§ 95. Supplemental nutrition assistance program (SNAP). 1. (a) The office is authorized to submit any plan required by the federal government to participate in the supplemental nutrition assistance program (SNAP) to the secretary of the United States department of agriculture for approval, and to act for the state in any negotiations relative to the submission and approval of such plan, and may make such arrangements and take such action, not inconsistent with law, as may be required to obtain and retain such approval, to implement such plan, and to secure for the state the benefits available.

(b) The office is authorized to accept a designation, in accordance with the provisions of section twenty-nine of this chapter, under any other federal law which may make SNAP benefits available for needy families and individuals, and to perform such functions as may be appropriate, permitted or required by or pursuant to such law.

2. The office is empowered, with the consent and approval of the governor, to delegate or assign to any other office or agency of the state the performance of such function or functions under the plan or designation as may be appropriate and permitted or required by the appropriate federal law or regulations. Any state department or agency is hereby empowered and required to perform the function or functions so delegated or assigned to it.

3. (a) Each commissioner of social services is authorized and required, in accordance with regulations of the office, to make application for inclusion of his or her social services district in the federal supplemental nutrition assistance program plan or plans and to assist needy families and individuals of his or her social services district to obtain nutritionally adequate diets through participation in such federal plan or plans. However, only those persons who qualify for SNAP benefits in accordance with federal and state requirements, and standards promulgated by the office, shall be certified as eligible to receive such benefits.

(b) Each commissioner of social services is authorized and required, subject to state and federal requirements therefor, to act on behalf of the office and receive, store, and issue SNAP benefits, either directly, or with the approval of the office, through a banking institution and/or

other appropriate public or private agency.

(c) Each commissioner of social services shall develop and submit to the office for its approval a plan describing his or her district's operations under this section, which plan shall accord with federal and state requirements.

4. A person's need or eligibility for public assistance and care shall not be affected by his or her receipt of SNAP benefits.

5. Any inconsistent provision of law notwithstanding, the value of any SNAP benefits provided an eligible person shall not be considered income or resources for any purpose, including taxation.

6. (a) Any inconsistent provision of law notwithstanding, expenditures made by a social services district for the purpose of certifying eligibility of needy families and individuals, including those who are not in receipt of public assistance and care, for SNAP benefits, and for distributing and redeeming such benefits shall be deemed to be expenditures for the administration of public assistance and care, and shall be subject to reimbursement by the state in accordance with the provisions of section one hundred fifty-three of this chapter to the extent of one hundred percent in accordance with paragraph (b) of this subdivision.

(b) Such expenditures for supplemental nutrition assistance program administrative costs shall be subject to reimbursement by the state in accordance with regulations to be promulgated by the office, which regulations shall be subject to the approval of the director of the budget, shall be consistent with federal law and regulations, and shall be based on:

(i) an allocation of administrative costs attributable to both SNAP benefits and safety net assistance to permit maximum use of federal funds; and

(ii) an allocation of administrative costs attributable to both SNAP benefits and temporary assistance for needy families such that only those administrative costs that cannot be allocated to temporary assistance for needy families are allocated to supplemental nutrition assistance program, provided, however, that if federal law, regulations,

or cost allocation procedures require those administrative costs that may be allocated to be allocated between temporary assistance for needy families and SNAP benefits, then the administrative costs so allocated to SNAP benefits shall be reimbursed as costs of public assistance and care in accordance with the provisions of paragraphs a and d of subdivision one of section one hundred fifty-three of this chapter.

7. a. When an eligible recipient under this section is issued an authorization to participate in the supplemental nutrition assistance program by written or electronic means, such authorization to participate:

(i) May be redeemed for SNAP benefits at designated redemption centers by the recipient or by an authorized representative. When an eligible recipient under this section is issued SNAP benefits, such SNAP benefits may be used to purchase food items from a food distributor by the recipient or by an authorized representative. Any other transfer or sale of authorizations to participate or SNAP benefits shall constitute an unauthorized use of said authorizations or benefits;

(ii) Shall require the office of temporary and disability assistance to provide the state education department a dataset which contains a listing of students ages three to eighteen who receive federal assistance through the supplemental nutrition assistance program (SNAP) and temporary assistance to needy families (TANF).

(iii) The state education department shall make such dataset available to all schools (public and nonpublic) that participate in: the National School Lunch, School Breakfast, Summer Food Service, or Special Milk programs with a free milk option of the availability of such dataset.

(iv) All schools identified in subparagraph (iii) of this paragraph shall access such dataset outlined in subparagraph (ii) of this paragraph at least three times a year and identify such child as eligible for free meals/milk and such child may receive free meals/milk without further application. Upon identification, such school shall notify the student's parent or guardian of such eligibility. Such notification shall also contain an opportunity to decline the receipt of free meals/milk. In the event a school receives notification to decline the free meals/milk benefit the child shall be removed from the free eligibility list in such program.

(b) For the purposes of this subdivision, "authorized representative" shall be defined in regulations promulgated by the commissioner.

8. Except as part of a transaction pursuant to subdivision seven of this section or as necessary for a food distributor to redeem SNAP benefits subsequent to such a transaction, any acquisition, acceptance, purchase, possession, sale, transfer, alteration or manufacture of authorizations to participate or SNAP benefits, real or counterfeit, by any person shall constitute an unauthorized use of said authorizations or benefits. For purposes of this subdivision, the term "person" shall mean any individual, corporation, partnership, association, agency, or other legal entity, or any part thereof.

9.(a) The parent or other individual who is living with and exercising parental control over a child under the age of eighteen who has an absent parent is not eligible to participate in the supplemental nutrition assistance program if such person refuses to cooperate with the office in establishing the paternity of the child (if the child is born out of wedlock) and in obtaining support for the child or the parent (or other individual) and the child. This paragraph does not apply to the parent (or other individual) if the office determines that there is good cause for the refusal to cooperate.

(b) A putative or identified noncustodial parent of a child under the age of eighteen is not eligible to participate in the supplemental nutrition assistance program if such individual refuses to cooperate with the office in establishing the paternity of the child (if the child is born out of wedlock) and in providing support for the child. The use of the information collected pursuant to this paragraph shall be limited to the purposes for which the information is collected and is subject to the confidentiality provisions set forth in section one hundred thirty-six of this chapter.

(c) To the extent not inconsistent with federal law and regulations, an individual is not eligible to participate in the supplemental nutrition assistance program as a member of any household if the individual is under court order to pay child or combined child and spousal support and has accumulated support arrears equivalent to or greater than the amount of current support due for a period of four

months.

10. Notwithstanding any other provision of law to the contrary, the office shall develop a brief, simplified application form for the supplemental nutrition assistance program only. The office shall develop the form in consultation with food stamp outreach organizations and consider how the form may be used to reach as many potential applicants as possible, especially those over sixty years of age and those who are employed.

11. (a) Notwithstanding any other provision of law to the contrary, the office shall establish a statewide restaurant meals program as part of SNAP. Under the restaurant meals program, households containing elderly or disabled members, and their spouses, as defined in 7 U.S.C. 2012(j), or homeless individuals, as defined in 7 U.S.C. 2012(l), shall have the option in accordance with 7 U.S.C. 2012(k) to redeem their SNAP benefits at private establishments that contract with the office to offer meals for eligible individuals at concessional prices subject to 7 U.S.C. 2018(h).

(b) The office shall adopt any rules necessary to implement the provisions of this subdivision.