SENATE, No. 1091

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)
Senator TROY SINGLETON
District 7 (Burlington)

Co-Sponsored by:
Senator Pou

SYNOPSIS

Establishes Restaurant Meals Program in DHS; permits certain individuals to use SNAP benefits at approved restaurants; requires participation by certain restaurants operated by institutions of higher education.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 8/13/2020)

AN ACT establishing a Restaurant Meals Program and supplementing Title 44 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Approved Food Vendor" means a restaurant located in an eligible county and approved by the applicable county welfare agency to accept SNAP benefits from eligible homeless, disabled, or elderly individuals for the purchase of food at low or reduced prices.

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Eligible county" means a county in the State in which homeless, disabled, or elderly individuals eligible for participation in the SNAP are underserved, as determined by the Department of Human Services.

"Restaurant" means any facility in which food is prepared for consumption on the premises, in compliance with all federal, State, and local health and safety laws, regulations, and ordinances, and purchased in the facility by consumers.

"Program" or "RMP" means a Restaurant Meals Program established pursuant to this act and in a manner consistent with federal statue and regulation, including those requirements outlined in 7 U.S.C. s.2020(e)(25).

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

2. The department shall establish a Restaurant Meals Program (RMP), within the New Jersey Supplemental Nutrition Assistance Program (SNAP), to allow eligible homeless, disabled, or elderly individuals to use SNAP benefits at approved food vendors. The program shall be administered by the department, in conjunction with the State's county welfare agencies, in a manner consistent with federal statute and regulation, including those requirements outlined in 7 U.S.C. s.2020(e)(25).

3. a. The department shall:

(1) annually issue guidance to all county welfare agencies indicating which counties are eligible to participate in the RMP, and instructions for participating in the RMP and appealing a non-eligible determination; and

(2) provide that the electronic benefit distribution system implemented by the department pursuant to section 5 of P.L.1997, c.37 (C.44:10-75) allows all SNAP recipients who are eligible for the RMP to utilize their benefits at all approved food vendors.

b. Under the oversight of the department, each county welfare agency located in an eligible county that elects to participate in the RMP shall, to the extent permitted by federal law, determine the number, type, and location of restaurants to include as approved food vendors in the program. A county welfare agency shall consider the agency's administrative capacity, the location of participating restaurants, and SNAP recipient demand within the county in making this determination.

4. Each public or private institution of higher education in the State that is located in an eligible county that elects to participate in the RMP, pursuant to section 3 of this act, shall:

a. apply to become an approved food vendor in the program, if the institution operates any qualifying on-campus restaurants;

b. annually provide all on-campus restaurants not operated by the institution with information regarding the RMP and the manner in which to apply for the program; and

c. annually inform enrolled students about the program if an on-campus restaurant has been approved as a food vendor in the RMP.

5. The commissioner shall issue a report no later than six months following the effective date of this act, and annually thereafter, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, which shall include, but not be limited to, the following information regarding the RMP: the counties eligible for participation and those that elect to participate; the names and addresses of all approved food vendors in each participating county; and the number of SNAP recipients participating in the program by county. The report shall also specify approved food vendor and participant information regarding the program's implementation at institutions of higher education throughout the State.

6. The Commissioner of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

7. This act shall take effect immediately.

STATEMENT

This bill establishes a Restaurant Meals Program (RMP), within the New Jersey Supplemental Nutrition Assistance Program (SNAP – formerly the Food Stamp Program), in the Department of Human Services. The RMP is to be administered by the department, in conjunction with the State's county welfare agencies, in a manner

consistent with federal statue and regulation, including those requirements outlined in 7 U.S.C. s.2020(e)(25).

Generally, federal law prohibits SNAP benefits from being used to purchase prepared food at restaurants. However, through the RMP, states have the option to allow eligible homeless, disabled, or elderly individuals to use SNAP benefits at approved restaurants that offer food at low or reduced prices. The goal of this program is to provide certain vulnerable SNAP participants, who may not have the means to store and prepare food, access to meals.

Under the bill, the department is required to: 1) annually issue guidance to all county welfare agencies indicating which counties are eligible to participate in the RMP, and instructions for participating in the RMP and appealing a non-eligible determination; and 2) provide that the electronic benefit distribution system used by SNAP recipients to purchase food can also be utilized by participants in the RMP at all approved food vendors.

Under the oversight of the department, each county welfare agency located in an eligible county that elects to participate in the RMP is responsible for determining the number, type, and location of restaurants to include as approved food vendors in the program. County welfare agencies must consider the agency's administrative capacity, the location of participating restaurants, and SNAP recipient demand within the county in making this determination.

Each public or private institution of higher education in the State that is located in an eligible county that elects to participate in the RMP must apply to become an approved food vendor in the program, if the institution operates any qualifying on-campus restaurants. Furthermore, the institution must annually: 1) provide all on-campus restaurants not operated by the institution with information regarding the RMP and the manner in which to apply, and 2) inform enrolled students about the program if an on-campus restaurant has been approved as a food vendor in the RMP.

Under the bill, the Commissioner of Human Services is required to issue a report no later than six months following the effective date of the bill, and annually thereafter, to the Governor and to the Legislature that includes, but is not limited to, the following information regarding the RMP: the counties eligible for participation and those that elect to participate; the names and addresses of all approved food vendors in each participating county; and the number of SNAP recipients participating in the program by county. The report must also specify approved food vendor and participant information regarding the program's implementation at institutions of higher education throughout the State.