



February 9, 2026

Submitted via Email

Chairman Francis Averkamp and Members of the House Committee on Welfare Reform
Kansas State House of Representatives
Room 370W, Capitol Building
300 SW 10th Avenue
Topeka KS 66612-1504

Dear Chairman Averkamp and Members of the House Committee on Welfare Reform:

On behalf of the National Confectioners Association, I write to express our opposition to House Bill 2738, which proposes to codify the state's pending Supplemental Nutrition Assistance Program (SNAP) waiver that would restrict food items eligible for purchase. **House Bill 2738 would negatively impact SNAP participants, selectively limit confectionery product eligibility, limit special occasion purchases, and increase compliance challenges at retail.**

The National Confectioners Association is the leading trade organization for the \$48 billion U.S. confectionery industry. The NCA represents manufacturers, wholesalers, and suppliers of chocolate, candy, gum, and mints, supporting more than 5,000 jobs in Kansas through direct economic activity and providing over \$307 million in total economic output in the state.

With more than 180,000¹ SNAP participants in Kansas, SNAP households currently benefit from purchasing flexibility at eligible SNAP retailers in the state, and maintaining product choice preserves dignity and autonomy for SNAP program participants. The ability to choose items for everyday meals and special occasions permits participants to vary their consumption based on their individual needs and preferences. Broad-based product eligibility allows SNAP participants to easily shop for groceries without confusing limitations on eligible items that could result in products being declined at the register. Helping SNAP program participants navigate proposed product restrictions will be challenging for both state administrators and state retailers.

The state's existing SNAP waiver already includes confusing restrictions on confectionery products, and the revised definition of candy in the legislation will only add to consumer confusion as it does not align with the tax code. Colorado, Hawaii, Nebraska, Ohio, Utah, Virginia, and West Virginia have all exempted candy from their planned SNAP product restrictions, acknowledging the compliance challenges and limited health benefits associated with confectionery restrictions.

Candy is not a significant driver of calories among youth and adults, meaning any SNAP product restrictions on candy would have negligible health benefits for participants. People in the U.S. enjoy chocolate and candy just two to three times per week, averaging only 40 calories and

about one teaspoon of added sugar per dayⁱⁱ. A recent reportⁱⁱⁱ issued by the Centers for Disease Control and Prevention (CDC) found that “. . . sandwiches (including burgers), sweet bakery products, savory snacks, and sweetened beverages were four of the top five sources of calories from ultra-processed foods among youth and adults.”

Having a balanced approach to food and nutrition is important for both SNAP and non-SNAP households, but it is also important to recognize the value of confectionery items in life’s celebrations. Whether food is purchased by a SNAP or a non-SNAP household, purchasing patterns are substantially equivalent, with only 2.1% of SNAP purchases and 2.23% of non-SNAP purchases attributed to candy^{iv}. Chocolate and candy have special roles during celebrations and holidays like Valentine’s Day, and the ability to purchase the occasional treat can help support a happy, balanced lifestyle.

Kansas SNAP participants benefit from a variety of eligible retailers across the state, and product restrictions would substantially increase compliance challenges for retailers. If retailers are required to scrutinize individual product eligibility and flag each eligible and non-eligible item at their point-of-sale, the number of eligible SNAP retailers in the state could be negatively impacted. Any decrease in the number of eligible SNAP retailers could exacerbate existing food access challenges in Kansas for SNAP participants. According to the Kansas Health Foundation, 30 percent of Kansas counties are considered to be food deserts, as defined by the U.S. Department of Agriculture.

The NCA supports SNAP participants’ ability to make informed choices when it comes to deciding what to eat or drink without confusing product eligibility restrictions that could unwittingly increase the stigma of SNAP program participation. **We urge you to oppose the codification of SNAP product eligibility restrictions for confectionery products and respectfully request your opposition to House Bill 2738 during planned Committee discussions tomorrow.**

Thank you for your consideration.

Sincerely,



Jennifer Gardner
Director of State Government Affairs

ⁱ *Supplemental Nutrition Assistance Program: Number of Persons Participating*. USDA Food and Nutrition Service October 2025. Available at <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-persons-1.pdf>.

ⁱⁱ National Confectioners Association. (2024). Consumer behavior & perceptions related to confectionery: Highlights from NCA’s 2024 State of Treating Report. Available at: [ConsumerBehaviorAndRelatedPerceptions_StateOfTreating_2024.pdf](https://www.candyusa.com/consumer-behavior-and-related-perceptions-state-of-treating-2024.pdf) (candyusa.com).

ⁱⁱⁱ Williams, A. M., Couch, C. A., Emmerich, S. D., & Ogburn, D. F. (2025, August). Ultra-processed food consumption in youth and adults: United States, August 2021–August 2023 (NCHS Data Brief No. 536). National Center for Health Statistics. <https://dx.doi.org/10.15620/cdc/174612>

^{iv} Garasky S, et al. *Foods Typically Purchased by Supplemental Nutrition Assistance Program Households*. USDA Food and Nutrition Service (November 2016). Available at <https://fnsprod.azureedge.us/sites/default/files/ops/SNAPFoodsTypicallyPurchased.pdf>.