

§3104. Statewide Supplemental Nutrition Assistance Program

1. Program required. The department shall:

A. Administer a statewide program, referred to in this chapter as "the Supplemental Nutrition Assistance Program," or "SNAP," in accordance with the related requirements and regulations of the United States Department of Agriculture, the United States Department of Health and Human Services and the United States Department of Education; and [PL 2021, c. 398, Pt. OO, §6 (AMD).]

B. Cooperate with and participate in the administration of food distribution programs in conformity with regulations promulgated by the United States Department of Agriculture. [PL 1977, c. 462 (NEW).]

[PL 2021, c. 398, Pt. OO, §6 (AMD).]

2. Costs.

[PL 1981, c. 703, Pt. A, §21 (RP).]

3. Authorization of emergency food stamp benefits prior to full verification.

[PL 2009, c. 291, §2 (RP).]

3-A. Authorization of emergency SNAP benefits prior to full verification. Whenever an applicant for benefits under the Supplemental Nutrition Assistance Program states to the department that the applicant is in need of immediate food assistance, the department shall, pending verification, issue and mail an electronic benefits transfer card authorizing the applicant to purchase food at the time of the department's initial interview with the applicant or within one working day of the interview, as long as all of the following conditions are met.

A. As a result of the initial interview with the applicant, the department must have determined that the household of the applicant will probably be eligible for SNAP benefits after full verification is completed. [PL 2021, c. 398, Pt. OO, §7 (AMD).]

B. When possible, the applicant shall submit to the department, at the time of the initial interview, adequate documentation to verify that the applicant is in need of immediate food assistance. [PL 2009, c. 291, §2 (NEW).]

C. When adequate documentation is not available at the time of the initial interview, the department shall contact at least one other person for the purpose of obtaining information to confirm the applicant's statements about the applicant's need for immediate food assistance. [PL 2009, c. 291, §2 (NEW).]

The authorization to receive SNAP benefits under this section may not exceed 30 days from the date that the applicant receives the authorizing card. Additional SNAP benefits may not be issued to the applicant's household until full verification has been obtained that confirms the eligibility of the household.

[PL 2021, c. 398, Pt. OO, §7 (AMD).]

4. Mail issuance of coupons.

[PL 2009, c. 291, §2 (RP).]

4-A. Electronic benefits transfer system. The department shall operate a system of issuance of food allotments through an electronic benefits transfer system as authorized by and in conformity with regulations promulgated by the United States Department of Agriculture.

[PL 2009, c. 291, §2 (NEW).]

5. Outreach. It is the intent of the Legislature that the department fully carry out all outreach activities established by federal regulation to encourage the participation of all eligible households.

In carrying out its outreach activities, the department shall insure that all applicants and recipients are informed of their right to have the requirement for a face-to-face interview waived as provided by federal regulations.

[PL 1979, c. 386 (NEW).]

6. Bilingual requirements.

[PL 2009, c. 291, §2 (RP).]

7. Verification of information. The department shall establish and implement uniform verification procedures that will be applied to all applicants and recipients.

[PL 1979, c. 386 (NEW).]

8. Certification periods. Households must be certified for a 12-month period unless there is a likelihood of change in income or household status.

[PL 2009, c. 291, §2 (AMD).]

9. Information on notice to recipients. All notices of denial, reduction of benefits, termination of benefits, fraud claims, nonfraud claims or other actions must contain information on the appeal procedure, and the availability of free legal representation in the geographic area and must include, at a minimum, the address and telephone number for these services.

[PL 2009, c. 291, §2 (AMD).]

10. Supplemental monthly issuance. Whenever a household receiving benefits through the Supplemental Nutrition Assistance Program informs the department of a change in circumstances that will result in an increase in its SNAP benefit, the department shall issue a supplemental allotment to that household for the month in which the change is reported. The supplemental allotment must represent the difference between the amount for which the household was originally certified in that month and the amount for which it is actually eligible as a result of its reported change in circumstances.

The department shall issue that supplemental allotment within 5 working days of the date that the change in circumstances was reported.

[PL 2021, c. 398, Pt. OO, §8 (AMD).]

11. Supplemental Nutrition Assistance Program overpayment recovery. The Food Supplement Administration account is established as a nonlapsing Other Special Revenue Funds account in the Department of Health and Human Services, Food Supplement Administration program. Any allowable portion of money, as determined pursuant to federal law, recovered by the department as a result of the overpayment of SNAP benefits must be deposited into the Other Special Revenue Funds, Food Supplement Administration account.

[PL 2021, c. 398, Pt. OO, §9 (AMD).]

12. Penalty. The unauthorized issuance, redemption, use, transfer, acquisition, alteration or possession of coupons or other program access device, including an electronic benefits transfer card, may subject an individual, partnership, corporation or other legal entity to prosecution by the State in accordance with Sections 15 (b) and 15 (c) of the federal Food Stamp Act of 1977 and the federal Food and Nutrition Act of 2008. Penalties are in accordance with those outlined in federal law or regulations. A person who knowingly engages in trafficking in benefits as defined by 7 Code of Federal Regulations, Section 271.2 commits a Class D crime.

[PL 2011, c. 687, §10 (AMD).]

13. Categorical eligibility. The department shall adopt rules that maximize access to the Supplemental Nutrition Assistance Program for households in which there is a child who would be a dependent child under the Temporary Assistance for Needy Families program but that do not receive a monthly cash assistance grant from the Temporary Assistance for Needy Families program. Under rules adopted pursuant to this subsection, certain of these families must be authorized to receive referral services provided through the Temporary Assistance for Needy Families block grant and be

categorically eligible for the Supplemental Nutrition Assistance Program in accordance with federal law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 398, Pt. OO, §10 (AMD).]

14. Prohibition against denial of assistance based on drug conviction. A person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2011 to 2036 and under the federal Food and Nutrition Act of 2008 may not be denied assistance because the person has been convicted of a drug-related felony as described in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 115, 110 Stat. 2105.

[PL 2009, c. 291, §2 (AMD).]

15. Certain felons convicted of violent crimes and sexual assault ineligible. An individual who is convicted in any jurisdiction on or after January 1, 2018 under federal or state law of aggravated sexual abuse under 18 United States Code, Section 2241; murder under 18 United States Code, Section 1111; an offense under 18 United States Code, Chapter 110; a federal or state offense involving sexual assault, as defined in Section 40002(a) of the federal Violence Against Women Act of 1994, 42 United States Code, Section 13925(a); or an offense under a law of this State that is substantially similar to a federal offense described in this subsection and who is not in compliance with the terms of the individual's sentence, parole or probation or is a fleeing felon is ineligible to receive food assistance through the Supplemental Nutrition Assistance Program.

[PL 2021, c. 398, Pt. OO, §11 (AMD).]

16. Certain lottery and gambling winners ineligible. A household receiving food assistance through the Supplemental Nutrition Assistance Program may be denied food assistance as described in this subsection.

A. Gross lottery and gambling winnings equal to or greater than the maximum allowable financial resource limit for elderly or disabled households, as provided in federal regulations governing SNAP, won in a single game disqualifies the household from receiving food assistance through the Supplemental Nutrition Assistance Program until financial eligibility guidelines set forth in department rule are met. [PL 2023, c. 501, §1 (AMD).]

B. The department shall enter into an agreement with the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, pursuant to which the bureau shall provide the department with reports no less than monthly to assist the department in determining whether a recipient of SNAP benefits has received lottery and gambling winnings equal to or greater than the maximum allowable financial resource limit for elderly or disabled households, as provided in federal regulations governing SNAP. [PL 2023, c. 501, §1 (AMD).]
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17. Preenrollment for persons released from a correctional facility. The department shall apply for and implement a waiver pursuant to 7 Code of Federal Regulations, Part 273 to promote streamlined and timely access to SNAP benefits for a person who is being released from incarceration. The waiver must:

A. Serve a person who is incarcerated in any state or county correctional facility and who, upon the person's release, is not entering a household that is receiving SNAP benefits; [PL 2021, c. 398, Pt. OO, §13 (AMD).]

B. Permit a person described in paragraph A to submit an application for SNAP benefits sufficiently in advance of the person's release date to ensure the availability of benefits on that date; and [PL 2021, c. 398, Pt. OO, §13 (AMD).]

C. Establish that the release date of a person described in paragraph A is the first day the person is eligible for SNAP benefits. [PL 2021, c. 398, Pt. OO, §13 (AMD).]
[PL 2021, c. 398, Pt. OO, §13 (AMD).]

SECTION HISTORY

PL 1971, c. 463, §1 (RPR). PL 1973, c. 183 (AMD). PL 1973, c. 314 (AMD). PL 1973, c. 674, §1 (RPR). PL 1975, c. 293, §4 (AMD). PL 1977, c. 462 (RPR). PL 1979, c. 386 (AMD). PL 1981, c. 136 (AMD). PL 1981, c. 703, §A21 (AMD). PL 1991, c. 9, §K1 (AMD). RR 1993, c. 2, §14 (COR). PL 1995, c. 418, §A4 (AMD). PL 1999, c. 637, §1 (AMD). PL 2001, c. 598, §1 (AMD). PL 2009, c. 291, §2 (AMD). PL 2011, c. 687, §10 (AMD). RR 2015, c. 1, §20 (COR). PL 2017, c. 284, Pt. NNNNNNN, §8 (AMD). PL 2019, c. 343, Pt. HHHH, §1 (AMD). PL 2019, c. 492, §1 (AMD). PL 2021, c. 398, Pt. OO, §§5-13 (AMD). PL 2023, c. 501, §1 (AMD).

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