

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 200

Representative Wiggam

**Cosponsors: Representatives Powell, Antani, Lang, Plummer, Becker, Riedel,
Brinkman, Merrin, Manchester, Schaffer, Jones, Wilkin, Hillyer, Carruthers,
Roemer, Ginter, Jordan, Koehler, Kick, Cross, Stoltzfus**

A BILL

To amend section 5101.54 and to enact sections 1
5101.545, 5101.546, 5101.547, and 5101.548 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
5101.545, 5101.546, 5101.547, and 5101.548 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 5101.545 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 49
Revised Code that are comparable to programs authorized by 7 50
U.S.C. 2015(d) (4). The rules may reference rules adopted under 51
section 5107.05 of the Revised Code governing work activities, 52
developmental activities, and alternative work activities 53
described in sections 5107.40 to 5107.69 of the Revised Code. 54

(8) ~~Adopt~~ Subject to sections 5101.546 and 5101.547 of the 55
Revised Code, adopt rules in accordance with section 111.15 of 56
the Revised Code that are consistent with the Food and Nutrition 57
Act of 2008, the regulations adopted thereunder, and this 58
section governing the following: 59

(a) Eligibility requirements for the supplemental 60
nutrition assistance program; 61

(b) Sanctions for failure to comply with eligibility 62
requirements; 63

(c) Allotment of supplemental nutrition assistance program 64
benefits; 65

(d) To the extent permitted under federal statutes and 66
regulations, a system under which some or all recipients of 67
supplemental nutrition assistance program benefits subject to 68
employment and training requirements established by rules 69
adopted under division (A) (7) of this section receive the 70
benefits after satisfying the requirements; 71

(e) Administration of the program by county departments of 72
job and family services; 73

(f) Other requirements necessary for the efficient 74

administration of the program. 75

~~(9) Submit a plan to the United States secretary of 76
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~~

(B) A household that is entitled to receive supplemental 85
nutrition assistance program benefits and that is determined to 86
be in immediate need of nutrition assistance shall receive 87
certification of eligibility for program benefits, pending 88
verification, within twenty-four hours, or, if mitigating 89
circumstances occur, within seventy-two hours, after 90
application, if: 91

(1) The results of the application interview indicate that 92
the household will be eligible upon full verification; 93

(2) Information sufficient to confirm the statements in 94
the application has been obtained from at least one additional 95
source, not a member of the applicant's household. Such 96
information shall be recorded in the case file and shall 97
include: 98

(a) The name of the person who provided the name of the 99
information source; 100

(b) The name and address of the information source; 101

(c) A summary of the information obtained. 102

The period of temporary eligibility shall not exceed one 103
month from the date of certification of temporary eligibility. 104
If eligibility is established by full verification, benefits 105
shall continue without interruption as long as eligibility 106
continues. 107

There is no limit on the number of times a household may 108
receive expedited certification of eligibility under this 109
division as long as before each expedited certification all of 110
the information identified in division (F)(1) of this section 111
was verified for the household at the last expedited 112
certification or the household's eligibility was certified under 113
normal processing standards since the last expedited 114
certification. 115

At the time of application, the county department of job 116
and family services shall provide to a household described in 117
this division a list of community assistance programs that 118
provide emergency food. 119

(C) Before certifying supplemental nutrition assistance 120
program benefits, the department shall verify the eligibility of 121
each household in accordance with division (F) of this section. 122
All applications shall be approved or denied through full 123
verification within thirty days from receipt of the application 124
by the county department of job and family services. 125

(D) Nothing in this section shall be construed to prohibit 126
the certification of households that qualify under federal 127
regulations to receive supplemental nutrition assistance program 128
benefits without charge under the Food and Nutrition Act of 129
2008. 130

(E) Any person who applies for the supplemental nutrition 131

assistance program shall receive a voter registration	132
application under section 3503.10 of the Revised Code.	133
(F) (1) In order to verify household eligibility as	134
required by federal regulations and this section, the department	135
shall, except as provided in division (F) (2) of this section,	136
verify at least the following information before certifying	137
supplemental nutrition assistance program benefits:	138
(a) Household composition;	139
(b) Identity;	140
(c) Citizenship and alien eligibility status;	141
(d) Social security numbers;	142
(e) State residency status;	143
(f) Disability status;	144
(g) Gross nonexempt income;	145
(h) Utility expenses;	146
(i) Medical expenses;	147
(j) Enrollment status in other state-administered public	148
assistance programs within and outside this state;	149
(k) Any available information related to potential	150
identity fraud or identity theft.	151
(2) A household's eligibility for supplemental nutrition	152
assistance program benefits may be certified before all of the	153
information identified in division (F) (1) of this section is	154
verified if the household's certification is being expedited	155
under division (B) of this section.	156
(3) On at least a quarterly basis and consistent with	157

federal regulations, as information is received by a county 158
department of job and family services, the county department 159
shall review and act on information identified in division (F) 160
(1) of this section that indicates a change in circumstances 161
that may affect eligibility, to the extent such information is 162
available to the department. 163

(4) Consistent with federal regulations, as part of the 164
application for public assistance and before certifying benefits 165
under the supplemental nutrition assistance program, the 166
department shall require an applicant, or a person acting on the 167
applicant's behalf, to verify the identity of the members of the 168
applicant household. 169

(5) (a) The department shall sign a memorandum of 170
understanding with any department, agency, or division as needed 171
to obtain the information identified in division (F) (1) of this 172
section. 173

(b) The department may contract with one or more 174
independent vendors to provide the information identified in 175
division (F) (1) of this section. 176

(c) Nothing in this section prevents the department or a 177
county department of job and family services from receiving or 178
reviewing additional information related to eligibility not 179
identified in this section or from contracting with one or more 180
independent vendors to provide additional information not 181
identified in this section. 182

(6) The department shall explore joining a multistate 183
cooperative, such as the national accuracy clearinghouse, to 184
identify individuals enrolled in public assistance programs 185
outside of this state. 186

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

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

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

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

Sec. 5101.545. (A) The department of job and family services shall not request a waiver authorized by section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(4).

(B) The department shall require individuals subject to the requirements established under section 6(d)(1) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(d)(1), but not subject to the requirements established under section 6(o) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o), to participate in an employment and training program established under section 6(d)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C.

2015(d)(4). 216

Sec. 5101.546. (A) As used in this section, "categorically eligible household" means a household that is categorically eligible for supplemental nutrition assistance program benefits under 7 C.F.R. 273.2(j)(2) or (j)(4). 217
218
219
220

(B) The department of job and family services shall not implement the options available under 7 C.F.R. 273.8(e)(19) or 273.9(c)(19). 221
222
223

(1) The financial resource limits for an eligible household under the supplemental nutrition assistance program shall not exceed the standards specified in section 5(g)(1) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2014(g)(1). 224
225
226
227

(2) Unless required by federal law, a household shall not be a categorically eligible household if any members receive or are authorized to receive any noncash, in-kind, or other similar benefit. 228
229
230
231

Sec. 5101.547. The department of job and family services shall implement the options authorized under 7 C.F.R. 273.11(o) and (p), under which certain individuals, as a condition of eligibility for supplemental nutrition assistance program benefits, must cooperate with the department regarding establishing paternity and establishing, modifying, and enforcing a child support order. 232
233
234
235
236
237
238

Sec. 5101.548. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5101.545 to 5101.547 of the Revised Code. 239
240
241
242

Section 2. That existing section 5101.54 of the Revised Code is hereby repealed. 243
244