
Overview:

Effective January 1, 2026, soda will be ineligible for purchase with SNAP in the state of West Virginia. This is due to the recent approval of a SNAP Healthy Choices Waiver Demonstration Project.

- This will allow the state to operate a demonstration project to restrict Supplemental Nutrition Assistance Program (SNAP) recipients from purchasing soda with their SNAP benefits.
- The approval of this project, subject to terms and conditions, is for two years, effective January 1, 2026, with the possibility of extensions.
- This project will apply to the entire West Virginia SNAP population. No SNAP household in West Virginia may opt out. The Summer EBT (SEBT) and Disaster SNAP (D-SNAP) programs will follow suit and will also restrict soda.
- **This project will impact all SNAP retailers in West Virginia.**
- The information in this document can also be viewed in video format at <https://youtu.be/vbB4HXBOeQs>

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Purpose of the Project:

The purpose of the project is to evaluate the impact of excluding soda from SNAP purchases and to enhance the nutrition, and therefore the health, of low-income families.

- As part of the evaluation of the project, West Virginia is developing key metrics and data collection methods, including surveys and interviews.
- SNAP households' participation in these evaluations and data collection methods is voluntary, and any household may opt out.
- The long-term intended outcome is for SNAP households to transition to healthy drink options and to benefit from positive health impacts as a result.

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Excluded Beverages:

"Soda pop or soda" means any regular soda, diet soda, or zero-calorie soda.

- This term includes beverages with added caffeine or other ingredients but does not include carbonated water without sweeteners or flavoring.
- The following items will continue to remain available for purchase with SNAP: milk, milk products, fruit juice, vegetable juice, water, and water products.

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Compliance Date:

All SNAP retailers must comply by the end of the grace period or they will not be eligible to be SNAP retailers.

- Retailers that fail to make the necessary changes by the end of the grace period may be referred to the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) for compliance action or reconsideration of SNAP authorization status in the state.
 - The length of the grace period is not known at this time, but it will be provided once it is available. The USDA is expected to inform states of the length of the grace period by the end of 2025.
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Retailer System Changes:

Retailers participating in SNAP in West Virginia will be required to implement point-of-sale (POS) system changes in order to prevent SNAP benefits from being used to purchase soda.

- This allows for the transmission of Universal Product Code (UPC) or Price Look-Up (PLU) data at the time of purchase to determine whether items are eligible.
- Items will be authorized or denied on a per-transaction basis based on a restricted product list defined by West Virginia and integrated into the EBT processing platform.
- Retailers must transmit item-level data to the EBT processor, receive a list of allowable items, and submit only approved values for authorization. Transactions involving restricted items will be automatically declined at the point of sale.
- During the implementation window, West Virginia will provide clear guidance and technical specifications to retailers and work with the West Virginia Retailers Association, WV Oil & Gas Retailer Association, and other stakeholders to support compliance.
- The state of West Virginia will provide technical assistance to any retailer who requests additional information and help. You may email bfasnappretailer@wv.gov to make these requests.



Retailer Compliance and Monitoring Plan:

A finalized compliance and monitoring plan for SNAP-authorized retailers will be provided when it is completed.

- As part of the compliance plan, SNAP-authorized retailers must provide written confirmation of compliance using an attestation form.
- SNAP-authorized retailers are solely responsible for managing project compliance with third-party e-commerce platforms. Third-party e-commerce providers will not be held liable or responsible for managing project compliance.
- West Virginia is seeking federal guidance and clarification from the USDA FNS to determine whether non-West Virginia residents must be restricted from making online purchases of soda with SNAP benefits from stores that are located in West Virginia. More information will be provided when it is available.
- West Virginia will provide notice to SNAP authorized retailers that are not in compliance. These notices will begin to be sent after the grace period for compliance ends.



Retailer Compliance Attestation Form:

SNAP-authorized retailers must provide written confirmation of compliance using the two-page West Virginia: SNAP Soda Restriction Retailer Compliance Attestation form.

- This form is also called the DFA-SNAP Soda Retailer Attestation form.
- The form must be completed after point-of-sale (POS) system updates are made to ensure that SNAP cannot be used to purchase soda.
- This form warns that retailers found to be non-compliant after the end of the grace period may be investigated for Intentional Program Violations (IPVs). Failure to comply may result in no longer being a SNAP authorized retailer.
- The state of West Virginia will track completion of these compliance attestation forms.
- The form lists the following SNAP Retailer Responsibilities:

SNAP Retailer Responsibilities

By signing this form, the entity agrees to:

- ☐ Stop selling soda with SNAP benefits;
- ☐ Update the point of sale system to block soda from SNAP purchases;
- ☐ Train retailer staff about this rule;
- ☐ Work with DoHS and/or USDA to ensure compliance; and
- ☐ Notify DoHS if the retailer is unable to comply.

- SNAP retailers must submit the completed form by mail or email to the addresses specified on the form.

Retailer Compliance Enforcement:

Retailers will be held responsible if their equipment is not updated and clients are able to make ineligible purchases.

- After the grace period for compliance ends, credible tips from the public will be used to investigate SNAP retailers who are allowing the purchase of soda with SNAP.
- Upon an initial citation of noncompliance, the retailer will be notified via certified mail that the state of West Virginia is aware they are allowing the sale of soda using SNAP benefits and that this is not allowed. West Virginia will work with the retailer to understand why they are not compliant.
- Upon the second citation of noncompliance, the SNAP retailer will receive an official notice that they are not eligible to be a SNAP retailer for a specified period of time.
- Upon a third/final citation of noncompliance the SNAP retailer will receive official notice that they are being referred to USDA FNS to be permanently ineligible to be a WV SNAP retailer.

Retailer Involvement in Evaluation of the Project:

West Virginia plans to evaluate the impact and readiness for SNAP-authorized retailers' awareness, understanding, and adaptation to policy changes by measuring the effectiveness of communication and implementation efforts.

- SNAP retailer assessments will be conducted using surveys and interviews to measure operational impacts and satisfaction.

Retailer Communication:

West Virginia will utilize various methods to communicate tasks and timelines with SNAP-authorized retailers.

- West Virginia will update their Bureau for Family Assistance (BFA) webpage to provide information about the project for SNAP-authorized retailers. Some information can currently be found at the following link: <https://bfa.wv.gov/bfa-programs/snap>
- An email inbox (bfasnapretailer@wv.gov) will be used to serve as a point of contact for retailers and to route inquiries that the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) receives from its Retailer Service Center.
- New SNAP retailers will be informed of the restricted items prior to receiving retailer approval.

SNAP Household Communication:

West Virginia will also communicate information about the soda restriction with SNAP households.

- Some information has been posted on the Department of Human Services (DoHS) Bureau for Family Assistance (BFA) website (<https://bfa.wv.gov/>), including a public announcement that can be viewed at the following link:
<https://bfa.wv.gov/article/public-announcement-west-virginia-implement-snap-soda-restriction-beginning-january-1-2026>
- The WV PATH website (<https://www.wvpath.wv.gov/>) that clients can use to apply for and manage their benefits has been updated with the following banner message:

i Beginning January 1, 2026, SNAP benefits may no longer be used to buy soda, regular diet or zero-calorie. This change applies to all SNAP households statewide. It will be in effect for two years, through December 31, 2027, with the option for West Virginia to request an extension. Participation is mandatory, and no household may opt out.

- SNAP eligibility workers will be advised to inform new SNAP households about restricted items.
- Rights and responsibilities that are communicated to SNAP applicants warn them of the consequences of intentionally purchasing ineligible items with SNAP.
- Ongoing social media messages will be provided for a year following implementation.
- People who want to submit questions or provide feedback can contact the DoHS Public Comments Line at 1-877-716-1212 or email DoHSPublicComments@wv.gov.

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New SNAP Retailers:

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) is the entity responsible for authorizing SNAP retailers.

- FNS will assist the state in providing initial information to the prospective retailer prior to authorization.
- Once authorized, West Virginia will provide technical assistance to any retailer who needs assistance with complying with this statewide waiver.

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More Information on the USDA Website:

More information about the West Virginia SNAP Healthy Choices Soda Waiver can be viewed on the U.S. Department of Agriculture (USDA) website at the following link:

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

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Contact Information:

If you are a SNAP retailer and have questions about the SNAP Healthy Choices Soda Waiver or would like to request technical assistance from the state of West Virginia, email bfasnapretailer@wv.gov.

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