

As Introduced

136th General Assembly

Regular Session

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S. B. No. 194

Senator Schaffer

To amend sections 5101.54, 5101.542, 5101.84, and
5101.98 and to enact sections 5101.042,
5101.543, 5101.546, 5101.95, and 5101.96 of the
Revised Code to make various changes to public
assistance benefits programs.

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

Section 1. That sections 5101.54, 5101.542, 5101.84, and
5101.98 be amended and sections 5101.042, 5101.543, 5101.546,
5101.95, and 5101.96 of the Revised Code be enacted to read as
follows:

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

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(1) Supplemental nutrition assistance program benefits;

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

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

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(4) Benefits provided by the medicaid program;

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

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(B) The department of job and family services shall update 20
the systems used by the department and by county departments of 21
job and family services to determine eligibility for public 22
assistance benefits programs. The updates shall include a 23
mechanism by which application information input by individual 24
caseworkers may be tracked and audited and shall require county 25
departments of job and family services to provide caseworker 26
training regarding improper determinations. 27

Sec. 5101.54. (A) The director of job and family services 28
shall administer the supplemental nutrition assistance program 29
in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 30
2011 et seq.). The department of job and family services may: 31

(1) Prepare and submit to the secretary of the United 32
States department of agriculture a plan for the administration 33
of the supplemental nutrition assistance program; 34

(2) Prescribe forms for applications, certificates, 35
reports, records, and accounts of county departments of job and 36
family services, and other matters; 37

(3) Require such reports and information from each county 38
department of job and family services as may be necessary and 39
advisable; 40

(4) Administer and expend any sums appropriated by the 41
general assembly for the purposes of the supplemental nutrition 42
assistance program and all sums paid to the state by the United 43
States as authorized by the Food and Nutrition Act of 2008; 44

(5) Conduct such investigations as are necessary; 45

(6) Enter into interagency agreements and cooperate with 46
investigations conducted by the department of public safety, 47
including providing information for investigative purposes, 48

exchanging property and records, passing through federal 49
financial participation, modifying any agreements with the 50
United States department of agriculture, providing for the 51
supply, security, and accounting of supplemental nutrition 52
assistance program benefits for investigative purposes, and 53
meeting any other requirements necessary for the detection and 54
deterrence of illegal activities in the supplemental nutrition 55
assistance program; 56

(7) Adopt rules in accordance with Chapter 119. of the 57
Revised Code governing employment and training requirements of 58
recipients of supplemental nutrition assistance program 59
benefits, including rules specifying which recipients are 60
subject to the requirements and establishing sanctions for 61
failure to satisfy the requirements. The rules shall be 62
consistent with 7 U.S.C. 2015, including its work and employment 63
and training requirements, and, to the extent practicable, shall 64
provide for the recipients to participate in work activities, 65
developmental activities, and alternative work activities 66
described in sections 5107.40 to 5107.69 of the Revised Code 67
that are comparable to programs authorized by 7 U.S.C. 2015(d) 68
(4). The rules may reference rules adopted under section 5107.05 69
of the Revised Code governing work activities, developmental 70
activities, and alternative work activities described in 71
sections 5107.40 to 5107.69 of the Revised Code. 72

(8) Adopt rules in accordance with section 111.15 of the 73
Revised Code that are consistent with the Food and Nutrition Act 74
of 2008, the regulations adopted thereunder, and this section 75
governing the following: 76

(a) Eligibility requirements for the supplemental 77
nutrition assistance program; 78

(b) Sanctions for failure to comply with eligibility requirements;	79 80
(c) Allotment of supplemental nutrition assistance program benefits;	81 82
(d) <u>Referral of noncustodial parents in receipt of supplemental nutrition assistance program benefits to child support enforcement agencies for the purpose of establishing a child's parentage and establishing, modifying, and enforcing a support order for the child;</u>	83 84 85 86 87
(e) 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;	88 89 90 91 92 93
(e) (f) Administration of the program by county departments of job and family services;	94 95
(f) (g) Other requirements necessary for the efficient administration of the program.	96 97
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.	98 99 100 101 102 103 104 105 106
(10) Collect information on suspicious electronic benefit	107

transfer card transactions and provide the information to each 108
impacted county department for analysis and investigation. Such 109
information shall include transactions of even dollar amounts, 110
full monthly benefit amounts, multiple same-day transactions, 111
out-of-state transactions, and any other suspicious trends. 112

(B) A household that is entitled to receive supplemental 113
nutrition assistance program benefits and that is determined to 114
be in immediate need of nutrition assistance shall receive 115
certification of eligibility for program benefits, pending 116
verification, within twenty-four hours, or, if mitigating 117
circumstances occur, within seventy-two hours, after 118
application, if: 119

(1) The results of the application interview indicate that 120
the household will be eligible upon full verification; 121

(2) Information sufficient to confirm the statements in 122
the application has been obtained from at least one additional 123
source, not a member of the applicant's household. Such 124
information shall be recorded in the case file and shall 125
include: 126

(a) The name of the person who provided the name of the 127
information source; 128

(b) The name and address of the information source; 129

(c) A summary of the information obtained. 130

The period of temporary eligibility shall not exceed one 131
month from the date of certification of temporary eligibility. 132
If eligibility is established by full verification, benefits 133
shall continue without interruption as long as eligibility 134
continues. 135

There is no limit on the number of times a household may 136
receive expedited certification of eligibility under this 137
division as long as before each expedited certification all of 138
the information identified in division (F)(1) of this section 139
was verified for the household at the last expedited 140
certification or the household's eligibility was certified under 141
normal processing standards since the last expedited 142
certification. 143

At the time of application, the county department of job 144
and family services shall provide to a household described in 145
this division a list of community assistance programs that 146
provide emergency food. 147

(C) Before certifying supplemental nutrition assistance 148
program benefits, the department shall verify the eligibility of 149
each household in accordance with division (F) of this section. 150
All applications shall be approved or denied through full 151
verification within thirty days from receipt of the application 152
by the county department of job and family services. 153

(D) Nothing in this section shall be construed to prohibit 154
the certification of households that qualify under federal 155
regulations to receive supplemental nutrition assistance program 156
benefits without charge under the Food and Nutrition Act of 157
2008. 158

(E) Any person who applies for the supplemental nutrition 159
assistance program shall receive a voter registration 160
application under section 3503.10 of the Revised Code. 161

(F)(1) In order to verify household eligibility as 162
required by federal regulations and this section, the department 163
shall, except as provided in division (F)(2) of this section, 164

verify at least the following information before certifying 165
supplemental nutrition assistance program benefits: 166

- (a) Household composition; 167
- (b) Identity; 168
- (c) Citizenship and alien eligibility status; 169
- (d) Social security numbers; 170
- (e) State residency status; 171
- (f) Disability status; 172
- (g) Gross nonexempt income; 173
- (h) Utility expenses; 174
- (i) Medical expenses; 175
- (j) Enrollment status in other state-administered public 176
assistance programs within and outside this state; 177
- (k) Any available information related to potential 178
identity fraud or identity theft. 179

(2) A household's eligibility for supplemental nutrition 180
assistance program benefits may be certified before all of the 181
information identified in division (F) (1) of this section is 182
verified if the household's certification is being expedited 183
under division (B) of this section. 184

(3) On at least a quarterly basis and consistent with 185
federal regulations, as information is received by a county 186
department of job and family services, the county department 187
shall review and act on information identified in division (F) 188
(1) of this section that indicates a change in circumstances 189
that may affect eligibility, to the extent such information is 190

available to the department. 191

(4) Consistent with federal regulations, as part of the 192
application for public assistance and before certifying benefits 193
under the supplemental nutrition assistance program, the 194
department shall require an applicant, or a person acting on the 195
applicant's behalf, to verify the identity of the members of the 196
applicant household. 197

(5) (a) The department shall sign a memorandum of 198
understanding with any department, agency, or division as needed 199
to obtain the information identified in division (F) (1) of this 200
section. 201

(b) The department may contract with one or more 202
independent vendors to provide the information identified in 203
division (F) (1) of this section. 204

(c) Nothing in this section prevents the department or a 205
county department of job and family services from receiving or 206
reviewing additional information related to eligibility not 207
identified in this section or from contracting with one or more 208
independent vendors to provide additional information not 209
identified in this section. 210

(6) The department shall explore joining a multistate 211
cooperative, such as the national accuracy clearinghouse, to 212
identify individuals enrolled in public assistance programs 213
outside of this state. 214

(G) The department shall use the same criteria to verify 215
gross nonexempt income from self-employment pursuant to division 216
(F) (1) of this section as were used during initial certification 217
when: 218

(1) Reviewing information pursuant to division (F) (3) of 219

this section regarding households with income from self- 220
employment; 221

(2) Recertifying households with income from self- 222
employment. 223

(H) If the department receives information concerning a 224
household certified to receive supplemental nutrition assistance 225
program benefits that indicates a change in circumstances that 226
may affect eligibility, the department shall take action in 227
accordance with federal regulations, including verifying unclear 228
information, providing prior written notice of a change or 229
adverse action, and notifying the household of the right to a 230
fair hearing. 231

(I) In the case of suspected fraud, the department shall 232
refer the case for an administrative disqualification hearing or 233
to the county prosecutor of the county in which the applicant or 234
recipient resides for investigation, or both. 235

(J) The department shall adopt rules in accordance with 236
Chapter 119. of the Revised Code to implement divisions (F) to 237
(I) of this section. 238

(K) Except as prohibited by federal law, the department 239
may assign any of the duties described in this section to any 240
county department of job and family services. 241

Sec. 5101.542. (A) Immediately following a county 242
department of job and family services' certification that a 243
household determined under division (B) of section 5101.54 of 244
the Revised Code to be in immediate need of nutrition assistance 245
is eligible for the supplemental nutrition assistance program, 246
the department of job and family services shall provide for the 247
household to be sent by regular United States mail an electronic 248

benefit transfer card containing the amount of benefits the household is eligible to receive under the program. The card shall be sent to the member of the household in whose name application for the supplemental nutrition assistance program was made or that member's authorized representative.

(B) Except as provided in division (C) of this section, the department shall replace any electronic benefit transfer card that is reported by a household to be lost, stolen, or damaged, within two business days of receiving notice of the card's condition, in accordance with 7 C.F.R. 274.6(b).

(C) (1) The department shall implement the option described in 7 C.F.R. 274.6(b) (5) and shall withhold a replacement electronic benefit transfer card from a household that requests four or more replacement cards during a twelve-month period until the requirements specified in 7 C.F.R. 274.6(b) (5) have been satisfied.

(2) The department shall not withhold a replacement card as described under division (C) (1) of this section if the individual requesting the replacement has a disability directly related to the loss of the card.

(D) The department shall contract with a third party vendor to establish a process under the department's existing customer service telephone hotline that allows individuals to lock an electronic benefit transfer card that has been lost or stolen.

Sec. 5101.543. To ensure program integrity within the supplemental nutrition assistance program, the department of job and family services shall periodically monitor the balances of supplemental nutrition assistance program accounts. If the

department discovers an account with a balance that exceeds five 278
thousand dollars, the department shall take steps to determine 279
whether the account is inactive and, if inactive, identify the 280
causes for the accruing balance. 281

Sec. 5101.546. Except as otherwise provided in this 282
section, the department of job and family services shall not 283
request, apply for, or renew a waiver authorized by section 6(o) 284
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 285
(4). 286

The department of job and family services may request or 287
apply for a waiver described in this section in the event of a 288
state of emergency declared by the governor. 289

Sec. 5101.84. ~~An~~ (A) Except as provided in division (B) of 290
this section, an individual otherwise ineligible for aid under 291
Chapter 5107. or 5108. of the Revised Code or supplemental 292
nutrition assistance program benefits under the Food and 293
Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) because of 294
paragraph (a) of 21 U.S.C. 862a is eligible for the aid or 295
benefits if the individual meets all other eligibility 296
requirements for the aid or benefits. 297

(B) An individual described in division (A) of this 298
section is ineligible to participate in the supplemental 299
nutrition assistance program for a period of three years 300
immediately following completion of all obligations imposed by a 301
criminal court related to the individual's felony offense under 302
section 2925.03 of the Revised Code or a similar offense in 303
another jurisdiction. 304

Sec. 5101.95. Not later than thirty days before submitting 305
a waiver or state plan amendment relating to a public assistance 306

benefit program to the appropriate federal entity, the director 307
of job and family services shall submit a copy of the waiver or 308
state plan amendment to the speaker of the house of 309
representatives, the president of the senate, and the 310
chairpersons of the relevant house of representatives and senate 311
committees with jurisdiction over the subject matter of the 312
waiver or state plan amendment. 313

Sec. 5101.96. The department of job and family services 314
shall require that all employees of a county department of job 315
and family services who are responsible for entering information 316
about an assistance group into the online public assistance 317
application portal known as "Ohio benefits" receive training to 318
ensure that complete and proper information is being collected, 319
entered, and verified prior to an individual or assistance 320
group's eligibility for public assistance being determined. The 321
department shall provide initial training to ensure that all 322
employees required to undergo training under this section are 323
knowledgeable about the process, procedures, and impacts of 324
their work. Thereafter, the department shall require additional 325
training as changes to rules, regulations, systems, and 326
processes occur. 327

Sec. 5101.98. (A) Quarterly, the department of job and 328
family services shall compile a report on public assistance 329
programs in this state, including the following information: 330

(1) Regarding the supplemental nutrition assistance 331
program, ~~the number of~~: 332

(a) ~~Accounts~~ The number of accounts with high balances, as 333
determined by the department; 334

(b) ~~Out-of-state~~ The number of out-of-state transactions, 335

including the city and state in which the transaction occurred, 336
and the amount of each out-of-state transaction; 337

(c) ~~Transactions~~ The number of transactions when the final 338
amount processed was a whole dollar amount without additional 339
cents; 340

(d) The number of accounts with a transaction in which the 341
final amount processed was a whole dollar amount without 342
additional cents; 343

(e) The number of electronic benefit transfer cards 344
reported lost; 345

(f) The number of electronic benefit transfer cards 346
reported stolen; 347

(g) The amount of funds that have been stolen through card 348
skimming, card cloning, or similar fraudulent methods; 349

(h) Any enhancements made to electronic benefit transfer 350
cards during the quarterly period; 351

(i) Electronic benefit transfer payment error rates. 352

(2) Regarding public assistance programs in this state, 353
including medicaid, the supplemental nutrition assistance 354
program, temporary assistance for needy families, or cash 355
assistance, the number of the following, itemized separately by 356
program: 357

(a) Payments made in error, and the dollar amount of those 358
payments; 359

(b) Work requirement exemptions issued; 360

(c) Confirmed cases of intentional program violation and 361
fraud. 362

(B) The department of medicaid shall collaborate with the 363
department of job and family services to provide all information 364
required under division (A) of this section that the department 365
of medicaid oversees. 366

(C) The department of job and family services shall submit 367
the report to the president of the senate and the speaker of the 368
house of representatives, who shall distribute the report to the 369
chairs of any legislative committee with jurisdiction over 370
public assistance. 371

Section 2. That existing sections 5101.54, 5101.542, 372
5101.84, and 5101.98 of the Revised Code are hereby repealed. 373

Section 3. Not later than thirty days after the effective 374
date of this section, the Department of Job and Family Services 375
shall do both of the following: 376

(A) Rescind any approved waiver authorized pursuant to 377
section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 378
U.S.C. 2015(o)(4), that is in effect on the effective date of 379
this section. 380

(B) Withdraw any request, application, or renewal of a 381
waiver authorized pursuant to section 6(o)(4) of the "Food and 382
Nutrition Act of 2008," 7 U.S.C. 2015(o)(4), that is pending 383
before the United States Department of Agriculture on the 384
effective date of this section. 385

Section 4. (A) (1) The Director of Job and Family Services 386
shall conduct an analysis of the public assistance programs 387
administered by the Department of Job and Family Services, 388
including the funding for those programs, to identify 389
opportunities to do all of the following: 390

(a) Prioritize employment as the primary way to satisfy 391

work requirements in public assistance programs and make 392
training and education opportunities secondary objectives; 393

(b) Help public assistance recipients obtain meaningful 394
employment; 395

(c) Meet local workforce needs. 396

(2) As part of its analysis, the Department may consider 397
state and federal regulations that conflict with the 398
Department's ability to successfully fulfill the requirements of 399
this section. 400

(B) After conducting the analysis described in division 401
(A) of this section, the Department shall develop a strategic 402
plan to increase the number of individuals receiving public 403
assistance benefits that are employed. The plan may include 404
funding recommendations, including the reallocation of resources 405
related to work supports, work stabilization services, and 406
infrastructure for individualized case management in all 407
counties. 408

(C) Not later than July 1, 2026, the Department shall 409
prepare and submit a report to the General Assembly in 410
accordance with section 101.68 of the Revised Code regarding the 411
analysis conducted and strategic plan established under this 412
section. 413