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MEMORANDUM

To: House Committee on Welfare Reform
From: Office of Revisor of Statutes
Date: February 13, 2024
Subject: HB 2673: Directing the secretary for children and families to request a waiver from supplemental nutrition assistance program rules and prohibit the purchase of candy and soft drinks with food assistance.

House Bill 2673 amends K.S.A. 39-709, the statute that outlines eligibility and program requirements in public assistance programs funded with federal moneys and administered by the secretary for children and families.

This bill proposes in subsection (b)(21) that the secretary for children and families shall request a waiver from the U.S. Department of Agriculture to exclude soft drinks and candy from the definition of eligible foods – foods that may be purchased with food assistance. If the waiver is granted, the secretary shall implement the waiver. If no waiver is granted, the secretary shall annually request the waiver, until such waiver is granted by the department.

The section uses the same definitions of “soft drinks” and “candy” as found in the Kansas retailers' sales tax act, K.S.A. 79-3601 et seq. In K.S.A. 79-3602c, soft drinks mean “nonalcoholic beverages that contain natural or artificial sweeteners.” Soft drinks do “not include beverages that contain milk or milk products, soy, rice or similar milk substitutes or beverages that are greater than 50% vegetable or fruit juice by volume.”

In K.S.A. 79-3602c, candy means “a preparation of sugar, honey or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops or pieces.” Candy “does not include any preparation containing flour and shall require no refrigeration.”