

Date of Hearing: April 23, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2171 (Patterson) – As Amended April 9, 2026

SUBJECT: Nutrition benefits: sweetened drinks and candy

SUMMARY: Requires the California Department of Social Services (CDSS) to prohibit the use of CalFresh and California Food Assistance Program (CFAP) benefits for the purchase of sweetened drinks and candy, except at restaurants, and to seek any federal waiver to implement the restriction. Specifically, **this bill:**

- 1) Requires CDSS, notwithstanding existing law governing legislative intent and CDSS' requirement to maximize food access for CalFresh recipients, to prohibit CalFresh recipients from using CalFresh benefits to purchase sweetened drinks or candy, except at restaurants.
- 2) Requires CDSS, notwithstanding existing law governing legislative intent and CDSS requirement to maximize food access for CalFresh recipients, if CDSS determines that a waiver or authorization from the United States Department of Agriculture (USDA) is necessary for implementation, to request the waiver or authorization and authorizes CDSS to delay implementation until the waiver or authorization is granted.
- 3) Requires CDSS, when CDSS prohibits CalFresh recipients from using CalFresh benefits to purchase sweetened drinks or candy, and to the extent permissible under federal law, to also prohibit the purchase of sweetened drinks or candy with CFAP benefits, except at restaurants.
- 4) Defines the following terms:
 - a) "Candy" is limited to candy that is ordinarily packaged and sold for consumption without further preparation;
 - b) "Restaurant" includes, but is not limited to, an on-campus qualifying food facility, an eat-in establishment, a grocery store delicatessen, and a takeaway-only restaurant. "Restaurant" does not include a restaurant specifically excluded, by federal law or guidance or state law or guidance, from participation associated with CalFresh or CFAP.
 - c) "Sweetened drink" means a nonalcoholic beverage made with water that contains five grams or more of added sugar or any amount of artificial sweeteners. "Sweetened drink" does not include a beverage that contains any of the following: milk or milk products; soy, rice, or similar milk substitutes; or, more than 50% of vegetable or fruit juice by volume.

EXISTING LAW:

State law:

- 1) Establishes access to sufficient, affordable, and healthy food as a human right and requires state agencies and departments to consider this state policy when it is pertinent to the distribution of sufficient affordable food. (Welfare and Institutions Code [WIC] § 18700)

- 2) Establishes the CalFresh program to administer the provision of federal Supplemental Nutrition Assistance Program (SNAP) benefits to families and individuals meeting certain criteria, as specified. (WIC § 18900 *et seq.*)
- 3) States legislative intent to maximize food access for all CalFresh recipients. Provides that many of the hungriest Californians who rely on CalFresh to eat face the most significant barriers, including the lack of kitchen facilities or means of preparing and cooking meals with groceries, special dietary needs, or specific foods required for medications, among other factors that strain the ability of traditional groceries to meet their needs. States legislative intent to maximize the dignity and equitable treatment of Californians using CalFresh to purchase food by maximizing food choices. (WIC § 18919.1(a))
- 4) Requires CDSS to maximize all available food choices for CalFresh recipients, including, but not limited to, hot foods or hot food products ready for immediate consumption, pursuant to federal law. (WIC § 18919.1(b))
- 5) Requires CDSS to establish CFAP to provide assistance for persons who are not eligible for federal SNAP benefits solely due to their immigration status. Requires, when possible, that the income, resources, and deductible expenses of those who receive CFAP benefits to be excluded when calculating CalFresh benefits. (WIC § 18930 *et seq.*)
- 6) Requires the amount of nutrition benefits provided to each CFAP household to be identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits. (WIC § 18930(d)(1))
- 7) Establishes the Restaurant Meals Program (RMP) under CalFresh to allow eligible recipients who are experiencing homelessness, are elderly, or have a disability to purchase hot, prepared food from participating restaurants. (WIC § 18919 *et seq.*)
- 8) Defines “qualifying food facility” as a facility that sells prepared food for onsite consumption that is administered by a postsecondary educational institution. (Education Code § 66025.93(d)(2))

Federal law: *Note: For the purposes of referring to federal law accurately, this section uses the term “alien” which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.*

- 9) Establishes SNAP pursuant to the Food Stamp Act of 1964. (7 United States Code [U.S.C.] § 2011 *et seq.*)
- 10) Establishes the Personal Responsibility and Work Opportunity Reconciliation (PRWORA) Act of 1996, restricting eligibility of aliens for many federal benefit programs, including the Temporary Assistance for Needy Families (TANF), Social Security Income, Medicaid, and SNAP, except for “qualified aliens.” (Title IV of Public Law 104-193; 8 U.S.C. §§ 1601-1646)
- 11) Establishes citizenship requirements for SNAP benefits, including that undocumented immigrants are ineligible for SNAP, as specified. (7 Code of Federal Regulations § 273.4.)

- 12) Restricts SNAP eligibility for qualified noncitizens and provides eligibility only for specified exempt groups such as refugees, asylees, certain veterans and military families, individuals with disabilities, children, elderly individuals, certain tribal members, and lawful permanent residents (LPRs) after five years. (8 U.S.C. § 1621(a))
- 13) Authorizes a state to provide that an alien who is not lawfully present in the United States as eligible for any state or local public benefit for which such alien would otherwise be ineligible only through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility. (8 U.S.C. § 1621(d))
- 14) Amends SNAP through the Food and Nutrition Act of 2008 by expanding work requirements, restricting eligibility for certain noncitizens, and shifting a portion of benefit and administrative costs to states, among other things. (7 U.S.C. § 2011 *et seq.*; Public Law 119-21)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Food Insecurity.* The USDA defines food security as “access by all people at all times to enough food for an active, healthy life” and categorizes food security into four levels: high, marginal, low, and very low food security, reflecting a range from consistent access to adequate food to disrupted eating patterns and reduced food intake due to lack of resources.

Despite California declaring food as a human right through SB 628 (Hurtado), Chapter 879, Statutes of 2023, and producing nearly half of the nation’s fruits and vegetables, food insecurity remains a significant issue. An estimated 1.75 million California households, or 12.5%, experienced food insecurity between 2022 and 2024,¹ with disproportionate impacts on low-income households, communities of color, rural communities, and those without reliable transportation. Food insecurity is driven by structural factors including poverty, rising food and housing costs, inflation, and transportation barriers, often forcing households to choose between purchasing food and meeting other basic needs such as rent, utilities, transportation, or medications.

Diet quality is closely tied to these conditions. National data indicate that more than half of total caloric intake in the U.S. and nearly 62% among youth under 19 years of age, comes from ultra-processed foods, which are typically more affordable, widely available, and heavily marketed than fresh, whole foods.² Research indicates that dietary patterns are shaped by limited access to full-service grocery stores, higher relative prices for healthy foods, and the concentration of convenience stores and fast-food in underserved communities.

Food insecurity is associated with negative health, developmental, and economic outcomes across the lifespan, including poor birth outcomes, developmental delays, lower academic performance, mental health challenges, and increased risk of chronic diseases like obesity, diabetes, and heart disease, disparities that reinforce health inequities and intergenerational cycles of poor health.

¹ https://ers.usda.gov/sites/default/files/_laserfiche/publications/113623/ERR-358.pdf?v=25442

² <https://stacks.cdc.gov/view/cdc/174612>

CalFresh, California's implementation of the federal SNAP, is the state's largest food assistance program and primary lifeline for residents struggling with food insecurity. Administered by CDSS and county human services agencies, CalFresh provides monthly food benefits via an electronic benefits transfer (EBT) card that can be used to purchase eligible food such as fruits and vegetables, meat, dairy products, and seeds at authorized retailers.

Eligibility is primarily based on household income, assets, and household composition. Households may be categorically eligible if they receive or are eligible for programs such as CalWORKs, General Assistance/General Relief, Social Security Income/State Supplementary Payment, Cash Assistance for Immigrants, or Tribal TANF. Because CalFresh is largely governed by federal law, the state has limited authority to modify eligibility rules.

In 2024-25, about 5.5 million Californians received over \$12.5 billion in federally funded CalFresh benefits, with an average monthly benefit of about \$192 per person, or \$6.46 per day. Research shows SNAP reduces food insecurity by about 20% overall and by 33% among children. The Public Policy Institute of California estimates CalFresh kept approximately 856,000 Californians out of poverty in 2023, including 312,000 children,³ making it the state's largest poverty-reduction program.

Due to the passage of the federal H.R. 1 on July 1, 2025, CalFresh has significantly altered its eligibility criteria, including changes to work requirements for able-bodied adults without dependents, restrictions on utility deductions that reduce benefit amounts, and changes to immigrant eligibility that exclude certain lawfully present noncitizens, which are expected to reduce eligibility and benefits for hundreds of thousands of households and increase food insecurity.

California Food Assistance Program. Prior to PRWORA of 1996, most lawfully residing noncitizens were eligible for federal nutrition assistance on the same basis as U.S. citizens. PRWORA imposed significant restrictions, rendering many lawfully present noncitizens, particularly LPRs, ineligible until they had resided in the U.S. for five years or met other qualifying criteria. In response, states were authorized to provide state-funded food assistance using the SNAP benefit delivery infrastructure if the state reimbursed the federal government for the cost of benefits.

California established CFAP to provide food benefits to individuals ineligible for CalFresh solely due to immigration status. CFAP benefits are issued through the same EBT system and administered through California Statewide Automated Welfare System, and benefit amounts are equal to CalFresh benefits. Federal policy has since restored SNAP eligibility for individuals who have resided in the U.S. for five years, children under 18 years of age, and individuals receiving disability-related assistance. CFAP currently serves approximately 59,300 individuals. Recent budget actions aim to expand CFAP to all income-eligible undocumented individuals 55 years of age and older, with implementation expected on October 1, 2027.

Under H.R. 1, SNAP eligibility is further restricted to exclude refugees, asylees, parolees (unless they are Cuban or Haitian entrants), individuals with deportation or removal withheld, conditional entrants, trafficking survivors, battered noncitizens, and certain Afghan and

³ <https://www.ppic.org/publication/poverty-in-california/>

Ukrainian parolees as of April 1, 2026. These individuals may become eligible for CalFresh or CFAP if they adjust to LPR status and meet, or are exempt from, the five-year waiting period.

Federal Limitations on Food Restrictions in Supplemental Nutrition Assistance Program & State Authority. Federal SNAP rules broadly define eligible foods and prohibit only a limited set of items, such as alcohol, vitamins, medicine, pet food, and hot or prepared foods. As a result, states have limited authority to independently restrict specific food categories. Any additional restrictions, such as sugar-sweetened beverages or candy, generally require approval from the USDA through waivers or pilot projects intended to “increase the efficiency” or “improve the delivery” of SNAP benefits.

Historically, the USDA has rejected such proposals, including under the first Trump Administration.^{4,5} Prior USDA analysis included administrative complexity for retailers, difficulty defining restricted foods, potential stigma for participants, insufficient evaluation frameworks,⁶ and the importance of maintaining a uniform national program.^{7,8}

Rather than addressing these concerns, the second Trump Administration recently terminated a USDA research project⁹ that had been underway for over a year to study how SNAP purchase restrictions could be measured and implemented. A now-deleted USDA research plan¹⁰ indicated the study was intended to provide empirical evidence to inform the policy debate. In addition, Agriculture Secretary Brooke Rollins supported canceling a separate longitudinal study¹¹ examining how SNAP policy and benefit changes affect participants’ diet quality and purchasing behavior.

Evidence on Supplemental Nutrition Assistance Program Purchasing Behavior. Available evidence from the USDA suggests that purchasing patterns are similar between SNAP and non-SNAP households.¹² Approximately \$0.20 of every dollar in both groups is spent on items such as sweetened beverages, desserts, salty snacks, and candy, which consistently rank among the top expenditures. Notably, spending on sweetened beverages exceeds spending on milk for both groups, underscoring that these purchasing patterns are not unique to SNAP participants and raising questions about interventions that target only SNAP households.

Research further finds that the overall diet quality is comparable between SNAP and non-SNAP households, suggesting that differences in nutrition are driven by broader food environment and consumption patterns affecting the general population than by SNAP participation itself.¹³ While some studies indicate that restricting specific items, such as sweetened beverages, may reduce consumption of those items, overall improvements in diet and health outcomes are likely to be modest. This is largely due to substitution effects, where participants shift spending to other

⁴ <https://www.nytimes.com/2026/03/11/us/politics/usda-sued-snap-soda-ban.html>

⁵ <https://www.pressherald.com/2018/01/19/feds-again-reject-lepage-request-to-ban-food-stamp-recipient-from-buying-sugary-drinks-candy/>

⁶ <https://s3.documentcloud.org/documents/2892046/USDA-Letter-to-Maine-DHHS.pdf>

⁷ <https://www.cbpp.org/research/federal-budget/executive-action-watch?item=29791>

⁸ <https://fns-prod.azureedge.us/sites/default/files/FSPFoodRestrictions.pdf>

⁹ https://www.usaspending.gov/award/CONT_AWD_140D0423F1138_1406_GS00F252CA_4732

¹⁰ <https://web.archive.org/web/20241212075945/https://fns-prod.azureedge.us/sites/default/files/resource-files/study-evaluation-plan-2023.pdf>

¹¹ https://www.usaspending.gov/award/CONT_AWD_140D0423F1308_1406_140D0423A0067_1406

¹² <https://fns-prod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased.pdf>

¹³ <https://www.sciencedirect.com/science/article/pii/S0002916522049176?via%3Dihub#bib28>

high-calorie or less nutritious foods, limiting changes in total calorie intake and long-term health outcomes.¹⁴

Taken together, the evidence suggests that restricting a single category of foods is unlikely to meaningfully change dietary patterns, which are shaped by a range of structural and behavioral factors beyond SNAP participation, without complementary interventions. Proceeding with such policies without clear evidence on effectiveness, or whether they are warranted at all, risks imposing additional burdens on participants without improving dietary or health outcomes. In the absence of rigorous evaluation, it remains unclear whether these restrictions meaningfully change purchasing behavior or advance public health goals.

Federal Expansion of Supplemental Nutrition Assistance Program Restriction Waivers. Despite limited evidence of effectiveness, recent federal actions mark a significant shift in SNAP policy, as the USDA has begun to approve state waivers allowing restrictions on certain food and beverage purchases, departing from decades of uniform national rules. As of March 2026, at least 22 states, including Arkansas, Indiana, Nebraska, South Carolina, West Virginia, Colorado, Iowa, Nevada, Tennessee, Wyoming, Florida, Kansas, North Dakota, Texas, Hawaii, Louisiana, Ohio, Utah, Idaho, Missouri, Oklahoma, and Virginia¹⁵ have received federal approval to implement restrictions, largely targeting sugar-sweetened beverages, candy, and other highly processed foods. These waivers align with broader federal efforts, including the “Make America Healthy Again” initiative, which seeks to use nutrition policy as a tool to address chronic disease and diet-related health outcomes.

State Variation and Implementation Challenges. The scope and structure of these restrictions vary significantly across states, resulting in a fragmented policy landscape. For example, Indiana prohibits both soft drinks and candy, while neighboring Ohio limits only sugar-sweetened beverages. Colorado applies narrower restrictions to beverages containing natural or artificial sweeteners, whereas Florida takes a broader approach by restricting soda, energy drinks, candy, and ultra-processed prepared desserts. Texas similarly prohibits candied or coated fruit and snack products.¹⁶

States also differ in how they define restricted items, further complicating implementation. For instance, Florida defines “energy drinks” based on caffeine thresholds and includes ready-to-eat, pre-packaged desserts within its restrictions. Differing state policy choices and interpretations of what constitutes “unhealthy” food are based on nuanced product distinctions, such as sugar content thresholds, fruit juice percentages, or whether an item is classified as candy versus a chocolate-covered snack, creating inconsistency in how rules are applied.

These variations increase complexity for both participants and retailers. Point-of-sale systems must account for detailed product-level distinctions, raising the likelihood of confusion, transaction errors, and inconsistent enforcement. Implementation challenges are particularly acute for small and independent grocers, which may face greater difficulty updating systems and training staff. Multi-state retailers must also navigate differing rules across states, where SNAP-

¹⁴ <https://www.ajpmonline.org/action/showPdf?pii=S0749-3797%2820%2930407-4>

¹⁵ <https://www.fns.usda.gov/snap/waivers/foodrestriction>

¹⁶ <https://spectrumlocalnews.com/us/snplus/health/2026/04/01/new-restrictions-on-food-snap-recipients-can-buy-will-take-effect-in-some-states-this-month-amid-trump-admin-s-maha-push>

eligible items may vary by location.¹⁷ In practice, a participant may be able to purchase a soda and candy bar in Ohio but be prohibited from doing so just across the border in Indiana. Limits on definitions of allowable foods may also create incentives for manufacturers to reformulate products to satisfy the new rule. Additionally, retailers that sell ineligible items can be disqualified from the program or assessed a monetary penalty, and recipients that purchase ineligible items may be sanctioned.

In summary, the USDA in 2007 stated, “Some have suggested giving each State the option to develop its own definition of allowable foods. This option is problematic for several reasons. First, there is no scientific basis for allowing nutrition standards to vary from place to place within the United States. Second, the State option does not eliminate special-interest pressures; it simply shifts the location of the debate and gives greater weight to local—sometimes parochial—interests. And third, variation in State requirements will complicate retail industry compliance and increase the cost of doing business.”¹⁸

Legal Challenges with Supplemental Nutrition Assistance Program Food Restrictions. A recent lawsuit challenges the federal government’s approval of state SNAP food restrictions, arguing that the policy shift may exceed federal authority and harm program participants.¹⁹ In March 2026, SNAP recipients filed suit against the USDA, seeking to block waivers that allow states to prohibit the purchase of items such as sugary drinks, energy drinks, and candy.

Plaintiffs contend that these restrictions destabilize food access and narrow the scope of eligible foods under SNAP, particularly across the 22 states where waivers have been approved. They further argue that the Trump Administration lacked statutory authority to approve these waivers, noting that the relevant provision of the federal Food and Nutrition Act authorizes pilot projects only to “increase the efficiency” of SNAP and improve the “delivery of benefits,” asserting that restricting specific food purchases does neither.

The complaint also alleges violations of the Administrative Procedure Act, asserting that the USDA failed to provide adequate notice and opportunity for public comment prior to approving the waivers. Under federal law, agencies are required to follow procedural steps and ensure transparency when making policy changes, requirements that plaintiffs argued were not met.

The Restaurant Meals Program is a state option, authorized in 1978, that allows certain CalFresh recipients who may be unable to prepare meals to purchase ready-to-eat food from approved restaurants. In California, the RMP began as a pilot in the early 2000s and has since expanded. Eligible participants include individuals 60 years of age or older, people with disabilities, individuals experiencing homelessness, and spouses of eligible individuals, who are groups identified as having barriers to food preparation. AB 942 (Weber), Chapter 814, Statutes of 2019, required statewide implementation, allowing federally approved restaurants to participate across all 58 counties as of September 1, 2021.

This bill prohibits CalFresh and CFAP recipients from using benefits to purchase sweetened drinks or candy, except at restaurants, and requires CDSS to seek any necessary federal waiver to implement the restriction.

¹⁷ <https://www.scrippsnews.com/us-news/sugary-drinks-and-candy-now-off-limits-for-millions-using-snap-benefits>

¹⁸ <https://fns-prod.azureedge.us/sites/default/files/FSPFoodRestrictions.pdf>

¹⁹ <https://www.nytimes.com/2026/03/11/us/politics/usda-sued-snap-soda-ban.html>

Author’s Statement: According to the Author, “California has recently taken bold steps to ensure that its citizens have access to healthier, more nutritious food. This is essential since improved nutrition has a profound impact on physical and mental health, leading to increases in both length and quality of life. [This bill] builds on these efforts and the efforts made in other states, such as Colorado and Hawaii. By restricting the least nutritious and most harmful foods from CalFresh and the California Food Assistance Program, [this bill] takes an active role in ensuring that all Californians can improve their diet quality and overall health. This measure in no way prevents people from purchasing the food they want and does not pass judgment. It simply ensures limited state dollars are used on nutritious foods.”

Equity Implications: *This bill* raises several equity considerations related to access, autonomy, and disparate impacts on low-income households.

Restricting the use of food benefits for specific items may disproportionately impact low-income individuals by limiting purchasing flexibility in ways not applied to higher-income consumers. Because participants already face constrained food budgets, these restrictions may further limit their ability to meet household preferences, cultural food practices, or immediate caloric needs, particularly in communities with limited access to affordable, healthy options.

This bill may also exacerbate geographic inequities in food access. In areas with limited grocery options, such as rural communities or urban “food deserts”, households often rely on stores with constrained inventories, where restricted items may represent a larger share of available or affordable food. Without corresponding investments in food access or affordability, these restrictions may function as a de facto reduction in usable benefits.

Additionally, targeting CalFresh participants with purchasing restrictions not applied to the general public may reinforce negative perceptions about program participants and government oversight of their choices. This differential treatment may contribute to increased stigma at the point of sale, particularly if transactions are flagged or denied due to restricted items.

Implementation challenges may also result in uneven impacts across retailers and communities. Smaller and independent retailers, which are more common in low-income or rural areas, may face greater difficulty adapting point-of-sale systems, increasing the likelihood of transaction errors or inconsistent application and creating confusion or barriers for participants.

Finally, extending similar restrictions to CFAP may have additional equity implications for immigrant households who rely on state-funded food assistance due to federal ineligibility. Imposing further limitations on these populations may compound existing disparities.

Policy Considerations: *This bill* prohibits the purchase of sweetened drinks and candy with CalFresh and CFAP benefits but allows these same items to be purchased at restaurants. Because the RMP serves older adults, individuals with disabilities, and individuals experiencing homelessness, this exemption permits these populations to continue purchasing restricted items, while other participants would be subject to prohibition. This differential treatment may create inconsistencies in policy application, as identical items could be prohibited in a grocery store but permitted at a restaurant, and allowed for some participant groups but not others.

Evidence does not support the claim that restricting SNAP purchases improves diet quality or health outcomes. Research suggests such restrictions may have the opposite effect by introducing new stressors,^{20, 21} such as financial strain, administrative complexity, and stigma, that are associated with poorer physical and mental health outcomes. Stress can affect diet-related health both directly, through physiological responses such as elevated cortisol, and indirectly through behavioral changes, including eating patterns and physical activity. At the same time, several studies and USDA analyses suggest that changing financial incentives, such as subsidizing healthier foods, may be more effective in improving diet quality and reducing rates of cardiovascular disease and diabetes.²²

Beyond implementation and equity concerns, *this bill* also raises broader ethical considerations. SNAP and other safety net programs have historically been shaped by longstanding racial biases and narratives about the “undeserving poor,” including the “welfare queen” stereotype popularized during the Ronald Reagan administration. These narratives frame poverty as a result of individual behavior rather than structural conditions, reinforcing the idea that some groups are less deserving of aid based on moral or cultural assumptions and reinforcing associations between poverty and marginalized racial identities, which continue to influence policy design and public perception.

Such framing can also reinforce assumptions that low-income individuals are unable or unwilling to make appropriate purchasing decisions, conditioning access to assistance on compliance with government-defined standards rather than recognizing the complex economic, geographic, and social factors that shape food choices. Research also indicates that racial bias may influence program access, with lower SNAP participation rates observed in areas with higher levels of anti-Black bias.²³ Within this context, additional restrictions may disproportionately impact communities of color by escalating existing patterns of scrutiny and surveillance. Black individuals and immigrant communities already experience higher levels of monitoring in retail settings. Restrictions that increase transaction denials or verification requirements may further elevate stress and reinforce inequities.

Finally, these policies emphasize individual responsibility while overlooking structural drivers of food access, including income constraints and the unequal distribution of grocery stores and healthy food options. Many low-income neighborhoods and neighborhoods of color have fewer supermarkets and limited access to affordable, nutritious food. In this context, restricting allowable purchases without addressing underlying disparities and without clear evidence of improved outcomes risks reinforcing inequities rather than alleviating them.

Arguments in Support: According to the California Chapter of the American College of Cardiology, “This legislation is a vital step toward aligning our state’s nutrition assistance programs with established medical evidence regarding the link between sugar consumption and chronic heart disease.

20

https://scholar.google.com/scholar_url?url=https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2024.307863%3Fdownload%3Dtrue&hl=en&sa=T&oi=ucasa&ct=ufr&ei=d6rmaZFK9IvqtA-297yJDg&scisig=ADi0EEVtPm9k9To94J4R_3Caejl-

²¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC11045168/>

²² <https://pubmed.ncbi.nlm.nih.gov/28103061/>

²³ <https://ajph.aphapublications.org/doi/10.2105/AJPH.2024.307863>

“Cardiologists witness the devastating impact of diet-related illnesses, including obesity, hypertension, and type 2 diabetes—all of which are primary risk factors for heart failure and stroke. Current data consistently shows that the consumption of sugar-sweetened beverages and high-sugar confections is a leading contributor to these conditions.

“By prohibiting the use of CalFresh benefits for sweetened drinks and candy, [This bill] ensures that public funds are utilized to promote health rather than subsidize products that exacerbate California's chronic disease crisis. Reducing the intake of added sugars is a cornerstone of cardiovascular prevention. High sugar consumption is directly linked to increased triglycerides and inflammation, which accelerate the progression of heart disease. Vulnerable populations served by CalFresh often face higher rates of diet-related chronic conditions. This measure helps ensure that the nutrition assistance provided to these communities supports long-term wellness. State policy should reflect these clinical standards to protect public health and reduce the long-term economic burden of heart disease on our healthcare system.”

Arguments in Opposition: According to 52 organizations representing a “diverse group of advocates committed to ensuring equitable access to food and nutrition”:

“While we share the desire to support the health of Californians, we believe that any attempts to do so through restricting the use of CalFresh benefits are both impractical and counterproductive, for the reasons outlined below.

- 1) Food restrictions are ineffective in promoting healthy eating. Research shows that prohibiting certain food purchases does not lead to meaningfully improved dietary outcomes. Instead, evidence-based approaches like incentivizing healthy foods through increasing benefit allotments, and programs such as produce vouchers and farmers market matches have proven successful in encouraging nutritious food choices without creating barriers or stigma. The USDA Food and Nutrition Service acknowledged and concluded this as well in a research report titled “Implications of Restricting the Use of Food Stamp Benefits” published in March 2007. Additionally, research on SNAP has shown that participation in SNAP is associated with improved health outcomes compared to low-income non-participants by reducing the prevalence of food insecurity, giving participants the flexibility to access foods to help manage illnesses and thus reducing healthcare costs, and freeing up household budgets to be used for other necessities such as needed medical care or health-promoting activities.
- 2) Lack of clear definitions for “ultra-processed foods” creates implementation challenges. There is no universally accepted definition of “ultra-processed foods” or “unhealthy foods”, making enforcement arbitrary and inconsistent. Similarly, for food items such as soda or candy, there are no clear or universal definitions. For example, “soda” may be defined as a carbonated beverage, which would ban unsweetened sparkling water while allowing high-sugar fruit juices. Alternatively, if defined as sweetened carbonated beverages, it could prohibit diet sodas while permitting fruit juices with more sugar content. Even while trying to find a definition that is not arbitrary and is inclusive, these definitions demonstrate that they are targeting categories of foods, rather than nutritional content, leaving healthy options barred. Similarly, barring candy but not baked goods, such as cookies, poses the same issue. The definitions of these food items would become either so lengthy and cumbersome that it would be difficult to craft, implement, and monitor, or would be highly arbitrary, drawing into question whether the waiver is truly about improving health outcomes, or is able to

deliver on that goal. Demonstration waivers that don't meet the stated purpose are subject to challenge, which could be an additional resource drain and delay for the state.

- 3) Food restrictions in CalFresh discriminate against low-income consumers. Chronic disease disproportionately impacts low-income communities not due to individual food choices, but because of systemic barriers, including limited access to grocery stores in neighborhoods affected by historic disinvestment and redlining, prevalence of corner stores over full-service grocers, and targeted marketing of processed foods in low-income communities. Research shows that low-income individuals consume processed foods at rates similar to the general population, yet only their purchasing decisions would face government scrutiny. This only furthers existing stigma and discrimination for SNAP participants by reinforcing the false narrative that low-income individuals lack the willpower to make healthy food choices. Also, "healthier" food items often come at a premium, with nearly half of low-income adults in the U.S. citing costs as a barrier to eating healthy, according to a 2025 Pew Survey. By restricting lower-cost food options, participants are forced to buy less food with the same benefits, defeating the purpose of the program in helping families meet their nutritional needs, further demonstrating the need for healthy food incentives, rather than food restrictions.
- 4) Monitoring and compliance with SNAP food restrictions will be overly burdensome for retailers and may also lead to retailer drop-outs. Implementation would introduce substantial challenges for many of the 30,700 retailers who accept CalFresh in California, raising serious questions about fairness and feasibility. Some of the questions that arise from these challenges include: Who is responsible for determining which food items should or should not be excluded from purchase via SNAP? Who and how will the changes be communicated to inform retail staff and customers about the changes? There are also concerns about the costs of reprogramming retailer operating systems, potential misclassification of foods by the stores when coding food that cannot be purchased with CalFresh or cashiers, retailers overly restricting foods available for purchase through SNAP, and the risk of retailer attrition if businesses fear non-compliance or trafficking accusations. Many smaller retailers, especially convenience stores or locally-owned markets, may find compliance too difficult and opt out of CalFresh entirely, reducing food access for those who rely on these retailers for everyday purchases. Anecdotally, we have heard from other advocates that this occurred in Ohio under WIC, where new rules resulted in retailer dropout, leading to "WIC desert" areas where participants had to travel over 20 miles to find a compliant retailer. In Iowa, we have heard that new SNAP restrictions are increasing administrative burden on the state, creating confusion and increased stigma for families using SNAP, while substantially increasing costs for retailers. In California, nearly half of SNAP retailers were convenience stores in 2019, and widespread dropout would drastically reduce access and availability of food, especially in rural and underserved communities.
- 5) Implementation would increase costs and program complexity during a budget crisis. Restricting food purchases in CalFresh would require significant costs related to administrative staffing, including development of the waiver, retailer training and compliance monitoring, robust recipient noticing and educational outreach, increased customer service needs, and enforcement mechanisms. These costs would burden the state during a time when resources should be directed toward addressing the changes resulting from the federal H.R. 1 rule changes and increasing program access and participation.

- 6) CalFresh food restrictions would face interoperability challenges. CalFresh recipients living near state borders could simply cross into neighboring states like Nevada, Arizona, or Oregon to purchase restricted foods if those states maintain different policies. This creates an inequitable system where geography determines food access, undermining the policy's effectiveness for families seeking unrestricted food options. Furthermore, SNAP recipients from outside of California would be unfairly subject to food restrictions when shopping in California, creating confusion and discriminatory treatment based on their state of residence.
- 7) Evaluating effectiveness would be nearly impossible. The lack of clear food definitions makes it extremely difficult to evaluate whether restrictions actually improve health outcomes. Furthermore, even once the restricted foods have been defined, it will be difficult to evaluate the impact of the waiver because there is no control group, there is no way to evaluate food purchases made with cash, and furthermore, there is no way to evaluate sugar and additive consumption via other EBT purchases. Moreover, the numerous environmental factors that contribute to diet-related chronic disease in low-income communities, including food deserts, limited transportation, work schedules that prevent regular meal preparation, and stress from economic insecurity, would make it impossible to isolate the impact of purchasing restrictions from these broader social determinants of health.
- 8) Food restrictions would adversely impact individuals facing certain health conditions and mental health. Food restrictions can create challenges for individuals with certain health conditions, such as individuals managing eating disorders, hypoglycemia, diabetes, food allergies, breakthrough migraines, or other medical conditions, to choose appropriate low-cost foods for their specific health needs. For instance, people with diabetes often need access to beverages that contain sugar, like soda, during emergencies. Further, food restrictions in CalFresh could increase food anxiety and create shame and stigma around food choices. The psychological impact of being monitored and judged for food purchases can create additional stress for families already facing economic hardship. Research has shown that increased perception of stigma is associated with eligible households forgoing participation in critical safety-net programs, especially SNAP.⁹ Policies that restrict food items could have serious health consequences and cause harm that disproportionately impacts low-income Californians.
- 9) The Food Restriction Waiver directly conflicts with the goals of the SNAP program under the federal Food Stamp Act and calls into question USDA FNS's statutory authority to grant this waiver. In particular, demonstration projects are required to meet at least one of four evaluation goals, including whether a project can "improve program administration" and "increase the self-sufficiency of supplemental nutrition assistance program recipients".¹⁰ Legal experts believe that USDA FNS lacks the authority to grant this waiver, and as a result, we anticipate that if California were to apply for food restrictions to the CalFresh program, that it would face legal challenges. California should not risk being involved in this legally questionable pilot that has a possibility of being reversed through litigation or administrative review. This would result in costly time and resources diverted from the CalFresh program.
- 10) Relatedly, waiver approval is conditional and project delays will be burdensome on State resources. For states with approved Food Restriction Waivers, their projects must meet extensive terms and conditions in full prior to beginning project implementation, or they will risk projects being delayed. Notably, these terms and conditions include the following:

- a) The Project may not in any way impede inter-operability of SNAP program benefits, as detailed in 7 C.F.R. 274.8(b)(10).
- b) The State will provide a finalized communications plan detailing tasks and timelines for engaging with and notifying SNAP-authorized retailers of the Project.
- c) The State will provide a finalized communications plan detailing tasks and timelines for notifying and educating SNAP households of the Project.
- d) The State will provide a finalized evaluation plan defining Project health outcomes and behaviors tracked throughout the Project.
- e) The State will provide a finalized compliance and monitoring plan for SNAP-authorized retailers.

“For many of the reasons we have previously stated, we believe some of the terms and conditions cannot be satisfied, and others will prove extremely difficult. The implementation of the Food Restriction Waiver will be incredibly costly and time-consuming, and run contrary to the goals of the CalFresh program to support low-income Californians in meeting their food and nutritional needs in a dignified manner.

“Given all the concerns we have raised alongside the federal policy changes in H.R.1 to limit SNAP participation, which will restrict access to SNAP for hundreds of thousands of Californians, we urge the legislature to invest its time and resources in maintaining critical access to the CalFresh program. Millions of Californians are already facing hunger today, and many more will face economic hardship this year as a result of these harmful federal actions. Pursuing harmful and restrictive strategies that limit food choice will only make it harder for hungry Californians to put food on their tables.”

RELATED AND PRIOR LEGISLATION:

SB 1134 (Strickland) of the current legislative session, would have required CDSS to seek a federal waiver by July 1, 2027, to prohibit the use of CalFresh benefits for purchasing soft drinks, candy, prepackaged desserts, and other defined ultra-processed foods of concern, and to implement those restrictions within six months of federal approval. *SB 1134 was set for hearing in the Senate Human Services Committee and was canceled at the request of the author.*

AB 942 (Weber), Chapter 814, Statutes of 2019, see comments above.

AB 1894 (Weber), Chapter 746, Statutes of 2018, see comments above.

SB 471 (Rubio) of 2011, was substantially similar to this bill. *SB 471 was set for hearing in the Senate Human Services Committee and was canceled at the request of the author.*

REGISTERED SUPPORT / OPPOSITION:

Support

California Chapter American College of Cardiology
California Podiatric Medical Association

Opposition

Alchemist CDC
American Beverage Association
Asian Pacific Islander Forward Movement
California Association of Food Banks
California Federation of Labor Unions
California Food and Farming Network
California Fuels and Convenience Alliance
California Grocers Association
California Retailers Association
Californians for SSI
Can Manufacturers Institute
Coalition of California Welfare Rights Organizations
Community Action Partnership of Orange County
County Welfare Directors Association of California
Courage California
End Child Poverty California Powered by Grace
Farm2People
FEAST
First Mother Farms
Food Bank of Contra Costa & Solano
Food for People, the Food Bank for Humboldt County
Food in Need of Distribution Food Bank
Food Share Ventura County
Fresh Approach
Fullwell
Glide Foundation
Golden State Opportunity
GRACE Social and Medical Services
HealthRIGHT 360
Hunger Action Los Angeles
Jewish Family Service of San Diego
John Burton Advocates for Youth
Justice in Aging
Los Angeles Food Policy Council
Mixteco/Indigena Community Organizing Project (MICOP)
National Confectioners Association
Nourish California
Para Los Niños
Parent Voices California
San Diego Hunger Coalition
San Francisco Senior and Disability Action
San Francisco-Marín Food Bank
Second Harvest Food Bank of Orange County
SEIU California
The Public Interest Law Project
UFCW - Western States Council
Western Center on Law & Poverty, INC.

Westside Food Bank
Yuba Sutter Food Bank

Analysis Prepared by: Bri-Ann Hernández-Mengual / HUM. S. / (916) 319-2089