



Advocates for Ohio's Future

Senate Bill 165 - Opponent Testimony

Senate General Government and Agency Review Committee - October 9, 2019

(Written Only)

Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien and Members of the Senate General Government and Agency Review Committee, my name is Kelsey Bergfeld, and I am the Coalition Manager of Advocates for Ohio's Future.

Thank you for the opportunity to provide comments on Senate Bill 165 regarding additional requirements, including photo identification, for SNAP electronic benefit transfer (EBT) cards.

Advocates for Ohio's Future (AOF) is a nonpartisan coalition of nearly 500 Ohio organizations that promotes health and human service budget and policy solutions so that all Ohioans live better lives. Our coalition believes in investing in our state's most valuable resource—our people—to ensure that they are safe, healthy, and can access pathways to prosperity for themselves and their families.

Federal services for food, shelter and health care that are calibrated to federal poverty measures are of critical importance to population health. Good health, including adequate access to healthy food, is essential for maintaining a job, earning an education, parenting, and participating in community life. In Ohio, over 1.3 million, or one in six people across the state rely on SNAP to help buy groceries each month.¹ Though the average SNAP benefit in Ohio is only about \$4 per day per recipient, this assistance significantly reduces food insecurity and frees up recipients' limited incomes to address other hardships like paying bills and rent.² Once a family or an individual achieves stability and their basic needs are met, SNAP becomes an important work support to maintain stability as individuals expand their education or look for a job.

The sponsor of SB 165 has stated the intention of the bill is to protect the integrity of the SNAP program, deter fraud and preserve the funds for those in need. While AOF also believes in preserving the integrity of the program and that fraud and abuse should not be tolerated, we also believe the lack of effectiveness of these measures in other states, the chilling effect and negative impact on SNAP recipients' access to food assistance and ongoing administrative burdens and costs outweigh any potential illicit activity curbed, and urge the legislature and administration to pursue other strategies for combatting fraud.

Though abuse, misuse of benefits and fraud is infrequent in the SNAP program, it is a reality. The Ohio Department of Job and Family Services (ODJFS), the Ohio Department of Public Safety (DPS) and the United States Department of Agriculture (USDA) have aggressive protocols in place to investigate and pursue recipient fraud and hold bad actors accountable. Over the last 15 years, USDA has aggressively implemented a number of measures to reduce the prevalence of trafficking in SNAP from 4 percent down to its current level of 1 percent³.

¹ <http://jfs.ohio.gov/pams/Case-Load-Summary-Report--July-2019.stm>

² <http://jfs.ohio.gov/pams/Case-Load-Summary-Report--July-2019.stm>

³ <https://www.fns.usda.gov/snap/integrity/fraud-FNS-fighting>

Advocates for Ohio's Future

175 S. Third Street Suite 350, Columbus, OH 43215

614-745-0740 ext. 305 | kbergfeld@communitysolutions.com

www.advocatesforohio.org

USDA also continues to work closely with its state, federal, and retailer partners to investigate and prosecute trafficking.

Reports of benefit abuse and fraud are not unique to Ohio. At least 18 states have considered implementing SNAP photo EBT cards. The majority never moved forward due to concerns over cost, implementation, and effectiveness. Only four states implemented these requirements, Maine, Massachusetts, New York and Missouri. Three of those four, New York, Missouri, and Maine, have abandoned the program.

Maine abandoned the program in April of this year after repeated warnings from the Trump administration that it was violating stringent rules governing the policy, and some SNAP household members, including children and seniors, were wrongly denied grocery purchases because they were not pictured on EBT cards. USDA's Food and Nutrition Services (FNS) threatened to withhold SNAP funds from Massachusetts and Maine states due to those problems. Maine Department of Health and Human Services Commissioner Jeanne Lambrew called the program "an ineffective policy" and concluded that "Ending this program will help eligible Mainers purchase food and other necessities while reducing state costs and burden."

Additionally, nutrition assistance is awarded by household, not by individual, thus everyone in a household is entitled by federal law to use the EBT card to purchase food. Federal law prohibits retailers who accept EBT from refusing to let all SNAP household members use the card, even if their name or photo is not on the card, and prohibits retailers from subjecting food stamp shoppers to special scrutiny. In short, a photo ID on a SNAP EBT card cannot be used to deny benefits at the checkout line, even if the photo does not match the purchaser. Though this is a federal regulation, it will have a chilling effect on household members, including children and seniors, who could rightfully use the card with a non-matching photo, to purchase items for their household. At minimum, this requirement will cause confusion for retailers and place additional burdens on customers.

The Legislative Service Commission (LSC) estimates that after exemptions, roughly 450,000 active EBT cards will need to include a photograph. While understanding that the federal government reimburses states at 50% of the cost of administering SNAP programs, the state will still be required to fund ODJFS at unprecedented levels to account for one-time and ongoing annual costs of implementing a SNAP program with photographs, and adhering to extensive federal requirements for the policy. If SB 165 becomes law, Ohio would be the first state to attempt to comply with these burdensome rules and would be attempting to do so while ODJFS is also tasked with overhauling its eligibility and enrollment system, implementing a Medicaid work requirement, and imposing asset tests for SNAP as well. There are substantial risks that this additional burden can and will overload local JFS offices and that FNS could threaten to withhold federal dollars like they did to Massachusetts and Maine.

The SNAP program has long been the first line of defense for food-related hardships and poverty in general. Advocates for Ohio's Future urges you to oppose the additional requirements in SB 165, and asks all lawmakers to consider the SNAP program as a whole when weighing decisions that could impact access to nutrition, as households across every district in Ohio rely on SNAP to provide food for their families.

Thank you for the opportunity to comment on SB 165.