



## 2026 South Dakota Legislature

# House Bill 1056

Introduced by: **Representative** Rehfeldt

1 **An Act to require that the Department of Social Services submit a federal waiver**  
2 **request to exclude soft drinks from the supplemental nutrition assistance**  
3 **program.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1.** On or before September 1, 2026, the secretary of the Department of  
6 Social Services shall submit a waiver request, as authorized by 7 U.S.C. § 2026 (January  
7 1, 2026), to the United States Department of Agriculture, to exclude soft drinks from the  
8 definition of eligible foods under 7 C.F.R. § 271.2 (January 1, 2026), for the supplemental  
9 nutrition assistance program.

10 If the waiver is approved, the department shall implement the restriction within six  
11 months of the date of approval.

12 If the waiver requested under this section is not approved, the secretary must  
13 annually submit a waiver request until it is approved.

14 For the purposes of this section, "soft drink" means a nonalcoholic beverage that  
15 contains natural or artificial sweeteners. The term does not include:

16 (1) Milk or milk products;

17 (2) Rice, soy, or similar milk substitutes; or

18 (3) Juices that have been approved by the Department of Health for eligibility in the  
19 supplemental nutrition program for women, infants, and children.