

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Davon K Gardner  
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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 07.03.17..61

**Corresponding Federal Standard:**  
7 CFR 278.1(d)(3)

**Discussion/Justification:**

The proposed regulation aligns with the federal regulation and is not more restrictive or stringent.

**TO BE COMPLETED BY DBED**

-Agree  
 -Disagree

**Comments:**

Name:  
Date:

-Submit to Governor's Office  
**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	01/06/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 3/13/2020**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

07 03 17 .61

**3. Name of Promulgating Authority**

Department of Human Resources

**4. Name of Regulations Coordinator**

Davon K Gardner

**Telephone Number**

410-767-8966

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311 W. Saratoga Street

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davon.gardner@maryland.gov

**5. Name of Person to Call About this Document**

Lauren C. Graziano

**Telephone No.**

410-767-6886

**Email Address**

Laurenc.Graziano@Maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: December 27, 2019.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Robert Durocher, Jr., Assistant Attorney General, (telephone #410-767-7366) on January 2, 2020. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Lauren C. Graziano

**Title**

Director of Government Affairs

**Telephone No.**

410-767-8966

**Date**

January 3, 2020

**Title 07**  
**DEPARTMENT OF HUMAN RESOURCES**  
**Subtitle 03 FAMILY INVESTMENT ADMINISTRATION**

## **07.03.17 Food Supplement**

Authority: Human Services § 5-501

### **Notice of Proposed Action**

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The Secretary of Human Services proposes to (1) Adopt new Regulation .61 under existing chapter, COMAR 07.03.17 Maryland Restaurant Meals Program

### **Statement of Purpose**

The purpose of this action is to Comply with state statue that mandates that the Department of Human Services adopt regulations:

- (1) To verify household eligibility for participation in the Restaurant Meals Program (RMP);
- (2) To establish eligibility standards, an application process, and an approval process for restaurants to participate in the RMP; and
- (3) Otherwise necessary to carry out this section.

### **Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

### **Estimate of Economic Impact**

The proposed action has no economic impact.

### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

### **Opportunity for Public Comment**

Comments may be sent to Lauren C. Graziano, Esq, Director of Government Affairs, Department of Human Services, 311 W. Saratoga Street, or call 410-767-6886, or email to [Laurenc.Graziano@Maryland.gov](mailto:Laurenc.Graziano@Maryland.gov), or fax to . Comments will be accepted through April 27, 2020. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 20

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

General Funds

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The proposed regulation will have minimal impact on small businesses. The program limited to restaurant who apply to receive approval from the U.S. Department of Agriculture to participate in the program. Additionally, customer eligibility to this program is limited to: 1) elderly, 2) disabled, and 3) those experiencing homelessness.

G. Small Business Worksheet:

Attached Document:

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## ***Title 07 DEPARTMENT OF HUMAN SERVICES***

### ***Subtitle 03 FAMILY INVESTMENT ADMINISTRATION***

#### ***Chapter 17 Food Supplement Program***

*Authority: Human Services Article § 5-501*

##### ***.61 Maryland Restaurant Meals Program.***

*A. Purpose: The Maryland Restaurant Meals Program provides elderly, disabled, and homeless SNAP recipients with the option to use their benefits to purchase hot, prepared foods from restaurants that have been approved by the Administration to participate in the program.*

##### *B. Definitions.*

*(1) In this regulation, the following terms have the meanings indicated.*

*(2) Terms defined.*

*(a) "Administration" means the Family Investment Administration of the Department of Human Services.*

*(b) "FNS" means the United States Department of Agriculture Food Nutrition Service.*

*(c) "MOU" means memorandum of understanding.*

*(d) "Program" means the Restaurant Meals Program.*

*(e) "Restaurant" is defined as a private for-profit establishment where meals are sold and served to customers, including in store delis or delicatessens and food trucks.*

##### *C. The Restaurant Application Process.*

*(1) A restaurant shall submit a complete Restaurant Meals Program application to the Administration.*

*(2) A complete Program application shall include:*

*(a) A completed MOU form; and*

*(b) A completed U.S. Department of Agriculture Supplemental Nutrition Assistance Program Application for Meal Services form.*

*(3) Once an application is received by the Administration, the Administration shall review a restaurant's application for completion and accuracy.*

*(4) Incomplete application:*

(a) The Administration will notify the applicant of all missing information by Issuing a Request for Additional Information within 30 days of application receipt.

(b) If the applicant does not provide the requested information within 10 calendar days from the date of a Request for Information, the Administration shall deny the application.

(5) Once the Administration determines an application is accurate and complete, it will forward the application to FNS for review and authorization.

(6) If FNS does not authorize the restaurant to accept SNAP benefits, the Administration shall deny the application.

(7) If FNS does authorize:

(a) The effective date of the MOU will be the date FNS provides its authorization for the restaurant;

(b) The Administration shall insert the effective date on the MOU, which will then execute the MOU; and

(c) The executed MOU will be mailed to the restaurant.

D. Participating restaurants shall:

(1) Have an executed MOU with the Administration. One MOU may be executed for restaurants applying for multiple locations, provided that all restaurants are under the same ownership or structure;

(2) Be authorized by FNS;

(3) Offer meals at concessional prices by:

(a) serving meals that cost less than that which would be charged to customers not using SNAP benefits with a sales price at least 10 percent less than the sales price charged to customers who are not using SNAP benefits to pay for similar meals; or

(b) discounted meals already offered to certain customers or advertised special or sale priced meals offered to all consumers;

(4) Be fully accessible to the disabled;

(5) Have more than 50 percent of total sales in food;

(6) Not be set exclusively for carry-out;

(7) Collect SNAP benefits at the time of meal delivery;

(8) Not be operating as a bar or tavern; and

(9) Post a sign notifying the public of the restaurant's participation in the program.

E. Participating restaurants shall not:

(1) Charge, include, or otherwise collect a service gratuity for any food or meals sold to an individual participating in the program;

(2) Charge, include, or otherwise collect a sales or meals tax for any food or meal sold to an individual participating in the program; and

(3) Allow individuals participating in the program to purchase alcoholic beverages with SNAP benefits

F. Household Eligibility.

(1) An eligible household under this section may purchase hot, prepared foods at participating restaurants using SNAP benefits.

(2) A household is eligible to participate in the program if the household is eligible to receive SNAP benefits under state and federal laws, and all members of the household:

(a) Lack a fixed, regular, and adequate nighttime residence;

(b) Are elderly as defined in this chapter;

(c) Are disabled as defined in this chapter; or

(d) In the case of a household that includes only an individual and the individual's spouse, the individual must be elderly or disabled.

(3) Determining household eligibility

(a) The Administration shall review a household for program eligibility:

(i) During the initial application for SNAP benefits; and

(ii) Each time the house is recertified or reporting a change.

(4) Notification of household eligibility

(a) The Administration shall notify the household of its program eligibility

(b) The Administration shall notify the household should its program eligibility discontinue and the reason for the discontinuation.

(5) Fair Hearing Process

(a) The Administration shall provide notification of the right to and the procedures for requesting and obtaining a fair hearing to each applicant or recipient whenever the Administration notifies the applicant or recipient of any action which might deny, delay, suspend, reduce, or terminate assistance.

(b) The appeal procedures are set forth in COMAR 07.01.04.

