

# HOUSE BILL 838

01, 02, 03

9lr2008  
CF SB 752

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By: **Delegates Valentino–Smith, Acevero, Hettleman, Krimm, Lierman, Solomon, Terrasa, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Food Supplement Program – Restaurant Meals Program**

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

19 BY repealing and reenacting, with amendments,  
20 Article – Human Services  
21 Section 5–501, 5–503, and 5–504(a) and (b)  
22 Annotated Code of Maryland  
23 (2007 Volume and 2018 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

8 **Article – Human Services**

9 5–501.

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

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

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

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

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

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

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

25 5–503.

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

28 (1) is a minor;

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

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

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

4 5-504.

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

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

9 **5-505.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           **(4) INCLUDES ONLY:**

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

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

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

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

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

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

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

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

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

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

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

26           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
27 2019, and each year thereafter, the Department of Human Services shall report to the  
28 Senate Finance Committee and the House Appropriations Committee, in accordance with

1 § 2–1246 of the State Government Article, on progress toward establishing a Restaurant  
2 Meals Program, including:

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

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

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

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

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

12 (1) evaluate the feasibility and cost of:

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

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

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

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

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 1, 2019. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of  
24 June 30, 2022, Section 2 of this Act, with no further action required by the General  
25 Assembly, shall be abrogated and of no further force and effect.