



My name is Brian Posler, and I represent Fuel True: Independent Energy and Convenience. We are the nonprofit statewide trade association serving as the voice of independent Kansas energy distribution companies and the over 2000 fuel retailers throughout Kansas.

Mr. Chairman and committee members, thank you for the opportunity to provide testimony opposing this request for a waiver. We oppose this measure for several reasons.

- 1) This idea for a policy change has existed for several years without gaining much traction anywhere it was considered. “The Trump administration denied requests from Maine in 2017 that would have disallowed the purchase of candy and soda with SNAP benefits. The USDA’s reasons for denial included the administrative costs for retailers, difficulties in deciding which candies and soda to exclude, and lack of evidence that such bans will yield meaningful health outcomes. Several other states, including Illinois, Minnesota, Florida, and Texas, have either proposed bills in state legislatures or applied with the USDA to prohibit the purchase of certain food and drink items using SNAP funds; none of these initiatives went very far.”¹
- 2) It is difficult for our members to implement. Large grocery store chains may be able to update their cash registers by SKU for the eligibility of various foods, but many of our members have less sophisticated registers and ring up every transaction by hand. This will put clerks in the difficult position of monitoring every transaction to police the choices of their customers. Mistakes could potentially lead to significant penalties for the retailer.
- 3) Who ought to draw the lines on what is considered healthy? And why here specifically? According to public policy research by the Baker Institute, “Policies that provide nutritious food, without allowing any choice, would likely not be as well-received as a more flexible purchase policy. In addition, because all foods can be incorporated into a healthy diet if consumed in moderation, it stands to reason that no particular food should be banned.” What’s next? No processed, packaged foods because some consider them to be unhealthy? No sacks of sugar for baking? How far do we go to force people to make healthy choices?
- 4) Is it really the role of government to force the dietary choices of citizens? The cost to the state is the same either way, so why not let people in unfortunate circumstances have the dignity to decide for themselves what foods they choose? We demonstrated during the pandemic that

¹ Beebe, Joyce. “Should Federal Supplemental Nutrition Assistance Program (SNAP) Benefits Pay for Soda and Candy?” <https://www.bakerinstitute.org/research/should-federal-supplemental-nutrition-assistance-program-snap-benefits-pay-soda-and-candy>

people manage cash payments pretty responsibly: savings went up, and credit card debt went down. It is already stigmatizing to receive monetary assistance. Now we will humiliate customers by making them return ineligible products to the store shelves? Why are we targeting those needing assistance instead of working to ban “unhealthy” products for everyone?

- 5) This is a fundamental threat to our business model. With the looming move to electric vehicles, the food sales in our stores ARE our future. When there are so many “unhealthy” foods sold in every aisle of grocery stores, targeting only these items seems extremely ineffective at reaching the proponents’ policy goal. Our stores are often in small towns, where we might be the only place to pick up a gallon of milk, and we are all that keeps a community from becoming a food desert. This threat to our profitability may well lead to closures. Don’t forget that we are one of the largest collectors of sales tax in the state, and this bill may put those revenues at risk.

For these reasons, we ask that you vote down this misguided bill. It is hard enough to be in poverty, and it is hard enough to make ends meet as a Convenience Store retailer. Let’s not have big government police the food choices of those forced to rely on assistance.