

HOUSE BILL NO. 1270

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on February 8, 2022)

(Patron Prior to Substitute--Delegate Sickles)

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.

**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

27 hours on a monthly basis to determine whether the SNAP benefits program participant has met applicable  
28 education hour requirements; (iii) deem a SNAP benefits program participant who is approved for a  
29 federal or state work study position but who has not yet been placed in a work study position to have  
30 satisfied applicable employment and training requirements, as permitted under federal law; (iv) create a  
31 standardized form and process for SNAP benefits program participants to verify compliance with  
32 education requirements; (v) allow accredited public institutions of higher education or other postsecondary  
33 schools licensed or certified by the Board of Education or the State Council of Higher Education for  
34 Virginia to apply for SNAP ET third party reimbursement designation through the established  
35 procurement process; and (vi) establish and make available to SNAP benefits program participants  
36 materials that provide clear guidance regarding satisfaction of employment and training requirements  
37 through postsecondary education.

38 D. The Board shall adopt regulations to establish a process by which individuals in the custody of  
39 state or local correctional facilities may apply for SNAP benefits prior to release from custody. The  
40 Department shall make information regarding such process available to the Department of Corrections  
41 and the Board of Local and Regional Jails.

42 **2. That the Board of Social Services' initial adoption of regulations to implement the provisions of**  
43 **this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of**  
44 **Virginia), except that the Board shall provide opportunity for public comment on such regulation**  
45 **prior to adoption.**

46 **3. That the Department of Social Services (the Department) shall submit to the U.S. Department of**  
47 **Agriculture a request to waive the provisions of 7 C.F.R. § 273.1(b)(7)(vi) if the Department**  
48 **determines that such waiver is necessary to allow individuals in the custody of state or local**  
49 **correctional facilities to apply for SNAP benefits prior to release from custody.**

50 **4. That the provisions of the first and second enactments shall become effective on the later of**  
51 **October 1, 2023, or upon approval of any waiver requested pursuant to the third enactment of this**  
52 **act.**

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