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HOUSE BILL NO. 1270

Offered January 20, 2022

A *BILL to amend and reenact § 63.2-801 of the Code of Virginia, relating to SNAP benefits program; inmates of state or local correctional facilities.*

Patron—Sickles

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-801 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-801. SNAP benefits program.

A. The Board is authorized, in accordance with the federal Food Stamp Act, to implement a SNAP benefits program in which each political subdivision in the Commonwealth shall participate. Such program shall include participation in the Restaurant Meals Program and shall be administered in conformity with the Board regulations.

B. To the extent authorized by federal law and regulations, the Board shall (i) establish broad-based categorical eligibility for SNAP benefits in accordance with 7 C.F.R. § 273.2(j)(2), (ii) set the gross income eligibility standard for SNAP benefits at 200 percent of the federal poverty guidelines, and (iii) not impose an asset limit for eligibility for SNAP benefits.

C. The Board shall increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants, to the greatest extent allowed by federal law and regulations, to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia. The Board shall (i) identify postsecondary education opportunities in the Commonwealth that meet the definition of "employment and training program" as set forth in 7 C.F.R. § 271.2 and the definition of "career and technical education" as set forth in 20 U.S.C. § 2302; (ii) average a SNAP benefits program participant's classroom and study hours on a monthly basis to determine whether the SNAP benefits program participant has met applicable education hour requirements; (iii) deem a SNAP benefits program participant who is approved for a federal or state work study position but who has not yet been placed in a work study position to have satisfied applicable employment and training requirements, as permitted under federal law; (iv) create a standardized form and process for SNAP benefits program participants to verify compliance with education requirements; (v) allow accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to apply for SNAP ET third party reimbursement designation through the established procurement process; and (vi) establish and make available to SNAP benefits program participants materials that provide clear guidance regarding satisfaction of employment and training requirements through postsecondary education.

D. *The Department shall establish a process that allows inmates of state or local correctional facilities to submit within 45 days of the inmate's expected release date an application to participate in the SNAP benefits program and enables eligible inmates to receive SNAP benefits immediately upon release.*

2. That the provisions of this act shall become effective on October 1, 2023.

3. That the Department of Social Services (the Department) shall distribute to the Department of Corrections and the Board of Local and Regional Jails information regarding the process developed by the Department pursuant to subsection D of § 63.2-801 of the Code of Virginia, as amended by this act, for inmates of state or local correctional facilities to apply to participate in the SNAP benefits program and to begin receiving SNAP benefits immediately upon release. Such information shall include information regarding the forms of identification necessary to apply for the SNAP benefits program, opportunities to receive expedited benefits, opportunities for local departments of social services to visit state and local correctional facilities to assist inmates with applications for the SNAP benefits program, and methods for connecting inmates approaching release and former inmates with potential employers. The Department shall submit to the U.S. Department of Agriculture a request to waive the provisions of 7 C.F.R. § 273.1(b)(7)(vi) if the Department determines that such waiver is necessary to allow inmates to apply for the SNAP benefits program prior to release.

INTRODUCED

HB1270