S T A T E O F N E W Y O R K

6071

2015-2016 Regular Sessions

I N S E N A T E

October 19, 2015

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to eligibility for SNAP benefits and specifying additional products eligible for WIC benefits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 95 of the social services law is amended by adding a new subdivision 11 to read as follows:

11. TO THE EXTENT NOT INCONSISTENT WITH FEDERAL LAW AND REGULATIONS, AN INDIVIDUAL'S ELIGIBILITY TO PARTICIPATE IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM SHALL BE SUBJECT TO THE PROVISIONS OF SECTION NINETY-FIVE-A OF THIS TITLE.

S 2. The social services law is amended by adding a new section 95-b to read as follows:

S 95-B. MISCELLANEOUS REQUIREMENTS FOR APPLICANTS AND FOR RECIPIENTS OF PUBLIC ASSISTANCE. 1. PARTICIPATION IN EMPLOYMENT PROGRAM. (A) ALL APPLICANTS AND FOR RECIPIENTS OF PUBLIC ASSISTANCE SHALL COMPLY IN FULL WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS (PUBLIC ASSISTANCE AND FOOD SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) EMPLOYMENT PROGRAM REQUIREMENTS).

(B) IN ADDITION TO THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS, BEFORE SNAP BENEFITS MAY BE GRANTED TO AN APPLICANT BY THE DEPARTMENT, THE APPLICANT, IF JOB READY AS DETERMINED BY THE DEPARTMENT, MUST APPLY IN WRITING FOR THREE SEPARATE ADVERTISED JOBS AND PRODUCE VERIFIABLE DOCUMENTATION TO THE DEPARTMENT OF THE APPLICATIONS. TO SATISFY THIS WORK SEARCH REQUIREMENT, THE JOB APPLICATIONS MAY BE SUBMITTED AT ANY TIME FROM ONE WEEK PRIOR TO THE DATE OF THE APPLICATION TO THE DEPARTMENT FOR SNAP BENEFITS TO TWO WEEKS FOLLOWING THAT DATE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) SNAP BENEFITS UNDER THIS TITLE MUST BE TERMINATED BY THE DEPARTMENT AS FOLLOWS:

(1) FOR A FIRST FAILURE TO COMPLY WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS, TERMINATION OF BENEFITS APPLIES TO THE ADULT RECIPIENT;

(2) FOR A SECOND FAILURE TO COMPLY WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS, TERMINATION OF BENEFITS APPLIES TO THE ADULT RECIPIENT AND THE FULL FAMILY UNIT;

(3) FOR A THIRD AND SUBSEQUENT VIOLATION, TERMINATION OF BENEFITS APPLIES TO THE ADULT RECIPIENT AND THE FULL FAMILY UNIT FOR SIX CONSECUTIVE MONTHS COMMENCING UPON TERMINATION;

(4) PRIOR TO THE IMPLEMENTATION OF A FULL FAMILY UNIT SANCTION, THE DEPARTMENT SHALL OFFER THE ADULT RECIPIENT AN OPPORTUNITY TO SHOW FOR GOOD CAUSE WHY THE BENEFITS SHOULD NOT BE TERMINATED; AND

(5) BENEFITS THAT HAVE BEEN TERMINATED UNDER THIS PARAGRAPH MUST BE RESTORED ONCE THE ADULT RECIPIENT COMPLIES WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS.

(D) (1) PRIOR TO IMPOSING A SANCTION AGAINST AN INDIVIDUAL FOR FAILURE TO COMPLY WITH WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS, THE DEPARTMENT SHALL THOROUGHLY REVIEW THE CIRCUMSTANCES OF THE INDIVIDUAL AND OBTAIN SUPERVISORY APPROVAL OF THE RECOMMENDATION OF THE CASE MANAGER TO IMPOSE A SANCTION.

(2) AT THE TIME OF IMPOSING A SANCTION AGAINST AN INDIVIDUAL FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS, THE DEPARTMENT SHALL PROVIDE THE INDIVIDUAL WITH A NOTICE THAT STATES THE BASIS FOR THE SANCTION AND THE GOOD CAUSE REASON AS FOR THE SANCTION.

2. UNAUTHORIZED SPENDING OF SNAP BENEFITS. (A) A RECIPIENT MAY NOT USE SNAP BENEFITS PAYABLE THROUGH THE ELECTRONIC BENEFITS TRANSFER SYSTEM ESTABLISHED UNDER SECTION TWENTY-ONE-A OF THIS CHAPTER TO EFFECT ANY TRANSACTION IN:

(1) A RETAIL ESTABLISHMENT WHERE FIFTY PERCENT OR MORE OF THE GROSS REVENUE OF THE ESTABLISHMENT IS DERIVED FROM THE SALE OF ALCOHOLIC BEVERAGES AS DEFINED IN SECTION ONE OF THE ALCOHOLIC BEVERAGE CONTROL LAW;

(2) A GAMBLING OR GAMING FACILITY SUBJECT TO THE PROVISIONS OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, EXCEPT THAT USE OF THE ELECTRONIC BENEFITS TRANSFER SYSTEM IS PERMITTED IN ANY PORTION OF THE PREMISES OF A GAMBLING OR GAMING FACILITY THAT IS SET ASIDE SEPARATELY FOR THE SALE PRIMARILY OF STAPLE FOODS AS DEFINED IN 7 UNITED STATES CODE, SECTION 2012(R);

(3) A RETAIL ESTABLISHMENT THAT PROVIDES ADULT-ORIENTED ENTERTAINMENT IN WHICH PERFORMERS DISROBE OR PERFORM IN AN UNCLOTHED STATE FOR ENTERTAINMENT; OR

(4) A TOBACCO SPECIALTY STORE.

(B) SNAP BENEFITS MAY NOT BE EXPENDED ON THE FOLLOWING:

(1) TOBACCO PRODUCTS, AS DEFINED IN SECTION ONE THOUSAND THREE HUNDRED NINETY-NINE-AA OF THE PUBLIC HEALTH LAW;

(2) ALCOHOLIC BEVERAGES, AS DEFINED IN SECTION ONE OF THE ALCOHOLIC BEVERAGE CONTROL LAW;

(3) GAMBLING OR GAMING ACTIVITY;

(4) LOTTERIES CONDUCTED BY THE STATE;

(5) BAIL, AS DEFINED IN SECTION 520.10 OF THE CRIMINAL PROCEDURE LAW; OR

(6) TATTOO MARKS OR FIGURES, AS DEFINED IN SECTION FOUR HUNDRED SIXTY OF THE PUBLIC HEALTH LAW.

(C) A RECIPIENT OF SNAP BENEFITS MAY NOT ACCESS THOSE BENEFITS THROUGH THE ELECTRONIC BENEFITS TRANSFER SYSTEM ESTABLISHED IN SECTION TWENTY-ONE-A OF THIS CHAPTER OUTSIDE OF THIS STATE.

(D) IN A MONTHLY BENEFIT PERIOD, A RECIPIENT OF SNAP BENEFITS MAY NOT WITHDRAW AS CASH AN AMOUNT OVER FIFTEEN PERCENT OF THE RECIPIENT'S MONTHLY SNAP BENEFITS RECEIVED IN THE RECIPIENT'S ELECTRONIC BENEFITS TRANSFER SYSTEM ACCOUNT. FOR PURPOSES OF THIS PARAGRAPH, "MONTHLY BENEFIT PERIOD" MEANS THE PERIOD BEGINNING THE DAY THE RECIPIENT RECEIVES THE RECIPIENT'S MONTHLY BENEFIT AND ENDING THE DAY BEFORE THE RECIPIENT RECEIVES THE NEXT MONTHLY BENEFIT.

3. EDUCATIONAL OR TRAINING PROGRAMS. FOR INDIVIDUALS WHO ARE SATISFACTORILY PARTICIPATING IN AN EDUCATION OR TRAINING PROGRAM, THE DEPARTMENT SHALL DETERMINE THE ACCEPTABILITY OF THE ACTIVITY FOR PURPOSES OF MEETING THE PARTICIPATION REQUIREMENTS OF THE REQUIREMENTS OF PART 385 OF TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS USING THE SAME CRITERIA AS ARE USED FOR ANY INDIVIDUAL IN THE SNAP PROGRAM.

4. REVIEW OF DISABILITY CLAIM. IF A CLAIM OF INABILITY TO WORK BASED ON DISABILITY OR OTHER GOOD CAUSE IS MADE BY A PARTICIPANT, THE DEPARTMENT SHALL ASSESS THE CIRCUMSTANCES OF THE CLAIM. IF DISABILITY OR OTHER GOOD CAUSE IS FOUND TO EXIST, THE DEPARTMENT SHALL OFFER REASONABLE ALTERNATIVE PARTICIPATION REQUIREMENTS TO THE EXTENT REQUIRED BY FEDERAL LAW AND DOCUMENT THEM IN THE PARTICIPANT'S FAMILY CONTRACT AND CASE RECORD.

5. WORK PARTICIPATION SUFFICIENCY. AN ENROLLEE MUST PARTICIPATE IN A COMBINATION OF EDUCATION, TRAINING, STUDY OR WORK-SITE EXPERIENCE IN A MANNER THAT MEETS FEDERAL WORK PARTICIPATION REQUIREMENTS IN THE FIRST TWELVE MONTHS OF THE PROGRAM. SNAP BENEFITS MAY CONTINUE BEYOND TWELVE MONTHS IF THE ENROLLEE REMAINS IN AN EDUCATIONAL PROGRAM AND MEETS FEDERAL WORK PARTICIPATION REQUIREMENTS. FOR THE PURPOSE OF THIS SUBDIVISION, WORK-SITE EXPERIENCE INCLUDES, BUT IS NOT LIMITED TO, PAID EMPLOYMENT, WORK STUDY, PRACTICUMS, INTERNSHIPS, CLINICAL PLACEMENTS, LABORATORY OR FIELD WORK DIRECTLY RELATED TO THE ENROLLEE'S EMPLOYMENT GOAL OR ANY OTHER WORK ACTIVITIES THAT, AS DETERMINED BY THE DEPARTMENT, WILL ENHANCE THE ENROLLEE'S EMPLOYABILITY IN THE ENROLLEE'S FIELD. IN THE LAST SEMESTER OF THE ENROLLEE'S EDUCATIONAL PROGRAM, WORK-SITE EXPERIENCE MAY ALSO INCLUDE RESUME PREPARATION, EMPLOYMENT RESEARCH, INTERVIEWS AND OTHER ACTIVITIES RELATED TO JOB PLACEMENT.

S 3. To the extent not inconsistent with federal law and regulations, funds received through the federal Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and distributed through the state may be used by WIC benefit recipients to purchase fruits and vegetables and pre-packaged meat or fish.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.