

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Human Services
(DLS Control No. 20-001)**

Overview and Legal and Fiscal Impact

This regulation implements the Restaurant Meals Program (RMP) as part of the Food Supplement Program, as required in accordance with Chapter 475 of 2019.

The regulation presents no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Human Services:

Family Investment Administration: Food Supplement Program: COMAR 07.03.17.61

Legal Analysis

Background

The federal Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, provides benefits solely for the purchase of food items to families and individuals who meet income and resource requirements. Program rules and regulations are issued by the federal government. Administrative costs are split equally between the State and federal government. In accordance with Chapter 696 of 2016, the State provides a supplement to ensure that all households that include an individual who is at least age 62 receive a minimum benefit of \$30 per month. Otherwise, benefits are 100% federally funded.

Chapter 475 2019 required the Department of Human Services to create a RMP to expand food access to eligible individuals who do not have a place to store and cook food, may not be able to prepare food, or do not have access to a grocery store. States are authorized to implement the RMP in order to allow qualified homeless, elderly, or disabled individuals to use SNAP benefits at participating restaurants.

Summary of Regulation

This regulation implements a RMP as required under Chapter 475 of 2019. The regulation:

- states the purpose of the RMP and establishes several relevant definitions;
- requires a restaurant to submit an application to participate in the program, and establishes procedures for the review process;
- establishes requirements and prohibitions for participating restaurants;
- establishes requirements for household eligibility for participation in the RMP;
- requires the Family Investment Administration (the administration) to notify a household of its eligibility for the RMP; and
- requires the administration to notify beneficiaries of hearing process rights and procedures when an action by the administration may deny, delay, suspend, reduce, or terminate the RMP assistance.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The administration cites § 5-501 of the Human Services Article as authority for the regulation. More specifically, § 5-501(a) requires the department to implement a RMP as part of SNAP. While not cited by the department, § 5-505 of the Human Services Article establishes the requirements for a RMP in the State. Specifically, § 5-505(f) requires each local department of social services to administer the RMP and requires the department to adopt regulations.

With the addition of § 5-505, this authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The Department of Legislative Services contacted the Department of Human Services regarding the omitted statutory authority and to suggest a small change to remove an erroneous statement regarding the implementation of a section in the Statement of Purpose. The department indicates it will make these changes prior to publishing.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation implements provisions of Chapter 475 of 2019 (House Bill 838), which created the Restaurant Meals Program (RMP) within the Food Supplement Program in the department. The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs and notes that the fiscal impact was already accounted for in the fiscal and policy note for House Bill 838, which estimated that general funds increase by \$83,800 in fiscal 2020 for operating and startup costs and the hiring of an administrator to develop and administer RMP.

Impact on Budget

There is no material impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small business in the State. The Department of Legislative Services concurs. The fiscal and policy note for House Bill 838 estimated a minimal impact on small businesses. The Department of Legislative Services notes that some restaurants in the State may also be small businesses. Participation in the program is voluntary and restaurants must apply to the U.S. Department of Agriculture and the department to participate in RMP.

Contact Information

Legal Analysis: Jennifer L. Young – (410) 946/(301) 970-5350

Fiscal Analysis: Amberly Holcomb – (410) 946/(301) 970-5510