

## Department of Planning and Budget

### 2023 Fiscal Impact Statement

**1. Bill Number:** HB1874

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Helmer

**3. Committee:** Health, Welfare, and Institutions

**4. Title:** Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women.

**5. Summary:** Prohibits the Board of Social Services from requiring persons applying to participate or renewing their participation in the Supplemental Nutrition Assistance Program to appear in person.

The bill also codifies the Department of Health's authority to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC program), which is currently authorized by regulation, and prohibits the Department of Health from requiring persons applying to participate or renewing their participation in the WIC program to appear in person.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** This bill codifies the current Women, Infants, and Children (WIC) program run by the Department of Health (VDH). In addition, the bill prohibits VDH from requiring applicants to appear in person. VDH indicates that there is no fiscal impact to the agency. According to the Department of Social Services (DSS), the Office of the Attorney General (OAG) has concerns that the wording of §32.1-23.7 B. is ambiguous and could open up the Commonwealth to federal sanctions for noncompliance with federal law and regulation.

Additionally, this legislation prohibits the Department of Social Services from requiring that Supplemental Nutrition Assistance Program (SNAP) applicants or renewing recipients must appear in person as a condition of participation, to the extent authorized by federal law and regulations. Federal regulation 7 C.F.R. § 273.2 allows the application to be submitted “to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.” Additionally, the federal regulation states that state agencies may not require

households to report for an in-office interview, though they may request households to do so. State agencies are also authorized to use a telephone interview instead of a face-to-face interview for all applicant households, specified categories of households, or on a case-by-case basis because of hardship as determined by the state agency. DSS already has the option for applicants to apply for SNAP benefits online, through the agency's CommonHelp portal. However, DSS has indicated that OAG also has concerns that the wording in §63.2-801 B. is ambiguous and could open up the Commonwealth to federal sanctions for noncompliance with federal law and regulation. Financial sanctions could include up to all SNAP administrative costs, which totaled \$157.8 million in federal fiscal year 2022.

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services, local departments of social services, Virginia Department of Health

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.