

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:

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

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

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

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

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

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

LBD11937-01-5

1 (C) SNAP BENEFITS UNDER THIS TITLE MUST BE TERMINATED BY THE DEPART-  
2 MENT AS FOLLOWS:

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

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

10 (3) FOR A THIRD AND SUBSEQUENT VIOLATION, TERMINATION OF BENEFITS  
11 APPLIES TO THE ADULT RECIPIENT AND THE FULL FAMILY UNIT FOR SIX CONSEC-  
12 UTIVE MONTHS COMMENCING UPON TERMINATION;

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

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

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

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

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

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

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

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

46 (4) A TOBACCO SPECIALTY STORE.

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

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

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

52 (3) GAMBLING OR GAMING ACTIVITY;

53 (4) LOTTERIES CONDUCTED BY THE STATE;

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

55 OR

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

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

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

13 3. EDUCATIONAL OR TRAINING PROGRAMS. FOR INDIVIDUALS WHO ARE SATISFAC-  
14 TORILY PARTICIPATING IN AN EDUCATION OR TRAINING PROGRAM, THE DEPARTMENT  
15 SHALL DETERMINE THE ACCEPTABILITY OF THE ACTIVITY FOR PURPOSES OF MEET-  
16 ING THE PARTICIPATION REQUIREMENTS OF THE REQUIREMENTS OF PART 385 OF  
17 TITLE 18 OF THE NEW YORK STATE CODES, RULES & REGULATIONS USING THE SAME  
18 CRITERIA AS ARE USED FOR ANY INDIVIDUAL IN THE SNAP PROGRAM.

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

26 5. WORK PARTICIPATION SUFFICIENCY. AN ENROLLEE MUST PARTICIPATE IN A  
27 COMBINATION OF EDUCATION, TRAINING, STUDY OR WORK-SITE EXPERIENCE IN A  
28 MANNER THAT MEETS FEDERAL WORK PARTICIPATION REQUIREMENTS IN THE FIRST  
29 TWELVE MONTHS OF THE PROGRAM. SNAP BENEFITS MAY CONTINUE BEYOND TWELVE  
30 MONTHS IF THE ENROLLEE REMAINS IN AN EDUCATIONAL PROGRAM AND MEETS  
31 FEDERAL WORK PARTICIPATION REQUIREMENTS. FOR THE PURPOSE OF THIS SUBDI-  
32 VISION, WORK-SITE EXPERIENCE INCLUDES, BUT IS NOT LIMITED TO, PAID  
33 EMPLOYMENT, WORK STUDY, PRACTICUMS, INTERNSHIPS, CLINICAL PLACEMENTS,  
34 LABORATORY OR FIELD WORK DIRECTLY RELATED TO THE ENROLLEE'S EMPLOYMENT  
35 GOAL OR ANY OTHER WORK ACTIVITIES THAT, AS DETERMINED BY THE DEPARTMENT,  
36 WILL ENHANCE THE ENROLLEE'S EMPLOYABILITY IN THE ENROLLEE'S FIELD. IN  
37 THE LAST SEMESTER OF THE ENROLLEE'S EDUCATIONAL PROGRAM, WORK-SITE EXPE-  
38 RIENCE MAY ALSO INCLUDE RESUME PREPARATION, EMPLOYMENT RESEARCH, INTER-  
39 VIEWS AND OTHER ACTIVITIES RELATED TO JOB PLACEMENT.

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

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