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MEMORANDUM

To: Senate Public Health and Welfare
From: Office of Revisor of Statutes
Date: February 10, 2026
Subject: Bill Brief on House Bill 2738

House Bill 2738 would require the secretary for children and families to request or update a pending waiver application from the SNAP that would allow Kansas to prohibit the purchase of food commonly marketed, advertised or recognized as candy or soft drinks with food assistance.

HB 2738 amends K.S.A. 37-709, the primary public assistance statute, by adding language to require the secretary for children and families to request a waiver from the USDA, food and nutrition services to exclude candy and soft drinks from the definition of eligible food under federal regulations. If a pending waiver application exists, the secretary would be required to amend and re-submit the application. For this waiver, the definition of soft drinks would be the same as defined in K.S.A. 79-3602, and candy would mean:

[A]ny solid, semi-solid or molded preparation of sugar, natural or artificial sweeteners or chocolate, which may include added ingredients, such as flavorings, fruits, nuts or flour, that is commonly marketed, advertised or recognized as candy, chocolate bar, chewing gum or similar confectionery. "Candy" includes, but is not limited to: chocolate bars, hard candies, gummies, caramels, taffy, licorice, mints and chewing gum.

"Candy" does not include baked goods, such as cakes, cookies, muffins, brownies, pastries, bread or similar products or items primarily identified and sold as bakery or bread products, regardless of sweetener content

This bill would take effect upon publication in the statute book, July 1, 2026.

