

As Introduced

135th General Assembly
Regular Session
2023-2024

S. B. No. 240

Senator Schaffer
Cosponsor: Senator Huffman, S.

A BILL

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

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

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

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

- (1) Supplemental nutrition assistance program benefits;
- (2) Benefits funded in part by the temporary assistance
for needy families block grant;
- (3) Cash assistance provided through the Ohio works first
program;
- (4) Benefits provided by the medicaid program;

(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

Sec. 5163.51. (A) Unless required by federal law or 115
regulations, the department of medicaid shall not do any of the 116
following related to administration of the medicaid program and 117
medicaid eligibility: 118

(1) Conduct post-enrollment verification of income or 119
nonincome-related eligibility instead of verifying income and 120
nonincome-related eligibility before enrollment; 121

(2) Designate itself as a qualified health entity for the 122
purpose of making presumptive eligibility determinations or for 123
any purpose not expressly authorized by the Revised Code; 124

(3) Accept self-attestation of income or receipt of other 125
health insurance coverage. 126

(B) Unless prohibited by federal law or regulations, the 127
department of medicaid shall do both of the following related to 128
the administration of the medicaid program and medicaid 129
eligibility: 130

(1) Periodically check any available income-related data 131
sources to verify eligibility; 132

(2) Comply with the public notice requirements related to 133
proposed changes to the medicaid state plan, as required under 134
42 C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 440.386. 135

(C) If federal law or regulations require the department 136
of medicaid to take an action described in division (A) (1), (2), 137
or (3) of this section, the department shall seek a federal 138
waiver, in accordance with section 5162.07 of the Revised Code, 139
from such a requirement. 140

Section 2. That existing sections 5101.84 and 5101.98 of 141
the Revised Code are hereby repealed. 142

Section 3. 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

Section 4. 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	160
effective date of this section.	161