

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 651

Representatives Wiggam, Johnson

Cosponsors: Representatives Merrin, Stoltzfus, Creech, Stein, Vitale, Stevens



A BILL

To amend section 5101.54 and to enact sections 1
5101.546, 5101.547, 5101.548, and 5101.549 of 2
the Revised Code regarding eligibility for 3
Supplemental Nutrition Assistance Program 4
benefits. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5101.54 be amended and sections 6
5101.546, 5101.547, 5101.548, and 5101.549 of the Revised Code 7
be enacted to read as follows: 8

Sec. 5101.54. (A) The director of job and family services 9
shall administer the supplemental nutrition assistance program 10
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 11
2011 et seq.). The department of job and family services may: 12

(1) Prepare and submit to the secretary of the United 13
States department of agriculture a plan for the administration 14
of the supplemental nutrition assistance program; 15

(2) Prescribe forms for applications, certificates, 16
reports, records, and accounts of county departments of job and 17
family services, and other matters; 18

(3) Require such reports and information from each county 19
department of job and family services as may be necessary and 20
advisable; 21

(4) Administer and expend any sums appropriated by the 22
general assembly for the purposes of the supplemental nutrition 23
assistance program and all sums paid to the state by the United 24
States as authorized by the Food and Nutrition Act of 2008; 25

(5) Conduct such investigations as are necessary; 26

(6) Enter into interagency agreements and cooperate with 27
investigations conducted by the department of public safety, 28
including providing information for investigative purposes, 29
exchanging property and records, passing through federal 30
financial participation, modifying any agreements with the 31
United States department of agriculture, providing for the 32
supply, security, and accounting of supplemental nutrition 33
assistance program benefits for investigative purposes, and 34
meeting any other requirements necessary for the detection and 35
deterrence of illegal activities in the supplemental nutrition 36
assistance program; 37

(7) Adopt rules in accordance with Chapter 119. of the 38
Revised Code governing employment and training requirements of 39
recipients of supplemental nutrition assistance program 40
benefits, including rules specifying which recipients are 41
subject to the requirements and establishing sanctions for 42
failure to satisfy the requirements. The rules shall be 43
consistent with section 5101.546 of the Revised Code. The rules 44
shall also be consistent with 7 U.S.C. 2015, including its work 45
and employment and training requirements, and, to the extent 46
practicable, shall provide for the recipients to participate in 47
work activities, developmental activities, and alternative work 48

activities described in sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C. 2015(d) (4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.

(8) ~~Adopt~~ Subject to section 5101.547 of the Revised Code, adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A) (7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) ~~Submit a plan to the United States secretary of~~

~~agriculture for the department of job and family services to~~ 77
~~operate a simplified supplemental nutrition assistance program~~ 78
~~pursuant to 7 U.S.C. 2035 under which requirements governing the~~ 79
~~Ohio works first program established under Chapter 5107. of the~~ 80
~~Revised Code also govern the supplemental nutrition assistance~~ 81
~~program in the case of households receiving supplemental~~ 82
~~nutrition assistance program benefits and participating in Ohio~~ 83
~~works first.~~ 84

~~(10)~~ Collect information on suspicious electronic benefit 85
transfer card transactions and provide the information to each 86
impacted county department for analysis and investigation. Such 87
information shall include transactions of even dollar amounts, 88
full monthly benefit amounts, multiple same-day transactions, 89
out-of-state transactions, and any other suspicious trends. 90

(B) A household that is entitled to receive supplemental 91
nutrition assistance program benefits and that is determined to 92
be in immediate need of nutrition assistance shall receive 93
certification of eligibility for program benefits, pending 94
verification, within twenty-four hours, or, if mitigating 95
circumstances occur, within seventy-two hours, after 96
application, if: 97

(1) The results of the application interview indicate that 98
the household will be eligible upon full verification; 99

(2) Information sufficient to confirm the statements in 100
the application has been obtained from at least one additional 101
source, not a member of the applicant's household. Such 102
information shall be recorded in the case file and shall 103
include: 104

(a) The name of the person who provided the name of the 105

information source;	106
(b) The name and address of the information source;	107
(c) A summary of the information obtained.	108
The period of temporary eligibility shall not exceed one	109
month from the date of certification of temporary eligibility.	110
If eligibility is established by full verification, benefits	111
shall continue without interruption as long as eligibility	112
continues.	113
There is no limit on the number of times a household may	114
receive expedited certification of eligibility under this	115
division as long as before each expedited certification all of	116
the information identified in division (F)(1) of this section	117
was verified for the household at the last expedited	118
certification or the household's eligibility was certified under	119
normal processing standards since the last expedited	120
certification.	121
At the time of application, the county department of job	122
and family services shall provide to a household described in	123
this division a list of community assistance programs that	124
provide emergency food.	125
(C) Before certifying supplemental nutrition assistance	126
program benefits, the department shall verify the eligibility of	127
each household in accordance with division (F) of this section.	128
All applications shall be approved or denied through full	129
verification within thirty days from receipt of the application	130
by the county department of job and family services.	131
(D) Nothing in this section shall be construed to prohibit	132
the certification of households that qualify under federal	133
regulations to receive supplemental nutrition assistance program	134

benefits without charge under the Food and Nutrition Act of	135
2008.	136
(E) Any person who applies for the supplemental nutrition	137
assistance program shall receive a voter registration	138
application under section 3503.10 of the Revised Code.	139
(F) (1) In order to verify household eligibility as	140
required by federal regulations and this section, the department	141
shall, except as provided in division (F) (2) of this section,	142
verify at least the following information before certifying	143
supplemental nutrition assistance program benefits:	144
(a) Household composition;	145
(b) Identity;	146
(c) Citizenship and alien eligibility status;	147
(d) Social security numbers;	148
(e) State residency status;	149
(f) Disability status;	150
(g) Gross nonexempt income;	151
(h) Utility expenses;	152
(i) Medical expenses;	153
(j) Enrollment status in other state-administered public	154
assistance programs within and outside this state;	155
(k) Any available information related to potential	156
identity fraud or identity theft.	157
(2) A household's eligibility for supplemental nutrition	158
assistance program benefits may be certified before all of the	159
information identified in division (F) (1) of this section is	160

verified if the household's certification is being expedited 161
under division (B) of this section. 162

(3) On at least a quarterly basis and consistent with 163
federal regulations, as information is received by a county 164
department of job and family services, the county department 165
shall review and act on information identified in division (F) 166
(1) of this section that indicates a change in circumstances 167
that may affect eligibility, to the extent such information is 168
available to the department. 169

(4) Consistent with federal regulations, as part of the 170
application for public assistance and before certifying benefits 171
under the supplemental nutrition assistance program, the 172
department shall require an applicant, or a person acting on the 173
applicant's behalf, to verify the identity of the members of the 174
applicant household. 175

(5) (a) The department shall sign a memorandum of 176
understanding with any department, agency, or division as needed 177
to obtain the information identified in division (F) (1) of this 178
section. 179

(b) The department may contract with one or more 180
independent vendors to provide the information identified in 181
division (F) (1) of this section. 182

(c) Nothing in this section prevents the department or a 183
county department of job and family services from receiving or 184
reviewing additional information related to eligibility not 185
identified in this section or from contracting with one or more 186
independent vendors to provide additional information not 187
identified in this section. 188

(6) The department shall explore joining a multistate 189

cooperative, such as the national accuracy clearinghouse, to 190
identify individuals enrolled in public assistance programs 191
outside of this state. 192

(G) If the department receives information concerning a 193
household certified to receive supplemental nutrition assistance 194
program benefits that indicates a change in circumstances that 195
may affect eligibility, the department shall take action in 196
accordance with federal regulations, including verifying unclear 197
information, providing prior written notice of a change or 198
adverse action, and notifying the household of the right to a 199
fair hearing. 200

(H) In the case of suspected fraud, the department shall 201
refer the case for an administrative disqualification hearing or 202
to the county prosecutor of the county in which the applicant or 203
recipient resides for investigation, or both. 204

(I) The department shall adopt rules in accordance with 205
Chapter 119. of the Revised Code to implement divisions (F) to 206
(H) of this section. 207

(J) Except as prohibited by federal law, the department 208
may assign any of the duties described in this section to any 209
county department of job and family services. 210

Sec. 5101.546. (A) The department of job and family 211
services shall not request a waiver authorized by section 6(o) 212
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 213
(4). 214

(B) The department shall require individuals subject to 215
the requirements established under section 6(d)(1) of the "Food 216
and Nutrition Act of 2008," 7 U.S.C. 2015(d)(1), but not subject 217
to the requirements established under section 6(o) of the "Food 218

and Nutrition Act of 2008," 7 U.S.C. 2015(o), to participate in 219
an employment and training program established under section 220
6(d)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 221
2015(d)(4). 222

Sec. 5101.547. (A) As used in this section, "categorically 223
eligible household" means a household that is categorically 224
eligible for supplemental nutrition assistance program benefits 225
under 7 C.F.R. 273.2(j)(2) or (j)(4). 226

(B) The department of job and family services shall not 227
implement the options available under 7 C.F.R. 273.8(e)(19) or 228
273.9(c)(19). 229

(1) The financial resource limits for an eligible 230
household under the supplemental nutrition assistance program 231
shall not exceed the standards specified in section 5(g)(1) of 232
the "Food and Nutrition Act of 2008," 7 U.S.C. 2014(g)(1). 233

(2) Unless required by federal law, a household shall not 234
be a categorically eligible household if any members receive or 235
are authorized to receive any noncash, in-kind, or other similar 236
benefit. 237

Sec. 5101.548. As used in this section, "ineligible alien" 238
means an individual who is ineligible to participate in the 239
supplemental nutrition assistance program because the individual 240
does not meet the requirements specified in 7 C.F.R. 273.4. 241

For purposes of determining supplemental nutrition 242
assistance program eligibility and benefit amount for a 243
household that includes an ineligible alien, the department of 244
job and family services shall not implement any of the options 245
available under 7 C.F.R. 273.11(c)(3), and instead shall count 246
all of the ineligible alien's income as household income. 247

<u>Sec. 5101.549. The department of job and family services</u>	248
<u>shall adopt rules in accordance with Chapter 119. of the Revised</u>	249
<u>Code to implement sections 5101.546 to 5101.548 of the Revised</u>	250
<u>Code.</u>	251
Section 2. That existing section 5101.54 of the Revised	252
Code is hereby repealed.	253