

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 526**

BY SENATORS TAKUBO, BALDWIN, CLINE, RUCKER, AND

STOLLINGS

[Introduced January 17, 2020; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §9-5-28, relating to requiring the Secretary of the Department of Health and  
3 Human Resources to seek a waiver within the Supplemental Nutrition Assistance Program  
4 to conduct a pilot project seeking to exclude sweetened beverages and energy drinks from  
5 the Supplemental Assistance Program; requiring the secretary to conduct an evaluation  
6 to determine the effects of the program; and requiring the secretary to report to the  
7 Legislative Oversight Commission on Health and Human Resources Accountability  
8 concerning progress made toward seeking the waiver by December 31, 2020.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

### **§9-5-28. Supplemental Assistance Nutrition Waiver.**

1 (a) By July 1, 2020, the secretary shall develop recommendations relating to seeking a  
2 waiver from the United States Department of Agriculture to conduct a pilot project designed to  
3 determine whether excluding sweetened beverages and energy drinks from the Supplemental  
4 Nutrition Assistance Program raises nutrition levels among recipients.

5 (b) For purposes of seeking this waiver a sweetened beverage is a non-alcoholic beverage  
6 to which a natural or artificial sweetener is added for human consumption, including a soft drink,  
7 vegetable juice or other flavored beverage and an energy drink is defined as a beverage  
8 containing at least 65 milligrams of caffeine per eight fluid ounces that is advertised as being  
9 specifically designed to provide metabolic stimulation or an increase to the consumer's mental or  
10 physical well-being. This term does not include coffee or coffee-based beverages.

11 (c) For purposes of seeking this waiver, the definition of sweetened beverage does not  
12 include: Fruit juice; milk or milk products; a milk substitute, including soy milk, rice milk or almond  
13 milk; a beverage, other than an energy drink, in which the only added sweetener does not add  
14 calories to the beverage; a beverage intended by the manufacturer for consumption by an infant  
15 that is commonly referred to as "infant formula"; a vegetable juice to which no sugar or artificial

16 sugar has been added; or a beverage, other than beverages currently excluded under the  
17 Supplemental Nutrition Assistance Program, recommended by a health professional.

18 (d) The secretary shall conduct an evaluation of the waiver to determine whether the  
19 exclusion of the sweetened drinks and energy drinks raise levels of nutrition among recipients,  
20 and any other effects of the pilot program.

21 (e) The secretary shall report to the Legislative Oversight Commission on Health and  
22 Human Resources Accountability by December 31, 2020, regarding the status of the waiver.

NOTE: The purpose of this bill is to require the Secretary of the Department of Health and Human Resources to request a waiver from the United States Department of Agriculture to conduct a pilot program to evaluate whether restricting access to sweetened beverages and energy drinks raises levels of nutrition among recipients.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.