A-Bill for an Act

Relating to public assistance; creating new provisions; amending ORS 411.093, 411.806, 411.816, 411.825, 411.827 and 413.201; and declaring an emergency.

Be it enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “COFA citizen” has the meaning given that term in section 1, chapter 87, Oregon Laws 2022.

(b) “Supplemental Nutrition Assistance Program” has the meaning given that term in ORS 411.806.

(2) The Food for All Oregonians Program is established in the Department of Human Services to provide nutrition assistance to residents of this state who would qualify for federal Supplemental Nutrition Assistance Program benefits but for their immigration status or lack of Social Security number, including COFA citizens.

(3) The department shall utilize the existing Supplemental Nutrition Assistance Program infrastructure and electronic benefit transfer delivery system, to the extent permitted by federal law, to create one seamless application process for federally funded and state-funded nutrition assistance.

(4)(a) The amount of benefits provided to a household participating in the program shall be the same amount that is provided to a household of equal size that is eligible for the Supplemental Nutrition Assistance Program.

(b) The Food for All Oregonians Program benefit amount for an individual who is a member of a household receiving Supplemental Nutrition Assistance Program benefits, but who is excluded from receiving Supplemental Nutrition Assistance Program benefits due to
the individual's immigration status or lack of a Social Security number, shall be the amount
that would have been the individual’s share of the household’s Supplemental Nutrition As-
stance Program benefits if the individual had not been excluded.

(5) The following rules and processes related to the Supplemental Nutrition Assistance
Program shall be used in the Food for All Oregonians Program except with respect to eligi-
bility or verification requirements related to immigration status and Social Security num-
bers:

(a) Eligibility and benefit determination rules;
(b) Reporting and recertification requirements;
(c) Verification requirements;
(d) Application processes; and
(e) Timeliness standards for the issuance of benefits.

(6) To the extent permitted by federal law, the income, resources and deductible expenses
of an individual described in subsection (4)(b) of this section shall be excluded when deter-
mining the amount of Supplemental Nutrition Assistance Program benefits for the other
members of the household who qualify for Supplemental Nutrition Assistance Program ben-
efits.

(7) The total amount of assistance from the Food for All Oregonians Program and the
Supplemental Nutrition Assistance Program received by a household consisting of one or
more members who are eligible for Supplemental Nutrition Assistance Program benefits and
one or more members who qualify for Food for All Oregonians Program benefits may not
exceed the Supplemental Nutrition Assistance Program benefit standard for a household of
that size when all of the members applying for benefits qualify for Supplemental Nutrition
Assistance Program benefits.

SECTION 2. (1) It is the policy of this state that all Oregonians, regardless of the primary
languages they speak, should be treated in a way that is welcoming and with respect, fairness
and dignity.

(2) The Department of Human Services shall convene an advisory group consisting of
members of communities whose primary language is not English and representing
community-based organizations that work with the communities to provide oversight of the
Supplemental Nutrition Assistance Program and to recommend metrics to be adopted by the
department that ensure that an applicant for and a recipient of public assistance whose pri-
mary language is not English is treated in keeping with the state policy expressed in sub-
section (1) of this section and in accordance with the requirements in ORS 411.093. The
department shall apply the metrics no less frequently than once each calendar quarter and
report the results from applying the metrics on the department’s website.

(3) Members of the advisory group are entitled to compensation and reimbursement for
actual and necessary travel and other expenses incurred by them in the performance of their
duties on the advisory group in the manner and amounts provided for in ORS 292.495.

SECTION 3. ORS 411.093 is amended to read:

411.093. (1) All applicants for and recipients of public assistance shall be treated in a courteous,
fair and dignified manner by Department of Human Services personnel.

(2) Any applicant or recipient who alleges discourteous, unfair or undignified treatment by de-
partment personnel or alleges that incorrect or inadequate information regarding public assistance
programs has been provided by department personnel may file a grievance with the department. The
department shall publicize the grievance system in each local office. The department shall provide an option for an applicant or recipient filing a grievance to do so anonymously.

(3) [The] A grievance that is not anonymous shall be discussed first with the supervisor of the employee against whom the grievance is filed. If the grievance is not resolved, the applicant or recipient may discuss the grievance with the local office manager.

(4) The department shall compile a monthly report summarizing each grievance filed [against department personnel] and the action taken. The report shall identify each grievance by local office and indicate the number of grievances filed against individual employees. The report shall protect the anonymity of department personnel. The report shall be presented to the Family Services Review Commission and to all county public welfare boards.

SECTION 4. ORS 411.806 is amended to read:

411.806. As used in ORS 411.806 to 411.845, unless the context or a specially applicable statutory definition requires otherwise:

(1) “Administrative costs” means, but is not limited to, costs in connection with:

(a) Distributing supplemental nutrition assistance to recipients under the Supplemental Nutrition Assistance Program;

(b) The compensation of personnel while employed in carrying out ORS 411.806 to 411.845; and

(c) Reimbursement of the federal government for any loss described in ORS 411.830.

(2) “Household” means two or more related or nonrelated individuals who do not reside together in an institution.

(3) “Issuing agency” means the Department of Human Services.

(4) “Recipient” means an individual or household determined and certified, pursuant to ORS 411.816 or 411.825, to be eligible to receive supplemental nutrition assistance under the Supplemental Nutrition Assistance Program.

(5) “Supplemental Nutrition Assistance Program” means a program under which the federal government makes aid available to the state or its agencies for distribution through electronic benefits transfer or by check] aid provided to individuals and households certified to be in economic need of and eligible to receive such aid for the purchase of food from retail food outlets, farmer's markets and roadside stands through the federal program established under 7 U.S.C. 2011 et seq. and the Food for All Oregonians Program established in section 1 of this 2023 Act.

SECTION 5. ORS 411.816 is amended to read:

411.816. (1) The Department of Human Services shall adopt rules [conforming to federal laws and regulations required to be observed in maintaining the eligibility of this state to receive from the federal government, and to issue] for the issuance of supplemental nutrition assistance under the Supplemental Nutrition Assistance Program. Rules adopted by the department pursuant to this section shall relate to and include, but shall not be limited to:

[(1)] (a) The classifications of and requirements of eligibility for individuals and households to receive supplemental nutrition assistance under the program. The limitations upon the income and resources of individuals and households established as requirements of eligibility under this section shall not exceed the maximum limitations on income and resources allowable under federal laws, rules and regulations;

[(2)] (b) The periods during which individuals and households shall be certified or recertified to be eligible to receive supplemental nutrition assistance under the program;

[(3)] (c) The amount of supplemental nutrition assistance to be issued or allotted to recipients, with respect to any period, under the program;
Periodic redetermination and review of the eligibility of recipients to receive supplemental nutrition assistance under the program;

Cancellation of certifications issued for, and adjustment of the numbers of individuals in any household eligible to receive supplemental nutrition assistance issued to recipients under the program for any period in accordance with changes of circumstances in individual cases; and

Procedures to review, on the basis of substantial hardship, request for such adjustments.

Rules adopted under this section must conform to 7 U.S.C. 2011 et seq. and regulations implementing 7 U.S.C. 2011 et seq. Federal restrictions based on 8 U.S.C. 1611, 1612 and 1613 and 7 U.S.C. 2015(f), and similar restrictions that are based on immigration status, may not be applied to applicants or recipients of aid under the Food for All Oregonians Program.

SECTION 6. ORS 411.825 is amended to read:

(1) The Department of Human Services shall determine and certify the eligibility of all individuals and households to receive supplemental nutrition assistance under the Supplemental Nutrition Assistance Program.

(2) The department shall:

(a) Issue to recipients supplemental nutrition assistance [made available from the federal government under the program]; and

(b) Account to the federal government for all [such] supplemental nutrition assistance that is federally funded.

(3)(a) In order to carry out the provisions of ORS 411.806 to 411.845, the department is authorized to contract with any governmental agencies or private agencies for distribution of supplemental nutrition assistance.

(b) Any government agency or private agency that administers the Food for All Oregonians Program or that contracts with the department under this subsection is subject to the same prohibitions on the disclosure of information regarding applicants for and recipients of public assistance as apply to the department under ORS 180.805, 180.810 or 181A.823 or similar provisions that prohibit, for immigration enforcement purposes, the use or disclosure of information about program applicants or recipients.

SECTION 7. ORS 411.827 is amended to read:

All sums received by the Department of Human Services from the federal government to assist in meeting the costs of processing applications from, and of certifying and recertifying, individuals and households under ORS 411.806 to 411.845 are hereby appropriated to the department for expenditure in meeting the costs of processing applications from, and making certifications and recertifications of, individuals and households for the benefits made available pursuant to ORS 411.806 to 411.845 that are federally funded.

SECTION 8. ORS 413.201 is amended to read:

The Oregon Health Authority is responsible for statewide outreach, education and engagement for the Cover All People program established in ORS 414.231 [and administered by the authority] and the Food for All Oregonians Program established in section 1 of this 2023 Act, with the goal of enrolling in the [program] programs all eligible individuals residing in this state.

The authority, in collaboration with the work group described in subsection (3) of this section, shall evaluate and implement the outreach, education and engagement strategies designed to most effectively encourage enrollment in the [program] programs.

To maximize the enrollment and retention of eligible individuals in the Cover All People
program and the Food for All Oregonians Program, the authority shall develop and administer a grant program to provide funding to organizations and community based groups to deliver culturally specific and targeted outreach, application assistance and navigation to:

(a) Members of racial, ethnic and language minority communities;
(b) Children and families living in geographic isolation; and
(c) Children and families with additional barriers to accessing health care, such as cognitive, mental health or sensory disorders, physical disabilities or chemical dependency or homelessness.

(3) The authority shall convene a work group, consisting of individuals with experience in conducting outreach to the individuals described in subsection (2)(a) to (c) of this section, to advise and assist the authority in carrying out its duties under this section and in developing an implementation plan to ensure that community feedback is included from a health equity perspective.

(4) The Department of Human Services shall provide to the authority guidance and technical assistance as needed for carrying out the authority's duties under this section with respect to the Food for All Oregonians Program.

SECTION 9. (1) The Department of Human Services shall implement the Food for All Oregonians Program established in section 1 of this 2023 Act to begin accepting applications and issuing benefits no later than January 1, 2025.

(2) If necessary to not exceed moneys appropriated to the department for carrying out section 1 of this 2023 Act, the department may prioritize the rollout of the program to individuals based on age ranges, based on recommendations of a work group convened by the department and consisting of representatives from community organizations that work on addressing hunger issues in this state or in their communities. If the department restricts the initial rollout of the program, the department shall notify the Oregon Health Authority for purposes of outreach, education and engagement efforts under ORS 413.201.

SECTION 10. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.