

HOUSE BILL 838

01, 02, 03

9lr2008
CF SB 752

By: **Delegates Valentino-Smith, Acevero, Hettleman, Krimm, Lierman, Solomon, Terrasa, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Food Supplement Program – Restaurant Meals Program**

3 FOR the purpose of renaming the food stamp program to be the food supplement program;
4 establishing a Restaurant Meals Program (RMP) within the food supplement
5 program in the Department of Human Services; providing for the purpose of the
6 RMP; authorizing a certain household eligible to participate in the RMP to purchase
7 certain foods at certain restaurants using a certain food supplement benefit;
8 providing for household eligibility requirements for the RMP; requiring a restaurant
9 to meet certain criteria before participating in the RMP; requiring each local
10 department of social services to administer the RMP in accordance with certain laws;
11 requiring the Department to adopt certain regulations; requiring the Department to
12 submit a certain report on progress toward implementing the RMP to certain
13 committees of the General Assembly on or before a certain date each year; requiring
14 the Department to submit a certain report of certain findings to certain committees
15 of the General Assembly on or before a certain date; providing for the termination of
16 a certain provision of this Act; making conforming changes; defining a certain term;
17 and generally relating to the food supplement program and the Restaurant Meals
18 Program.

19 BY repealing and reenacting, with amendments,
20 Article – Human Services
21 Section 5–501, 5–503, and 5–504(a) and (b)
22 Annotated Code of Maryland
23 (2007 Volume and 2018 Supplement)

24 BY adding to
25 Article – Human Services
26 Section 5–505
27 Annotated Code of Maryland
28 (2007 Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Human Services**

4 5–501.

5 (a) **(1)** The Department may implement a food [stamp] **SUPPLEMENT**
6 program in accordance with the federal [Food Stamp Act] **SUPPLEMENTAL NUTRITION**
7 **ASSISTANCE PROGRAM**.

8 **(2) THE FOOD SUPPLEMENT PROGRAM SHALL INCLUDE A**
9 **RESTAURANT MEALS PROGRAM IN ACCORDANCE WITH § 5–505 OF THIS SUBTITLE.**

10 (b) The State shall bear the nonfederal portion of the administrative costs of the
11 food [stamp] **SUPPLEMENT** program for each county.

12 (c) Each local department shall administer the food [stamp] **SUPPLEMENT**
13 program:

14 (1) under the supervision and control of the Department; and

15 (2) in accordance with the regulations of the Department and federal law.

16 (d) If a household includes an individual who is at least 62 years old and receives
17 a federally funded benefit in an amount less than \$30 per month under the food [stamp]
18 **SUPPLEMENT** program, the State shall provide a supplement to increase the total benefit
19 to \$30 per month.

20 5–503.

21 Subject to the State budget, the Department shall provide food [stamp]
22 **SUPPLEMENT** benefits to a legal immigrant who:

23 (1) is a minor;

24 (2) is ineligible for federally funded [food stamp] **SUPPLEMENTAL**
25 **NUTRITION ASSISTANCE PROGRAM** benefits because of immigration status;

26 (3) meets all other food [stamp] **SUPPLEMENT** program eligibility
27 requirements; and

28 (4) meets any other requirements of the State.

29 5–504.

1 (a) A person may not sell or purchase food [stamp] SUPPLEMENT program
2 benefits unless otherwise authorized by law.

3 (b) A person may not knowingly buy or sell merchandise that has been purchased
4 with food [stamp] SUPPLEMENT program benefits.

5 **5-505.**

6 (A) IN THIS SECTION, "RMP" MEANS THE RESTAURANT MEALS PROGRAM.

7 (B) (1) THERE IS A RESTAURANT MEALS PROGRAM WITHIN THE FOOD
8 SUPPLEMENT PROGRAM IN THE DEPARTMENT.

9 (2) THE PURPOSE OF THE RMP IS TO EXPAND FOOD ACCESS TO
10 INDIVIDUALS WHO:

11 (I) DO NOT HAVE A PLACE TO STORE AND COOK FOOD;

12 (II) MAY NOT BE ABLE TO PREPARE FOOD; OR

13 (III) DO NOT HAVE ACCESS TO A GROCERY STORE.

14 (C) A HOUSEHOLD ELIGIBLE UNDER SUBSECTION (D) OF THIS SECTION TO
15 PARTICIPATE IN THE RMP MAY PURCHASE HOT PREPARED FOODS AT
16 PARTICIPATING RESTAURANTS USING A FOOD SUPPLEMENT PROGRAM BENEFIT.

17 (D) A HOUSEHOLD IS ELIGIBLE TO PARTICIPATE IN THE RMP IF THE
18 HOUSEHOLD IS ELIGIBLE TO RECEIVE FOOD SUPPLEMENT PROGRAM BENEFITS
19 UNDER STATE AND FEDERAL LAW, AND THE HOUSEHOLD:

20 (1) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME
21 RESIDENCE;

22 (2) INCLUDES ONLY INDIVIDUALS WHO ARE:

23 (I) 60 YEARS OF AGE OR OLDER; OR

24 (II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY;

25 (3) INCLUDES ONLY AN INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE
26 IF THE INDIVIDUAL IS:

27 (I) 60 YEARS OF AGE OR OLDER; OR

1 (II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY; OR

2 (4) INCLUDES ONLY:

3 (I) INDIVIDUALS WHO ARE 60 YEARS OF AGE OR OLDER; AND

4 (II) INDIVIDUALS WHO ARE DESIGNATED DISABLED BY A
5 GOVERNMENT ENTITY.

6 (E) BEFORE PARTICIPATING IN THE PROGRAM, A RESTAURANT SHALL:

7 (1) SUBMIT AN APPLICATION AND BE APPROVED UNDER A PROCESS
8 DETERMINED BY THE DEPARTMENT;

9 (2) BECOME A SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
10 PROVIDER LICENSED BY THE U.S. DEPARTMENT OF AGRICULTURE; AND

11 (3) BE ABLE TO PROCESS ELECTRONIC BENEFIT TRANSACTION CARD
12 PAYMENTS AT THE POINT OF SALE.

13 (F) (1) EACH LOCAL DEPARTMENT SHALL ADMINISTER THE RMP AS
14 PART OF THE FOOD SUPPLEMENT PROGRAM AUTHORIZED UNDER § 5-501 OF THIS
15 SUBTITLE, IN ACCORDANCE WITH FEDERAL LAW.

16 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS:

17 (I) TO VERIFY HOUSEHOLD ELIGIBILITY FOR PARTICIPATION
18 IN THE RMP;

19 (II) TO ESTABLISH ELIGIBILITY STANDARDS, AN APPLICATION
20 PROCESS, AND AN APPROVAL PROCESS FOR RESTAURANTS TO PARTICIPATE IN THE
21 RMP; AND

22 (III) OTHERWISE NECESSARY TO CARRY OUT THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
24 2019, and each year thereafter, the Department of Human Services shall report to the
25 Senate Finance Committee and the House Appropriations Committee, in accordance with
26 § 2-1246 of the State Government Article, on progress toward establishing a Restaurant
27 Meals Program, including:

28 (1) the names and addresses of all approved restaurants;

1 (2) the number of food supplement program recipients participating in the
2 program by county;

3 (3) a plan to expand the number of restaurants participating in the
4 program, particularly in areas of high demand; and

5 (4) barriers to program expansion, including availability of equipment
6 necessary to process electronic benefit transaction card payments at the point of sale.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Human
8 Services shall:

9 (1) evaluate the feasibility and cost of:

10 (i) implementing mobile and web-based technology for
11 recertification of food supplement program benefits; and

12 (ii) exempting veterans from veteran time limits applicable to
13 able-bodied adults without dependents under the food supplement program; and

14 (2) on or before December 1, 2019, report the findings made under item (1)
15 of this section to the Senate Finance Committee and the House Appropriations Committee,
16 in accordance with § 2-1246 of the State Government Article.

17 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of
19 June 30, 2022, Section 2 of this Act, with no further action required by the General
20 Assembly, shall be abrogated and of no further force and effect.