

23105526D

HOUSE BILL NO. 1874

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 31, 2023)

(Patron Prior to Substitute—Delegate Helmer)

A BILL to amend and reenact § 63.2-801 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7, relating to Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications.

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-801 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7 as follows:

§ 32.1-23.7. Special Supplemental Nutrition Program for Women, Infants, and Children.

A. The Department is authorized, in accordance with the federal Child Nutrition Act of 1966, to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program) to provide supplemental foods and nutrition education to low-income pregnant, postpartum, and breastfeeding women, infants, and young children. All localities in the Commonwealth shall participate in the WIC program.

B. Except as otherwise required by federal law or regulations, the Department shall not require persons who are applying to participate in or renewing their participation in the WIC program to appear in person as a condition of participation.

§ 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. Except as otherwise required by federal law or regulations, the Department shall not require persons who are applying to participate in or renewing their participation in the SNAP benefits program to appear in person as a condition of participation.

D. 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.