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**By: Delegates Valderrama, Howard, Exum, Patterson, B. Hughes, Opara, Frush, Nathan-Pulliam, Doory, Menes, Rosapepe, Palumbo, Healey, Dembrow, E. Burns, Mandel, Muse, and Bobo**

Introduced and read first time: February 21, 1997

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Welfare Reform - Legal Immigrants**

3 FOR the purpose of requiring the Department of Human Resources to provide cash  
4 assistance to all legal immigrants who meet certain eligibility standards and who  
5 arrived in the United States on or before a certain date; requiring the Department  
6 of Human Resources to provide cash assistance programs to all legal immigrants  
7 who arrived in the United States after a certain date; requiring the Department of  
8 Human Resources to provide housing subsidies for all legal immigrants who lose  
9 supplemental security income benefits; requiring the Department of Human  
10 Resources to provide certain assistance programs to all legal immigrants who  
11 arrived in the United States on or before a certain date; requiring the Department  
12 of Human Resources to provide certain assistance programs to all legal immigrants  
13 who arrived in the United States after a certain date; requiring the Department of  
14 Human Resources to provide emergency food and child nutrition programs to  
15 certain qualified immigrants; requiring the Department of Human Resources to  
16 establish and provide food stamp benefits to all legal immigrants who meet certain  
17 program standards; requiring the Department of Health and Mental Hygiene to  
18 provide certain medical care services for legal immigrants who meet certain  
19 eligibility standards and who arrived in the United States on or before a certain  
20 date; requiring the Department of Health and Mental Hygiene to provide certain  
21 medical care services to all legal immigrants who meet certain eligibility standards  
22 and who arrived in the United States after a certain date; requiring the Department  
23 of Health and Mental Hygiene to provide certain medical care services to legal  
24 immigrant children under a certain age and pregnant women who arrived in the  
25 United States after a certain date; and generally relating to legal immigrants and  
26 welfare benefit programs.

27 BY repealing and reenacting, with amendments,  
28 Article 88A - Department of Human Resources  
29 Section 48 and 88  
30 Annotated Code of Maryland  
31 (1995 Replacement Volume and 1996 Supplement)

32 BY adding to

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1 Article 88A - Department of Human Resources  
2 Section 83A to be under the new subtitle "Housing Subsidies for Legal  
3 Immigrants"; 83B to be under the new subtitle "Assistance Programs for  
4 Immigrants"; and 83C to be under the new subtitle "Emergency Food and  
5 Child Nutrition Program to Immigrants"  
6 Annotated Code of Maryland  
7 (1995 Replacement Volume and 1996 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Health - General  
10 Section 15-103(a)  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1996 Supplement)

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

15 **Article 88A - Department of Human Resources**

16 48.

17 (a) A family is potentially eligible for assistance under this subtitle only if the  
18 family includes:

19 (1) A minor child who resides with a custodial parent or other adult  
20 caretaker relative of the child; or

21 (2) A pregnant individual.

22 (b) Assistance shall be provided under this subtitle only if the applicant for or  
23 recipient of assistance:

24 (1) Resides in this State at the time of application for the assistance;

25 (2) (i) Has applied for child support services with the appropriate local  
26 child support enforcement office at the time of application for the assistance; and

27 (ii) Complies with the requirements of the local child support  
28 enforcement office;

29 (3) Has engaged in job search activities as requested by the Department;

30 (4) Participates in work activity under this subtitle, unless exempt under  
31 criteria established by the Secretary which shall include the following groups of  
32 individuals:

33 (i) Adults who are required to care for a child who is a recipient  
34 under age 1;

35 (ii) Subject to subsection (c) of this section, adults and children who  
36 are recipients and who are severely disabled; and

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1 (iii) Subject to subsection (c) of this section, children 16 years of age  
2 and older who are not in school and who are severely disabled; and

3 (5) Meets all other FIP program requirements that the Secretary establishes  
4 by regulation.

5 (c) An individual may not be exempt as severely disabled under subsection (b)(4)  
6 of this section for more than 12 months unless:

7 (1) That individual applies for supplemental security income; and

8 (2) The application is approved, pending, or in the appeal stage.

9 (D) (1) NOTWITHSTANDING ANY PROVISION OF LAW AND SUBJECT TO THE  
10 LIMITATIONS OF THE STATE BUDGET, ASSISTANCE SHALL BE PROVIDED UNDER  
11 THIS SUBTITLE TO ALL LEGAL IMMIGRANTS WHO MEET FIP ELIGIBILITY  
12 REQUIREMENTS UNDER THIS SUBTITLE AND WHO:

13 (I) ARRIVED IN THE UNITED STATES ON OR BEFORE AUGUST 22,  
14 1996, THE EFFECTIVE DATE OF THE FEDERAL PERSONAL RESPONSIBILITY AND  
15 WORK OPPORTUNITY RECONCILIATION ACT OF 1996; AND

16 (II) SUBJECT TO THE 5-YEAR BAR UNDER THE FEDERAL  
17 PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF  
18 1996, ARRIVED IN THE UNITED STATES AFTER AUGUST 22, 1996.

19 (2) THE LEGAL IMMIGRANTS AS DESCRIBED IN SUBPARAGRAPHS (I)  
20 AND (II) OF PARAGRAPH (1) OF THIS SUBSECTION MUST:

21 (I) HAVE LIVED IN THIS STATE FOR AT LEAST 12 MONTHS; OR

22 (II) HAVE PREVIOUSLY LIVED IN A STATE THAT PROVIDED CASH  
23 ASSISTANCE TO LEGAL IMMIGRANTS.

24 (3) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
25 SECRETARY SHALL ESTABLISH A CASH ASSISTANCE PROGRAM TO ALL LEGAL  
26 IMMIGRANTS WHO MEET THE FIP ELIGIBILITY REQUIREMENTS UNDER THIS  
27 SUBTITLE AND WHO ARRIVED IN THE UNITED STATES AFTER AUGUST 22, 1996, AND  
28 WHO ARE OTHERWISE INELIGIBLE FOR FIP BENEFITS DURING THE 5-YEAR BAR  
29 UNDER THE FEDERAL PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY  
30 RECONCILIATION ACT OF 1996.

31 (4) TO BE ELIGIBLE FOR THE CASH ASSISTANCE PROVIDED UNDER THIS  
32 SUBSECTION, LEGAL IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE  
33 NATURALIZED AS THE UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME  
34 ALLOWED UNDER THE FEDERAL LAW. IF THE LEGAL IMMIGRANTS FAIL TO COMPLY  
35 WITH THE CERTIFICATION, THEY MUST PAY A PENALTY IN THE SAME AMOUNT  
36 THAT THEY HAVE RECEIVED UNDER THIS SUBSECTION.

4

1 HOUSING SUBSIDIES FOR LEGAL IMMIGRANTS

2 83A.

3 SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE DEPARTMENT OF  
4 HUMAN RESOURCES SHALL PROVIDE HOUSING SUBSIDIES FOR LEGAL IMMIGRANTS  
5 WHO LOSE SUPPLEMENTAL SECURITY INCOME BENEFITS UNDER THE FEDERAL  
6 PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF  
7 1996. TO BE ELIGIBLE FOR HOUSING SUBSIDIES PROVIDED UNDER THIS SECTION,  
8 LEGAL IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE NATURALIZED AS THE  
9 UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME ALLOWED UNDER THE  
10 FEDERAL LAW. IF THE LEGAL IMMIGRANTS FAIL TO COMPLY WITH THE  
11 CERTIFICATION, THEY MUST PAY A PENALTY IN THE SAME AMOUNT THAT THEY  
12 HAVE RECEIVED UNDER THIS SECTION.

13 ASSISTANCE PROGRAMS FOR IMMIGRANTS

14 83B.

15 (A) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
16 DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE THE ASSISTANCE  
17 DESCRIBED IN SUBSECTION (B) OF THIS SECTION TO LEGAL IMMIGRANTS WHO:

18 (1) ARRIVED IN THE UNITED STATES ON OR BEFORE AUGUST 22, 1996,  
19 THE EFFECTIVE DATE OF THE FEDERAL PERSONAL RESPONSIBILITY AND WORK  
20 OPPORTUNITY RECONCILIATION ACT OF 1996;

21 (2) SUBJECT TO THE 5-YEAR BAR UNDER THE FEDERAL PERSONAL  
22 RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996, ARRIVED  
23 IN THE UNITED STATES AFTER AUGUST 22, 1996, THE EFFECTIVE DATE OF THE  
24 FEDERAL PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION  
25 ACT OF 1996; AND

26 (3) ARRIVED IN THE UNITED STATES AFTER AUGUST 22, 1996, THE  
27 EFFECTIVE DATE OF THE FEDERAL PERSONAL RESPONSIBILITY AND WORK  
28 OPPORTUNITY RECONCILIATION ACT OF 1996 AND ARE OTHERWISE INELIGIBLE FOR  
29 THE ASSISTANCE DURING THE 5-YEAR BAR UNDER THE ACT.

30 (B) THE ASSISTANCE TO BE PROVIDED BY THE DEPARTMENT OF HUMAN  
31 RESOURCES TO INDIVIDUALS DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION  
32 SHALL INCLUDE:

33 (1) IN-HOME CARE FOR INDIVIDUALS WITH DISABILITIES;

34 (2) ASSISTANCE PROVIDED UNDER PROGRAMS FOR ABUSED AND  
35 NEGLECTED CHILDREN; AND

36 (3) ASSISTANCE PROVIDED UNDER PROGRAMS FOR VICTIMS OF  
37 DOMESTIC VIOLENCE.

38 (C) TO BE ELIGIBLE FOR THE ASSISTANCE PROVIDED UNDER THIS SECTION,  
39 LEGAL IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE NATURALIZED AS THE  
40 UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME ALLOWED UNDER THE

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1 FEDERAL LAW. IF THE LEGAL IMMIGRANTS FAIL TO COMPLY WITH THE  
2 CERTIFICATION, THEY MUST PAY A PENALTY IN AN AMOUNT TO BE DETERMINED  
3 BY THE DEPARTMENT.

4 EMERGENCY FOOD AND CHILD NUTRITION PROGRAM TO IMMIGRANTS

5 83C.

6 (A) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
7 DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE EMERGENCY FOOD AND  
8 NUTRITION PROGRAMS TO ALL IMMIGRANTS WHO ARE QUALIFIED BASED ON NEED.

9 (B) THE PROGRAM SHALL INCLUDE SCHOOL BREAKFASTS AND LUNCHES.

10 (C) TO BE ELIGIBLE FOR THE PROGRAM PROVIDED UNDER THIS SECTION,  
11 IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE NATURALIZED AS THE  
12 UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME ALLOWED UNDER THE  
13 FEDERAL LAW. IF THE IMMIGRANTS FAIL TO COMPLY WITH THE CERTIFICATION,  
14 THEY MUST PAY A PENALTY IN AN AMOUNT TO BE DETERMINED BY THE  
15 DEPARTMENT.

16 88.

17 (a) The Department of Human Resources may implement, in accordance with the  
18 provisions of the federal Food Stamp Act, a food stamp program in which the City of  
19 Baltimore and all counties of the State shall participate and for which the State shall bear  
20 the nonfederal portion of the administrative costs for the respective jurisdictions. The  
21 food stamp program shall be administered by the City of Baltimore and all counties of the  
22 State under the supervision and control of the Department of Human Resources and in  
23 conformity with the rules and regulations of the Department of Human Resources and  
24 applicable federal statutes, rules and regulations.

25 (b) If requested by the Department of Human Resources, the City of Baltimore  
26 and all counties of the State shall enter into a written agreement with the Department of  
27 Human Resources providing for the implementation and administration of the food  
28 stamp program in the City of Baltimore and all counties of the State.

29 (c) (1) In the event that the City of Baltimore or any of the counties of the State  
30 fails or refuses to participate in and administer a food stamp program, the Department of  
31 Human Resources may administer the program in the City of Baltimore or counties of the  
32 State.

33 (2) The Department of Human Resources may file an action in the court of  
34 appropriate jurisdiction to compel the City of Baltimore or the county to fulfill its federal  
35 requirements under this section.

36 (d) (1) If any provision of this subtitle conflicts with any applicable federal  
37 statute, rule or regulation, the federal statute, rule or regulation shall prevail.

38 (2) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
39 DEPARTMENT OF HUMAN RESOURCES SHALL ESTABLISH AND PROVIDE FOOD  
40 STAMP BENEFITS TO ALL LEGAL IMMIGRANTS WHO MEET FOOD STAMP PROGRAM

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1 ELIGIBILITY REQUIREMENTS AND ANY OTHER REQUIREMENTS IMPOSED BY THE  
2 STATE. TO BE ELIGIBLE FOR THE BENEFITS PROVIDED UNDER THIS PARAGRAPH,  
3 LEGAL IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE NATURALIZED AS THE  
4 UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME ALLOWED UNDER THE  
5 FEDERAL LAW. IF THE LEGAL IMMIGRANTS FAIL TO COMPLY WITH THE  
6 CERTIFICATION, THEY MUST PAY A PENALTY IN AN AMOUNT TO BE DETERMINED  
7 BY THE DEPARTMENT.

8 **Article - Health - General**

9 15-103.

10 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
11 Program.

12 (2) The Program:

13 (i) Subject to the limitations of the State budget, shall provide  
14 comprehensive medical and other health care services for indigent individuals or  
15 medically indigent individuals or both;

16 (ii) Shall provide, subject to the limitations of the State budget,  
17 comprehensive medical and other health care services for all eligible pregnant women  
18 and, at a minimum, all children currently under the age of 1 whose family income falls  
19 below 185 percent of the poverty level, as permitted by the federal law;

20 (iii) Shall provide, subject to the limitations of the State budget, family  
21 planning services to women currently eligible for comprehensive medical care and other  
22 health care under item (ii) of this paragraph for 5 years after the second month following  
23 the month in which the woman delivers her child;

24 (iv) Shall provide, subject to the limitations of the State budget,  
25 comprehensive medical and other health care services for all children from the age of 1  
26 year up through and including the age of 5 years whose family income falls below 133  
27 percent of the poverty level, as permitted by the federal law;

28 (v) Shall provide, subject to the limitations of the State budget,  
29 comprehensive medical care and other health care services for all children born after  
30 September 30, 1983 who are at least 6 years of age but are under 19 years of age whose  
31 family income falls below 100 percent of the poverty level, as permitted by federal law;

32 (VI) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, SHALL  
33 PROVIDE COMPREHENSIVE MEDICAL CARE AND OTHER HEALTH CARE SERVICES  
34 FOR ALL LEGAL IMMIGRANTS WHO MEET PROGRAM ELIGIBILITY REQUIREMENTS  
35 AND WHO:

36 1. ARRIVED IN THE UNITED STATES ON OR BEFORE AUGUST  
37 22, 1996, THE EFFECTIVE DATE OF THE PERSONAL RESPONSIBILITY AND WORK  
38 OPPORTUNITY RECONCILIATION ACT OF 1996;

39 2. SUBJECT TO THE 5-YEAR BAR UNDER THE FEDERAL  
40 RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996, ARRIVED  
41 IN THE UNITED STATES AFTER AUGUST 22, 1996, THE EFFECTIVE DATE OF THE

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1 PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF  
2 1996; AND

3                                   3. SUBJECT TO ANY OTHER REQUIREMENTS IMPOSED BY  
4 THE STATE, ARE CHILDREN UNDER THE AGE OF 18 YEARS AND PREGNANT WOMEN  
5 WHO ARRIVED IN THE UNITED STATES AFTER AUGUST 22, 1996, THE EFFECTIVE  
6 DATE OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY  
7 RECONCILIATION ACT OF 1996;

8                                   4. TO BE ELIGIBLE FOR THE MEDICAL CARE AND OTHER  
9 HEALTH CARE SERVICES PROVIDED UNDER THIS SUBPARAGRAPH, LEGAL  
10 IMMIGRANTS MUST CERTIFY THEIR INTENTION TO BE NATURALIZED AS THE  
11 UNITED STATES CITIZENS AT THE EARLIEST POSSIBLE TIME ALLOWED UNDER THE  
12 FEDERAL LAW. IF THE LEGAL IMMIGRANTS FAIL TO COMPLY WITH THE  
13 CERTIFICATION, THEY MUST PAY A PENALTY IN AN AMOUNT TO BE DETERMINED  
14 BY THE DEPARTMENT.

15                               [(vi)] (VII) May include bedside nursing care for eligible Program  
16 recipients; and

17                               [(vii)] (VIII) Shall provide services in accordance with funding  
18 restrictions included in the annual State budget bill.

19                               (3) Subject to restrictions in federal law or waivers, the Department may  
20 impose cost-sharing on Program recipients.

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1997.