

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 240**

**Senator Schaffer  
Cosponsor: Senator Huffman, S.**

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**A BILL**

To amend sections 5101.84 and 5101.98 and to enact 1  
sections 5101.042, 5101.543, 5101.546, 5101.548, 2  
5101.95, and 5163.51 of the Revised Code to make 3  
various changes to public assistance benefits 4  
programs. 5

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

**Section 1.** That sections 5101.84 and 5101.98 be amended 6  
and sections 5101.042, 5101.543, 5101.546, 5101.548, 5101.95, 7  
and 5163.51 of the Revised Code be enacted to read as follows: 8

**Sec. 5101.042.** (A) As used in this section, "public 9  
assistance benefits" means all of the following: 10

(1) Supplemental nutrition assistance program benefits; 11

(2) Benefits funded in part by the temporary assistance 12  
for needy families block grant; 13

(3) Cash assistance provided through the Ohio works first 14  
program; 15

(4) Benefits provided by the medicaid program; 16

(5) Publicly funded child care as defined in section 17  
5104.01 of the Revised Code. 18

(B) The department of job and family services shall update 19  
the systems used by the department and by county departments of 20  
job and family services to determine eligibility for public 21  
assistance benefits programs. The updates shall include a 22  
mechanism by which application information input by individual 23  
caseworkers may be tracked and audited and shall require county 24  
departments of job and family services to provide caseworker 25  
training regarding improper determinations. 26

**Sec. 5101.543.** To ensure program integrity within the 27  
supplemental nutrition assistance program, the department of job 28  
and family services shall periodically monitor the balances of 29  
supplemental nutrition assistance program accounts. If the 30  
department discovers an account with a balance that exceeds two 31  
thousand dollars, the department shall take steps to determine 32  
whether the account is inactive and, if inactive, determine 33  
whether to move benefits off-line or expunge unused benefits in 34  
accordance with 7 C.F.R. 274.2(h) and (i). 35

**Sec. 5101.546.** (A) (1) Except as provided in division (A) 36  
(2) of this section, the department of job and family services 37  
shall not request, apply for, or renew a waiver authorized by 38  
section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 39  
U.S.C. 2015(o)(4). 40

(2) The department of job and family services may request 41  
or apply for a waiver described in division (A) (1) of this 42  
section in the event of a state of emergency declared by the 43  
governor. 44

(B) The department of job and family services shall not 45

implement the option available under section 6(o)(6) of the 46  
"Food and Nutrition Act of 2008," 7 U.S.C. 2015(o)(6). 47

**Sec. 5101.548.** The department of job and family services 48  
shall implement the option authorized under 7 C.F.R. 273.11(p), 49  
under which a noncustodial parent, as a condition of 50  
participation in the supplemental nutrition assistance program, 51  
must comply with the terms of a court order for the support of a 52  
child. 53

**Sec. 5101.84.** An ~~Except~~ as provided in division (B) of 54  
this section, an individual otherwise ineligible for aid under 55  
Chapter 5107. or 5108. of the Revised Code or supplemental 56  
nutrition assistance program benefits under the Food and 57  
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) because of 58  
paragraph (a) of 21 U.S.C. 862a is eligible for the aid or 59  
benefits if the individual meets all other eligibility 60  
requirements for the aid or benefits. 61

(B) An individual described in division (A) of this 62  
section is ineligible to participate in the supplemental 63  
nutrition assistance program for a period of three years 64  
immediately following completion of all obligations imposed by a 65  
criminal court related to the individual's felony offense under 66  
section 2925.03 of the Revised Code or a similar offense in 67  
another jurisdiction, unless the individual agrees to submit to 68  
random drug testing for a period of three years as a condition 69  
of receiving benefits under the program. 70

As used in this section, "random drug testing" has the 71  
same meaning as in section 5120.63 of the Revised Code. 72

**Sec. 5101.95.** (A) Except as provided in division (B) of 73  
this section, not later than thirty days before submitting a 74

waiver or state plan amendment relating to a public assistance 75  
benefit program to the appropriate federal entity, the director 76  
of job and family services shall submit a copy of the waiver or 77  
state plan amendment to the speaker of the house of 78  
representatives, the president of the senate, and the 79  
chairpersons of the relevant house of representatives and senate 80  
committees with jurisdiction over the subject matter of the 81  
waiver or state plan amendment. 82

(B) Division (A) of this section does not apply when a 83  
waiver or state plan amendment is necessary to address a 84  
statewide emergency. 85

**Sec. 5101.98.** (A) Quarterly, the department of job and 86  
family services shall compile a report on public assistance 87  
programs in this state, including the following information: 88

(1) Regarding the supplemental nutrition assistance 89  
program, the number of: 90

(a) Accounts with high balances, as determined by the 91  
department; 92

(b) Out-of-state transactions, including the city and 93  
state in which the transaction occurred, and the amount of each 94  
out-of-state transaction; 95

(c) Transactions when the final amount processed was a 96  
whole dollar amount without additional cents; 97

(d) The number of accounts with a transaction in which the 98  
final amount processed was a whole dollar amount without 99  
additional cents. 100

(2) Regarding public assistance programs in this state, 101  
including medicaid, the supplemental nutrition assistance 102

program, temporary assistance for needy families, or cash	103
assistance, the number of:	104
(a) Payments made in error, and the dollar amount of those	105
payments;	106
(b) Work requirement exemptions issued;	107
(c) Confirmed cases of intentional program violation and	108
fraud.	109
(B) The department shall submit the report to the	110
president of the senate and the speaker of the house of	111
representatives, who shall distribute the report to the chairs	112
of any legislative committee with jurisdiction over public	113
assistance.	114
<u>Sec. 5163.51. (A) Unless required by federal law or</u>	115
<u>regulations, the department of medicaid shall not do any of the</u>	116
<u>following related to administration of the medicaid program and</u>	117
<u>medicaid eligibility:</u>	118
<u>(1) Conduct post-enrollment verification of income or</u>	119
<u>nonincome-related eligibility instead of verifying income and</u>	120
<u>nonincome-related eligibility before enrollment;</u>	121
<u>(2) Designate itself as a qualified health entity for the</u>	122
<u>purpose of making presumptive eligibility determinations or for</u>	123
<u>any purpose not expressly authorized by the Revised Code;</u>	124
<u>(3) Accept self-attestation of income or receipt of other</u>	125
<u>health insurance coverage.</u>	126
<u>(B) Unless prohibited by federal law or regulations, the</u>	127
<u>department of medicaid shall do both of the following related to</u>	128
<u>the administration of the medicaid program and medicaid</u>	129
<u>eligibility:</u>	130

<u>(1) Periodically check any available income-related data</u>	131
<u>sources to verify eligibility;</u>	132
<u>(2) Comply with the public notice requirements related to</u>	133
<u>proposed changes to the medicaid state plan, as required under</u>	134
<u>42 C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 440.386.</u>	135
<u>(C) If federal law or regulations require the department</u>	136
<u>of medicaid to take an action described in division (A) (1), (2),</u>	137
<u>or (3) of this section, the department shall seek a federal</u>	138
<u>waiver, in accordance with section 5162.07 of the Revised Code,</u>	139
<u>from such a requirement.</u>	140
<b>Section 2.</b> That existing sections 5101.84 and 5101.98 of	141
the Revised Code are hereby repealed.	142
<b>Section 3.</b> The enactment of section 5163.51 of the Revised	143
Code by this act takes effect on January 1, 2025. If the section	144
necessitates approval of a Medicaid program state plan amendment	145
or Medicaid program waiver before implementation, section	146
5163.51 of the Revised Code shall not be implemented until the	147
approval of the amendment or waiver or January 1, 2025,	148
whichever is later.	149
<b>Section 4.</b> Not later than thirty days after the effective	150
date of this section, the Department of Job and Family Services	151
shall do both of the following:	152
(A) Rescind any approved waiver authorized pursuant to	153
section 6(o)(4) of the "Food and Nutrition Act of 2008," 7	154
U.S.C. 2015(o)(4), that is in effect on the effective date of	155
this section.	156
(B) Withdraw any request, application, or renewal of a	157
waiver authorized pursuant to section 6(o)(4) of the "Food and	158
Nutrition Act of 2008," 7 U.S.C. 2015(o)(4), that is pending	159

before the United States Department of Agriculture on the  
effective date of this section.

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