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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Government Efficiency

From: Office of Revisor of Statutes

Date: February 4, 2025

Subject: SB 79, as introduced

Senate Bill No. 79 amends K.S.A. 39-709, the statute that outlines eligibility and program requirements in public assistance programs funded with federal moneys and administered by the secretary for children and families.

This bill proposes in subsection (b)(21) that the secretary for children and families shall request a waiver from the U.S. Department of Agriculture to exclude soft drinks and candy from the definition of eligible foods – foods that may be purchased with food assistance. If the waiver is granted, the secretary shall implement the waiver. If no waiver is granted, the secretary shall annually request the waiver, until such waiver is granted by the department.

The section uses the same definitions of "soft drinks" and "candy" as found in the Kansas retailers' sales tax act, K.S.A. 79-3601 et seq. In K.S.A. 79-3602, soft drinks mean "nonalcoholic beverages that contain natural or artificial sweeteners." Soft drinks "does not include beverages that contain milk or milk products, soy, rice or similar milk substitutes or beverages that are greater than 50% vegetable or fruit juice by volume."

In K.S.A. 79-3602, candy means "a preparation of sugar, honey or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops or pieces." Candy "does not include any preparation containing flour and shall require no refrigeration."