop?
- c. Do your stores provide access to food to underserved members of your community in ways that other larger format retailers (like grocery stores) do not?

3. **Describe your real-life experience implementing the restrictions in your state(s) of operation.**

- a. When did you begin preparing for implementation, and what did that involve?
- b. Name the specific products you could not confidently classify under the state's definitions, and explain why it was confusing.
 - i. Products that have caused confusion industry-wide include flavored sparkling water, protein and granola bars, yogurt-covered items, sweetened teas and lemonades, powdered drink mixes, and private-label or locally sourced products that no third-party UPC list covers. Use your own examples.
- c. Was the state SNAP agency helpful to you or other retailers while you prepared for implementation?
 - i. Explain whether you asked the state SNAP agency for assistance, whether you asked for specific product (or UPC) lists of restricted items, whether you received an answer, and how long it took.
- d. Tell FNA what implementation cost your business.
 - i. Include POS and software upgrades, third-party UPC classification services, outside consultants, new signage and shelf labels, and register reprogramming.
 - ii. Include staff hours spent reviewing SKUs by hand, reconciling vendor lists against state guidance, and retraining associates. If you cannot quantify or give a ballpark estimate of dollars, provide hours or the number of SKUs you had to review or estimates of those.

4. **Describe how restrictions have been impacting your store operations if you operate in a state (or multiple states) that has gone live.**

- a. Explain what this has meant for your **employees**.
 - i. Describe your employees who work behind the counter, how many hours of retraining you have had to do, and any confrontation, complaint, or morale problem you can attribute to these rules.
- b. Explain what this has meant for your **customers**.
 - i. Describe customers who no longer shop with you, customers traveling elsewhere (or to another non-waiver state) to shop, or confusion among customers using SNAP.
- c. Describe any specific incidents that have been documented at the register.
 - i. For example, an associate that was forced to explain the new change of laws, a customer who left food at the counter, any declined transaction and what the item was, a backed-up line, or a dispute between a customer and an associate.

5. **Discuss the operational problems that are specific to convenience stores.**

- a. Explain how self-serve fountain beverages work in your stores. Water, lemonade, iced tea, juice drinks, and soda are often dispensed from the same fountain and priced by the size of the cup, and there is no practical way for an associate to verify what a customer dispensed into a covered cup.

6. Explain that the definitions cannot be administered at the point of sale.

- a. Tell FNA that terms like “soft drink,” “candy,” and “prepared dessert” have no consistent meaning across state lines.
- b. Explain that some states’ definitions sweep in products that were likely never intended to be restricted (such as 0-calorie sparkling water), while leaving other products eligible that customers would assume are restricted (such as candy that contains flour, in states using the “flour exception” in definitions for candy).
- c. Explain that there are more than 650,000 food and beverage products on the market today, with roughly 20,000 new products introduced each year, and each one will have to be classified and reclassified whenever a formulation, package size, or label changes. This is a permanent and recurring burden, not a one-time transition cost.

7. For multi-state operators: discuss the challenges of operating across state lines. [Skip if you operate in only one state]

- a. Name a specific product that is restricted in one state where you operate and eligible in another, and say how far apart those stores are if they are nearby.
- b. Explain that this requires separate price book configurations, separate register rules, separate employee training, and separate signage for each state, and that it is impossible to explain to a customer who may shop on both sides of the line.

8. Discuss your concerns with FNA’s enforcement framework.

- a. Explain that retailers are restricting tens of thousands of items per state against definitions that are, in places, genuinely ambiguous, and that occasional discrepancies at the point of sale are unavoidable even with robust compliance efforts.
- b. Tell FNA that the two-strike structure does not distinguish between retailers acting in good faith and those deliberately circumventing the rules.
- c. Explain that involuntary withdrawal upon receiving your second strike is far more punitive than reasonable and should be changed to be more consistent with other program requirements.
- d. Note that withdrawal can remove the only SNAP-authorized retailer in a community. Describe what that would mean for the customers your stores serve.
- e. If you have received a compliance inquiry, warning letter, or secret-shopper visit, describe what happened and what it cost you to respond.

9. Explain the impact on food access.

- a. Tell FNA that 93 percent of Americans live within 10 minutes of a convenience store, including 86 percent of rural Americans, and that convenience stores are the largest single SNAP retailer format (over 118,000 participate in SNAP, nearly 45 percent of all SNAP-authorized stores).
- b. Explain that if compliance costs and waiver complexity push retailers out of SNAP, families will not suddenly buy healthier food. They may lose the only place they are able to buy food at all.
- c. Explain that in a thin-margin business, costs that cannot be absorbed are passed through as higher prices or reduced service, which falls on the same households the program is meant to serve.

10. **Close your letter by thanking FNA for the opportunity to comment.**

Comment Letter Filing Instructions

USDA has 18 different comment dockets open for each of the states they are requesting comments on. If you operate in more than one SNAP waiver state, **you can describe all of them in a single comment letter.**

- To file comments with USDA, **send a PDF version of your final letter to Margaret Mannion (mmannion@convenience.org)** who will file them on your behalf.

State	Implementation Date	Docket ID	Items Restricted	Link to Docket
Arkansas	7/1/2026	FNA-2026-0298	Restricts purchase of soda, fruit and vegetable drinks with less than 50% natural juice, energy drinks, unhealthy drinks, and candy.	http://regulations.gov/document/FNA-2026-0298-0004
Florida	4/20/2026	FNA-2026-0299	Restricts purchase of soda, energy drinks, candy, and prepared desserts.	http://regulations.gov/document/FNA-2026-0299-0004
Hawaii	4/1/2027	FNA-2026-0300	Restricts purchase of soft drinks.	http://regulations.gov/document/FNA-2026-0300-0004
Idaho	2/15/2026	FNA-2026-0301	Restricts purchase of soda and candy.	http://regulations.gov/document/FNA-2026-0301-0005
Indiana	1/1/2026	FNA-2026-0302	Restricts purchase of soft drinks and candy.	http://regulations.gov/document/FNA-2026-0302-0002
Kansas	2/15/2027	FNA-2026-0303	Restricts candy and soft drinks.	http://regulations.gov/document/FNA-2026-0303-0002
Louisiana	02/18/2026	FNA-2026-0304	Restricts purchase of soft drinks, energy drinks, and candy.	http://regulations.gov/document/FNA-2026-0304-0004
Missouri	2/15/2027	FNA-2026-0305	Restricts purchase of candy, prepared desserts, and certain unhealthy beverages.	http://regulations.gov/document/FNA-2026-0305-0004
Montana	11/1/2026	FNA-2026-0306	Restricts purchase of high-sugar beverages, energy drinks, candy, and prepared desserts.	http://regulations.gov/document/FNA-2026-0306-0002
North Dakota	11/1/2026	FNA-2026-0307	Restricts purchase of sweetened beverages, energy drinks, and candy.	http://regulations.gov/document/FNA-2026-0307-0004
Nevada	2/1/2028	FNA-2026-0308	Restricts candy and sugar sweetened beverages.	http://regulations.gov/document/FNA-2026-0308-0004
Ohio	11/1/2026	FNA-2026-0309	Restricts sugar-sweetened beverages and all fountain drinks.	http://regulations.gov/document/FNA-2026-0309-0004
Oklahoma	2/15/2026	FNA-2026-0310	Restricts purchase of soft drinks and candy.	http://regulations.gov/document/FNA-2026-0310-0005
South Carolina	11/1/2026	FNA-2026-0311	Restricts purchase of candy, energy drinks, soft drinks, and sweetened beverages.	http://regulations.gov/document/FNA-2026-0311-0004
Texas	4/1/2026	FNA-2026-0312	Restricts purchase of sweetened drinks and candy.	http://regulations.gov/document/FNA-2026-0312-0004
Utah	1/1/2026	FNA-2026-0313	Restricts purchase of soft drinks.	http://regulations.gov/document/FNA-2026-0313-0006

Virginia	10/1/2026	FNA-2026-0314	Restricts purchase of "sweetened beverages."	http://regulations.gov/document/FNA-2026-0314-0004
Wyoming	2/1/2027	FNA-2026-0315	Restricts sweetened, carbonated beverages.	http://regulations.gov/document/FNA-2026-0315-0002