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Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Stamps for the Purchase of Soft Drinks

Sec. 1 Waiver to prohibit use of benefits for the purchase of soft drinks.

Resolved: That the Department of Health and Human Services shall request a waiver from the United States Department of Agriculture to permit the State to prohibit the use of benefits under the federal Supplemental Nutrition Assistance Program for the purchase of soft drinks. The department shall request the waiver no later than October 1, 2009.

As used in this resolve, "soft drink" means any nonalcoholic beverage, whether naturally or artificially flavored, whether carbonated or noncarbonated, sold for human consumption, including, but not limited to, soda water, cola and other flavored drinks, any fruit or vegetable drink containing 10% or less of natural fruit juice or natural vegetable juice and all other drinks and beverages commonly referred to as soft drinks, but not including coffee or tea unless the coffee or tea is bottled as a liquid for sale; and be it further

Sec. 2 Rulemaking; notice. Resolved: That, within 30 days of the grant of the waiver by the United States Department of Agriculture referred to in section 1, the Department of Health and Human Services shall amend its rules to prohibit the use of federal Supplemental Nutrition Assistance Program benefits for the purchase of soft drinks. The department shall disseminate this information to retailers in the State participating in the statewide food stamp program pursuant to the Maine Revised Statutes, Title 22, section 3104. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

SUMMARY

This resolve requires the Department of Health and Human Services to request a waiver from the United States Department of Agriculture to allow the State to prohibit the use of benefits under the Supplemental Nutrition Assistance Program, previously referred to as "the Food Stamp Program," for the purchase of soft drinks and, upon receipt of the waiver, to prohibit such use.