

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised, May 24, 2018*.

1. State agency submitting waiver request and responsible State agency staff contact information:

Kansas Department for Children and Families
Clint Keckeisen, Summer Nutrition Program Specialist
Clinton.keckeisen@ks.gov
Shannon Connell, Policy Coordination Assistant Director
Shannon.connell@ks.gov

2. Region: MPRO

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

FNS authorized SNAP/ SUN Bucks retailers

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Currently, SNAP guidelines do not restrict the purchase of food and beverage items that are high in sugar, sodium, and empty calories, offering little to no nutritional value. These purchases are inconsistent with the Dietary Guidelines for Americans (DGAs) and the states' aim to improve the nutritional well-being of SNAP participants.

The table below outlines the prevalence of select chronic health conditions among Kansas residents (BRFSS Data Dashboard | KDHE, KS).

CHRONIC CONDITION	PREVALENCE
Obesity	36.0%
Hypertension	34.3%
Diabetes	11.1%
High Cholesterol	38.8%

According to the America’s Health Rankings 2024 Annual Report (allstatesummaries-ahr24.pdf), Kansas ranks 33rd among U.S. states for adult fruit and vegetable consumption. DCF is better utilizing the DUFEB program to incentivize the purchase of fruits and vegetables in the retailer setting. Additionally, 10.6% of households in the state experience food insecurity, meaning they lack consistent access to sufficient food due to financial or other resource constraints.

Modifying SNAP-approved food and beverage options through a food restriction waiver offers a promising path to enhance public health. By reducing socioeconomic barriers and promoting healthier food choices as accessible, convenient, and routine for SNAP participants, these interventions can drive meaningful improvements in community well-being.

To better fulfill SNAP’s purpose of promoting the general welfare and protecting health, Kansas proposes refining the definition of SNAP-eligible food and beverage purchases to encourage participants to choose more nutritious options.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]: Pursuant to section [13A\(b\)\(1\)\(A\)](#) of the NSLA, State issued Summer EBT benefits may only be used to purchase food as defined by section 3 of the FNA. Since Summer EBT requirements fall within the NSLA, it does not fall within SNAP’s waiver. Therefore, a separate 12(l) waiver is necessary to waive the definition of “food” under section 13A of the NSLA. With this submission, Kansas Department for Children and Families intends to waive the 13A(b)(1)(A) NSLA definition of food for the purposes of Summer EBT. Additionally, this request accompanies a waiver of the definition of food under SNAP submitted separately.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Kansas’s integrated eligibility determination system (KEES) will not require changes. DCF posted a Request for Proposal 12/29/2025 to identify a contractor to lead this waiver implementation process. DCF anticipates the contractor being in place early 04/2026. There are no additional anticipated impacts on the costs of the SNAP program for the state. However, additional expenses will arise as the project unfolds. SNAP leadership is estimating additional positions will be needed to better support the DUFEB program and to implement and monitor the

food restriction waiver. The majority of costs associated with this initiative will be incurred by SNAP-accepting retailers. Kansas retailers will be required to modify their processing systems to prevent the purchase of restricted food and beverage items using SNAP benefits.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

Kansas State Senate Bill 125 requires that the Secretary for the Department for Children and Families (DCF) certify to the members of the State Finance Council that the Secretary has requested a waiver from the United States Department of Agriculture (USDA) to exclude candy and soda from the definition of eligible foods under 7 C.F.R. § 271.2.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation: Unknown at this time.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

The eligibility criteria and benefit allotments for participants and households will remain stable, and we anticipate no additional costs. While the implementation of monitoring, training, and evaluation components of the waiver will influence state agency staffing capacities, this presents an opportunity for growth and improvement in our services.

10. Anticipated waiver implementation date and time period: 02/15/2027 and for 5 years after the date of FNS approval.

11. Proposed monitoring and review procedures:

To evaluate the effectiveness of this demonstration waiver, changes in health behaviors and purchasing patterns among SNAP recipients will be monitored. Kansas will collaborate with USDA, FNS, and FIS (EBT vendor) to collect baseline data and analyze SNAP recipients' purchasing patterns and shifts in health-related habits.

- Program Implementation Assessment will include monitoring and will analyze participation rates and benefit utilization throughout the demonstration period.
- Behavioral and Health Outcomes Evaluation
 - Implement an impact study utilizing a sampling approach to examine participant shopping and nutrition behaviors across three distinct time points: pre-implementation, quarterly, and annually.
 - The study will include participants from across Kansas.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

Kansas is committed to gathering and analyzing feedback from clients and retailers about this demonstration. As part of its communications and outreach strategy, the State will disseminate information to clients, retailers, and the general public regarding the appropriate channels for

submitting complaints, inquiries, and other feedback to the SNAP program related to the demonstration.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:

<https://www.dcf.ks.gov/services/ees/Pages/Food/SUNBucks.aspx>

14. Signature and title of requesting official:



Carla Whiteside-Hicks, Ph.D.
Economic and Employment Services Director

Requesting official's email address for transmission of response: Carla.WhitesideHicks@ks.gov

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA

Regional Office Analysis and Recommendations: