

1 AN ACT relating to enhancing nutrition in the Supplemental Nutrition Assistance  
2 Program.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) As used in this section:*

7 *(a) "Accessory food" means food items excluded from the definition of staple*  
8 *food under 7 C.F.R. sec. 271.2, and includes the following:*

9 *1. Energy drinks;*

10 *2. Prepared desserts, including:*

11 *a. Cookies;*

12 *b. Candy;*

13 *c. Ice cream;*

14 *d. Cakes; and*

15 *e. Pies;*

16 *3. Potato or corn chips; and*

17 *4. Soft drinks;*

18 *(b) 1. "Energy drinks" means nonalcoholic beverages containing at least*  
19 *sixty-five (65) milligrams of caffeine per eight (8) fluid ounces that are*  
20 *advertised as being specifically designed to provide metabolic*  
21 *stimulation or an increase to the consumer's mental or physical*  
22 *energy.*

23 *2. "Energy drinks" does not include coffee or any substantially coffee-*  
24 *based beverage; and*

25 *(c) "Soft drinks" has the same meaning as in KRS 139.485.*

26 *(2) (a) The secretary shall request a waiver from the United States Department of*  
27 *Agriculture to exclude accessory foods and any other food items of minimal*

1           nutritional value, as determined by the cabinet, from being purchased using  
2           Supplemental Nutrition Assistance Program benefits.

3           **(b) If a waiver is granted, the secretary shall prohibit the purchase of accessory**  
4           **foods and any other food items of minimal nutritional value, as determined**  
5           **by the cabinet, with benefits provided through the Supplemental Nutrition**  
6           **Assistance Program.**

7           **(c) If a waiver is not granted, the secretary, if instructed by the General**  
8           **Assembly in accordance with KRS 205.525, shall resubmit the waiver with**  
9           **modifications based on instructions from the General Assembly.**