

SENATE BILL 49

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(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Human Services)**

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Human Services – Food Supplement Program – Renaming**

3 FOR the purpose of renaming the food supplement program in the Department of Human
4 Services to be the Supplemental Nutrition Assistance Program; providing that the
5 Supplemental Nutrition Assistance Program is the successor of the food supplement
6 program; providing that certain names and titles in certain State documents mean
7 the names and titles of the Supplemental Nutrition Assistance Program; requiring
8 the publisher of the Annotated Code of Maryland, in consultation with and subject
9 to the approval of the Department of Legislative Services, to correct any
10 cross-references or terminology rendered incorrect by this Act and to describe any
11 corrections made in an editor's note following the section affected; making a technical
12 correction; and generally relating to the renaming of the food supplement program.

13 BY repealing and reenacting, with amendments,
14 Article – Human Services
15 Section 5–501 and 5–503 through 5–505
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2019 Supplement)

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

20 **Article – Human Services**

21 5–501.

22 (a) (1) The Department may implement a [food supplement program]
23 **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** in accordance with the federal
24 Supplemental Nutrition Assistance Program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The [food supplement program] **SUPPLEMENTAL NUTRITION**
2 **ASSISTANCE PROGRAM** shall include a Restaurant Meals Program in accordance with §
3 5–505 of this subtitle.

4 (b) The State shall bear the nonfederal portion of the administrative costs of the
5 [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** for
6 each county.

7 (c) Each local department shall administer the [food supplement program]
8 **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**:

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

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

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

15 5–503.

16 Subject to the State budget, the Department shall provide food supplement benefits
17 to a legal immigrant who:

18 (1) is a minor;

19 (2) is ineligible for federally funded Supplemental Nutrition Assistance
20 Program benefits because of immigration status;

21 (3) meets all other [food supplement program] **SUPPLEMENTAL**
22 **NUTRITION ASSISTANCE PROGRAM** eligibility requirements; and

23 (4) meets any other requirements of the State.

24 5–504.

25 (a) A person may not sell or purchase [food supplement program]
26 **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefits unless otherwise
27 authorized by law.

28 (b) A person may not knowingly buy or sell merchandise that has been purchased
29 with [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**
30 benefits.

1 (c) If the value of the money or goods involved is \$1,000 or more, a person who
2 violates this section is guilty of a felony and on conviction:

3 (1) is subject to imprisonment not exceeding 5 years or a fine not exceeding
4 \$10,000 or both; and

5 (2) shall make full restitution of the money or goods unlawfully received or
6 perform community service, as determined by the court.

7 (d) If the value of the money or goods involved is less than \$1,000, a person who
8 violates this section is guilty of a misdemeanor and on conviction:

9 (1) is subject to imprisonment not exceeding 3 years or a fine not exceeding
10 \$1,000 or both; and

11 (2) shall make full restitution of the money or goods unlawfully received or
12 perform community service, as determined by the court.

13 5–505.

14 (a) In this section, “RMP” means the Restaurant Meals Program.

15 (b) (1) There is a Restaurant Meals Program within the [food supplement
16 program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** in the Department.

17 (2) The purpose of the RMP is to expand food access to individuals who:

18 (i) do not have a place to store and cook food;

19 (ii) may not be able to prepare food; or

20 (iii) do not have access to a grocery store.

21 (c) A household eligible under subsection (d) of this section to participate in the
22 RMP may purchase hot prepared foods at participating restaurants using a [food
23 supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** benefit.

24 (d) A household is eligible to participate in the RMP if the household is eligible to
25 receive [food supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE**
26 **PROGRAM** benefits under State and federal law, and the household:

27 (1) lacks a fixed, regular, and adequate nighttime residence;

28 (2) includes only individuals who are:

29 (i) 60 years of age or older; or

- 1 (ii) designated disabled by a government entity;
- 2 (3) includes only an individual and the individual's spouse if the individual
3 is:
- 4 (i) 60 years of age or older; or
- 5 (ii) designated disabled by a government entity; or
- 6 (4) includes only:
- 7 (i) individuals who are 60 years of age or older; and
- 8 (ii) individuals who are designated disabled by a government entity.
- 9 (e) Before participating in the [Program] **RMP**, a restaurant shall:
- 10 (1) submit an application and be approved under a process determined by
11 the Department;
- 12 (2) become a Supplemental Nutrition Assistance Program provider
13 licensed by the U.S. Department of Agriculture; and
- 14 (3) be able to process electronic benefit transaction card payments at the
15 point of sale.
- 16 (f) (1) Each local department shall administer the RMP as part of the [food
17 supplement program] **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM** authorized
18 under § 5–501 of this subtitle, in accordance with federal law.
- 19 (2) The Department shall adopt regulations:
- 20 (i) to verify household eligibility for participation in the RMP;
- 21 (ii) to establish eligibility standards, an application process, and an
22 approval process for restaurants to participate in the RMP; and
- 23 (iii) otherwise necessary to carry out this section.

24 SECTION 2. AND BE IT FURTHER ENACTED, That, as provided in this Act:

25 (a) The Supplemental Nutrition Assistance Program is the successor of the food
26 supplement program.

27 (b) In every law, executive order, rule, regulation, policy, or document created by
28 an official, an employee, or a unit of this State, the names and titles of the food supplement

1 program mean the names and titles of the Supplemental Nutrition Assistance Program.

2 SECTION 3. AND BE IT FURTHER ENACTED, That the publishers of the
3 Annotated Code of Maryland, in consultation with and subject to the approval of the
4 Department of Legislative Services, shall correct, with no further action required by the
5 General Assembly, cross-references and terminology rendered incorrect by this Act. The
6 publishers shall adequately describe any correction that is made in an editor's note
7 following the section affected.

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2020.