

1 AN ACT relating to nourishment and choice in the Supplemental Nutrition  
2 Assistance Program.

3 WHEREAS, the health of Kentuckians is intrinsically tied to daily nourishment  
4 choices; and

5 WHEREAS, a major step in decreasing poor health outcomes, including obesity  
6 and chronic disease, is reducing consumption of sugar-sweetened and artificially flavored  
7 beverages as well as foods of minimal nutritional value; and

8 WHEREAS, the core mission of the Supplemental Nutrition Assistance Program is  
9 supporting access to nutritious and nourishing foods that alleviate hunger and combat  
10 malnutrition; and

11 WHEREAS, the continued improvement of Kentuckians' health depends upon  
12 realigning the Supplemental Nutrition Assistance Program with its core mission by  
13 empowering Kentuckians benefiting from the Supplemental Nutrition Assistance  
14 Program to make the most nourishing and healthiest possible choices;

15 NOW, THEREFORE,

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

17 ➔Section 1. KRS 205.1783 is amended to read as follows:

18 In order to improve access to the Supplemental Nutrition Assistance Program, reduce  
19 administrative costs associated with the program, ~~and~~ enhance program integrity, ***and***  
20 ***support new dietary guidelines, and promote better health outcomes of participants and***  
21 ***the use of healthy food for nutrition purposes,*** the cabinet shall:

22 (1) Within one hundred eighty (180) days after July 14, 2022:

23 (a) Establish a transitional benefit alternative as described in 7 C.F.R. secs.  
24 273.26 to 273.32;

25 (b) Request a waiver from the United States Department of Agriculture to  
26 implement:

27 1. An Elderly Simplified Application Project for individuals who have no

- 1           earned income and who are over sixty (60) years of age or who are  
2           disabled; and
- 3           2. A standard medical deduction waiver for individuals who are over sixty  
4           (60) years of age or are disabled;
- 5           (c) Establish procedures to allow Supplemental Nutrition Assistance Program  
6           beneficiaries to recertify eligibility online;
- 7           (d) To the extent permitted under federal law, develop and implement an online  
8           employment and training program, as defined in 7 U.S.C. sec. 2015(d)(4), for  
9           any individual that is subject to work requirements under 7 U.S.C. sec.  
10          2015(d)(1);
- 11          (e) Request a waiver from the United States Department of Agriculture relating to  
12          Supplemental Nutrition Assistance time limit exception established in 7  
13          C.F.R. sec. 273.24(c)(4); and
- 14          (f) Promulgate administrative regulations in accordance with KRS Chapter 13A  
15          necessary to administer this section;~~and~~
- 16          (2) Within ninety (90) days after July 14, 2022, require all households receiving  
17          Supplemental Nutrition Assistance benefits, except for those households described  
18          in subsection (1)(b) of this section, to comply with the change reporting  
19          requirements permitted pursuant to 7 C.F.R. sec. 273.12(a); **and**
- 20          **(3) (a) On or before November 30, 2026, the cabinet shall request a waiver from**  
21                 **the United States Department of Agriculture to prohibit the purchase of**  
22                 **accessory foods and any other food items of minimal nutritional value, as**  
23                 **determined by the cabinet, with Supplemental Nutrition Assistance Program**  
24                 **benefits.**
- 25          **(b) As used in this subsection:**
- 26                 **1. "Accessory food" means a food item excluded from the definition of a**  
27                 **staple food under 7 C.F.R. sec. 271.2, and includes the following:**

- 1            a. Candy;  
2            b. Soft drinks; and  
3            c. Specialty coffee drinks;

4            2. "Candy":

- 5            a. Means a preparation of sugar, honey, or other natural or  
6            artificial sweeteners in combination with chocolate, fruits, nuts,  
7            or other ingredients or flavorings in the form of bars, drops, or  
8            pieces; and  
9            b. Shall not include any preparation containing flour or any item  
10           requiring refrigeration;

11           3. "Soft drinks":

- 12           a. Means nonalcoholic beverages that contain natural or artificial  
13           sweeteners; and  
14           b. Shall not include beverages that contain milk or milk products,  
15           soy, rice, or similar milk substitutes, or greater than fifty percent  
16           (50%) of vegetable or fruit juice by volume; and

- 17           4. "Specialty coffee drinks" means a nonalcoholic coffee or coffee-based  
18           beverage containing fewer than sixteen (16) fluid ounces of product  
19           per bottle, can, or carton, whether individually packaged or packaged  
20           in a group container, and containing at least twenty (20) grams of  
21           sugar or any amount of artificial sweetener.

22           (c) The cabinet shall appear before the Interim Joint Committee on Health  
23           Services at three (3) separate committee meetings to provide updates:

- 24           1. At the start of the waiver application drafting process;  
25           2. When the waiver application is substantially complete; and  
26           3. After the waiver application has been submitted to the United States  
27           Department of Agriculture.

1 (d) If a waiver is granted, the secretary shall prohibit the purchase of accessory  
2 foods and any other food items of minimal nutritional value, as determined  
3 by the cabinet, with Supplemental Nutrition Assistance Program benefits.

4 (e) If a waiver is not granted, the secretary, if instructed by the General  
5 Assembly in accordance with KRS 205.525, shall resubmit the waiver with  
6 modifications based on instructions from the General Assembly.

7 (f) The cabinet shall promulgate administrative regulations in accordance with  
8 KRS Chapter 13A necessary to administer this section.

9 (4) (a) On or before November 30, 2026, the cabinet shall request a waiver from  
10 the United States Department of Agriculture to allow hot foods, as excluded  
11 in 7 C.F.R. sec. 271.2, to be purchased from grocery stores using  
12 Supplemental Nutrition Assistance Program benefits.

13 (b) As used in this subsection:

14 1. "Grocery store":

15 a. Means a store engaged primarily in the retail sale of packaged  
16 food, rather than food prepared for consumption on the  
17 premises; and

18 b. Does not include convenience stores or gas stations;

19 2. "Hot foods":

20 a. Means any meat, poultry, or fish food product that is hot at the  
21 point of sale, regardless of who cooks or heats it; and

22 b. Does not include coffee, tea, or any substantially coffee-based or  
23 tea-based beverage.

24 (c) The cabinet shall appear before the Interim Joint Committee on Health  
25 Services at three (3) separate committee meetings to provide updates:

26 1. At the start of the waiver application drafting process;

27 2. When the waiver application is substantially complete; and

- 1            3. After the waiver application has been submitted to the United States  
2                            Department of Agriculture.
- 3            (d) If a waiver is granted, the secretary shall allow the purchase of hot foods at  
4                            grocery stores with Supplemental Nutrition Assistance Program benefits.
- 5            (e) If a waiver is not granted, the secretary, if instructed by the General  
6                            Assembly in accordance with KRS 205.525, shall resubmit the waiver with  
7                            modifications based on instructions from the General Assembly.
- 8            (f) The cabinet shall promulgate administrative regulations in accordance with  
9                            KRS Chapter 13A necessary to administer this section.