FUEL true
INDEPENDENT ENERGY & CONVENIENCE

TO: House Welfare Reform Committee

FROM: Brian Posler, Executive Director, Fuel True Independent Energy and Convenience

DATE: February 10, 2026

RE: HB 2738

Fuel True Independent Energy and Convenience is the nonprofit, statewide trade association representing the independent Kansas energy distribution companies, and we serve as the voice of over 2000 fuel retail locations throughout Kansas.

Mr. Chairman and committee members, thank you for the opportunity to provide testimony in opposition to HB 2738.

This is a well-intended proposal that will be entirely ineffective at accomplishing its goals while imposing unintended negative consequences on Kansas. It hopes to spur healthier eating, striking a blow against obesity and illness, but it will not accomplish those outcomes. What it will actually do is make doing business more challenging for retailers on the front line charged with implementing this policy.

1) To be fair, the definition of candy has improved in this bill compared to the terrible language that was in last year's attempt. But it will still **not reduce the amount of "junk food"** purchased via SNAP.

If you truly wish to restrict consumer choices in benefits, you should eliminate SNAP and just expand WIC, which does that already. There is a good reason that, until very recently, the USDA has always resisted picking winners and losers in the "what counts as nutrition" debate. Soda and candy may be easy culprits to target, but they are no worse for human consumption than any of the many hundreds of other products that will still be eligible for SNAP purchases. Examples that the new definition misses include all sorts of soft, shelf-stable, frosted, filled, or syrupy grain-based desserts full of refined starch, sugar, and fat with almost no redeeming nutrients. Easy examples include Little Debbie Cosmic Brownies, Hostess Ho Hos, Hershey's chocolate syrup, marshmallow fluff, pre-packaged Rice Krispies treats, FUNYUNS flavored rings, Nabisco Easy Cheese spray, Fruity Pebbles, and even Krispy Kreme glazed donuts. If you ask AI, it will generate a list of hundreds more items in less than 10 seconds that lack nutritional value but will still be SNAP-eligible under this new definition.

The definitions need to make sense. Why is that entire list in the previous paragraph more healthy than diet soda? With no empty calories, can you really make the case that it is worse for people than any of those products listed? My beloved Coke Zero is much less bad for my health than those.

2) It leaves our **clerks on the front line** as the unwilling enforcement officers of this misguided change in policy. Clerks often work alone in the store with lines of people waiting to check out. C-stores don't always have sophisticated POS software at cash registers; instead, they ring up orders by hand. Customers often do not hand over their SNAP card until after everything is rung up, which then leads to difficult, lengthy conversations as we force customers to return ineligible items. It clogs up our lines, creates controversy with customers, and makes our clerks' jobs more difficult. SNAP is not a hugely

lucrative business for C-Stores. Currently, it is barely worth the hassle, so a likely outcome is that more C-stores will stop accepting SNAP altogether. This could create food deserts in locations where a C-store is the only place within 30 miles to buy a gallon of milk. This will hit the poorest urban neighborhoods and the most rural counties the hardest.

So, there is zero evidence that eliminating these items from SNAP eligibility will actually reduce the consumption of unhealthy foods. Not a single peer-reviewed study exists. There are plenty of other unhealthy ways to spend your SNAP benefits, so why should the bureaucracy pick losers and winners? A Brookings Institution study concluded that "a ban will likely **increase the administrative costs** of the program to both the USDA and retailers, and increase the stigma faced by recipients when they use the benefits, but **not have the benefit of inducing any behavioral changes**".

So this bill won't actually help the obesity problem in America in significant ways, but it will make it harder for our retailers to do business.

This Bill is marginally improved over the bill this committee passed last year, in that you have at least fixed the definition to eliminate the "flour" exemption from candy. That is not enough to make it a good public policy.

It remains **an unfunded mandate** that adds to the **regulatory burden** faced by retailers. It increases the odds that my members will find continued participation worth the effort, thereby making it more difficult for Kansans to access their benefits. And all of that would be ok if there was any reason to suspect that we would actually improve health outcomes or reduce obesity, but there is not a single study that demonstrates those benefits.

For these reasons, my members stand opposed to HB 2738. Please do not vote for this well-meaning, but misguided bill.