

Chapter 475

**(House Bill 838)**

AN ACT concerning

**Food Supplement Program – Restaurant Meals Program**

FOR the purpose of renaming the food stamp program to be the food supplement program; establishing a Restaurant Meals Program (RMP) within the food supplement program in the Department of Human Services; providing for the purpose of the RMP; authorizing a certain household eligible to participate in the RMP to purchase certain foods at certain restaurants using a certain food supplement benefit; providing for household eligibility requirements for the RMP; requiring a restaurant to meet certain criteria before participating in the RMP; requiring each local department of social services to administer the RMP in accordance with certain laws; requiring the Department to adopt certain regulations; requiring the Department to submit a certain report on progress toward implementing the RMP to certain committees of the General Assembly on or before a certain date each year; requiring the Department to submit a certain report of certain findings to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; making conforming changes; defining a certain term; and generally relating to the food supplement program and the Restaurant Meals Program.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 5–501, 5–503, and 5–504(a) and (b)  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

BY adding to  
Article – Human Services  
Section 5–505  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Human Services**

5–501.

(a) **(1)** The Department may implement a food [stamp] **SUPPLEMENT** program in accordance with the federal [Food Stamp Act] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**.

**(2) THE FOOD SUPPLEMENT PROGRAM SHALL INCLUDE A RESTAURANT MEALS PROGRAM IN ACCORDANCE WITH § 5-505 OF THIS SUBTITLE.**

(b) The State shall bear the nonfederal portion of the administrative costs of the food [stamp] **SUPPLEMENT** program for each county.

(c) Each local department shall administer the food [stamp] **SUPPLEMENT** program:

(1) under the supervision and control of the Department; and

(2) in accordance with the regulations of the Department and federal law.

(d) If a household includes an individual who is at least 62 years old and receives a federally funded benefit in an amount less than \$30 per month under the food [stamp] **SUPPLEMENT** program, the State shall provide a supplement to increase the total benefit to \$30 per month.

5-503.

Subject to the State budget, the Department shall provide food [stamp] **SUPPLEMENT** benefits to a legal immigrant who:

(1) is a minor;

(2) is ineligible for federally funded [food stamp] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefits because of immigration status;

(3) meets all other food [stamp] **SUPPLEMENT** program eligibility requirements; and

(4) meets any other requirements of the State.

5-504.

(a) A person may not sell or purchase food [stamp] **SUPPLEMENT** program benefits unless otherwise authorized by law.

(b) A person may not knowingly buy or sell merchandise that has been purchased with food [stamp] **SUPPLEMENT** program benefits.

**5-505.**

**(A) IN THIS SECTION, "RMP" MEANS THE RESTAURANT MEALS PROGRAM.**

**(B) (1) THERE IS A RESTAURANT MEALS PROGRAM WITHIN THE FOOD SUPPLEMENT PROGRAM IN THE DEPARTMENT.**

**(2) THE PURPOSE OF THE RMP IS TO EXPAND FOOD ACCESS TO INDIVIDUALS WHO:**

**(I) DO NOT HAVE A PLACE TO STORE AND COOK FOOD;**

**(II) MAY NOT BE ABLE TO PREPARE FOOD; OR**

**(III) DO NOT HAVE ACCESS TO A GROCERY STORE.**

**(C) A HOUSEHOLD ELIGIBLE UNDER SUBSECTION (D) OF THIS SECTION TO PARTICIPATE IN THE RMP MAY PURCHASE HOT PREPARED FOODS AT PARTICIPATING RESTAURANTS USING A FOOD SUPPLEMENT PROGRAM BENEFIT.**

**(D) A HOUSEHOLD IS ELIGIBLE TO PARTICIPATE IN THE RMP IF THE HOUSEHOLD IS ELIGIBLE TO RECEIVE FOOD SUPPLEMENT PROGRAM BENEFITS UNDER STATE AND FEDERAL LAW, AND THE HOUSEHOLD:**

**(1) LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE;**

**(2) INCLUDES ONLY INDIVIDUALS WHO ARE:**

**(I) 60 YEARS OF AGE OR OLDER; OR**

**(II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY;**

**(3) INCLUDES ONLY AN INDIVIDUAL AND THE INDIVIDUAL'S SPOUSE IF THE INDIVIDUAL IS:**

**(I) 60 YEARS OF AGE OR OLDER; OR**

**(II) DESIGNATED DISABLED BY A GOVERNMENT ENTITY; OR**

**(4) INCLUDES ONLY:**

**(I) INDIVIDUALS WHO ARE 60 YEARS OF AGE OR OLDER; AND**

**(II) INDIVIDUALS WHO ARE DESIGNATED DISABLED BY A GOVERNMENT ENTITY.**

**(E) BEFORE PARTICIPATING IN THE PROGRAM, A RESTAURANT SHALL:**

**(1) SUBMIT AN APPLICATION AND BE APPROVED UNDER A PROCESS DETERMINED BY THE DEPARTMENT;**

**(2) BECOME A SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PROVIDER LICENSED BY THE U.S. DEPARTMENT OF AGRICULTURE; AND**

**(3) BE ABLE TO PROCESS ELECTRONIC BENEFIT TRANSACTION CARD PAYMENTS AT THE POINT OF SALE.**

**(F) (1) EACH LOCAL DEPARTMENT SHALL ADMINISTER THE RMP AS PART OF THE FOOD SUPPLEMENT PROGRAM AUTHORIZED UNDER § 5-501 OF THIS SUBTITLE, IN ACCORDANCE WITH FEDERAL LAW.**

**(2) THE DEPARTMENT SHALL ADOPT REGULATIONS:**

**(I) TO VERIFY HOUSEHOLD ELIGIBILITY FOR PARTICIPATION IN THE RMP;**

**(II) TO ESTABLISH ELIGIBILITY STANDARDS, AN APPLICATION PROCESS, AND AN APPROVAL PROCESS FOR RESTAURANTS TO PARTICIPATE IN THE RMP; AND**

**(III) OTHERWISE NECESSARY TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2019, and each year thereafter, the Department of Human Services shall report to the Senate Finance Committee and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article, on progress toward establishing a Restaurant Meals Program, including:

**(1) the names and addresses of all approved restaurants;**

**(2) the number of food supplement program recipients participating in the program by county;**

**(3) a plan to expand the number of restaurants participating in the program, particularly in areas of high demand; and**

(4) barriers to program expansion, including availability of equipment necessary to process electronic benefit transaction card payments at the point of sale.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Human Services shall:

(1) evaluate the feasibility and cost of:

(i) implementing mobile and web-based technology for recertification of food supplement program benefits; ~~and~~

(ii) implementing a “Heat and Eat” program to determine food supplement program benefit levels for eligible households; and

(iii) exempting veterans from veteran time limits applicable to able-bodied adults without dependents under the food supplement program; and

(2) on or before December 1, 2019, report the findings made under item (1) of this section to the Senate Finance Committee and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 13, 2019.**