



## 2023 ASSEMBLY BILL 101

March 8, 2023 - Introduced by Representatives SORTWELL, BODDEN, BRANDTJEN, GREEN, GUSTAFSON, MAGNAFICI, PENTERMAN and RETTINGER, cosponsored by Senators NASS, KAPENGA, MARKLEIN and STROEBEL. Referred to Committee on Workforce Development and Economic Opportunities.

1     **AN ACT to create** 49.462 and 49.79 (2m) of the statutes; **relating to:** creating an  
2           ineligibility period in the Medical Assistance and FoodShare programs for  
3           voluntary employment termination.

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### *Analysis by the Legislative Reference Bureau*

This bill creates an ineligibility period for the Medical Assistance and FoodShare programs for certain employment terminations. The MA program, known also as the federal Medicaid program, provides health care services to individuals who have limited financial resources. The FoodShare program, also known as the food stamp program or the federal Supplemental Nutrition Assistance Program, provides financial assistance to individuals with limited financial resources for the purchase of food.

Under the bill, an able-bodied adult who is not eligible for the MA program and who voluntarily terminates legal, paid employment continues to be ineligible for the MA program for six months from the date the able-bodied adult receives the last paycheck from that employment. The bill establishes in the FoodShare program the same six-month ineligibility period resulting from voluntary employment termination by an able-bodied adult. The ineligibility period under the bill does not apply if the Department of Health Services determines that the individual terminated employment for one of the same reasons that a voluntary termination does not create an ineligibility period for unemployment benefits. Those reasons include voluntary termination for the following: termination in lieu of termination of another employee; request, suggestion, or directive by the employer to violate the

**ASSEMBLY BILL 101**

law; sexual harassment; illness or disability of the employee; illness or disability of a family member that requires the care of a family member; change of work hours leading to a lack of child care; termination of employment that the employee could have refused to accept under current unemployment benefits law; termination that was concurrent with honorable discharge from the U.S. armed forces; concerns about personal safety or harassment accompanied by certain proof of the concerns; or termination that was the result of the relocation of a spouse in the U.S. armed forces on active duty.

Under the bill, an able-bodied adult who, while being ineligible for the MA or FoodShare program, voluntarily terminates legal, paid employment, subsequently accepts new legal, paid employment, and is then involuntarily terminated or laid off is not ineligible for either program. Further, the bill specifies that any individual to whom the bill applies continues to be eligible for any program or public service the purpose of which is to train or prepare the individual for employment.

The bill requires DHS, which administers both the MA and FoodShare programs, to seek approval from the federal government to implement these ineligibility periods, if federal approval is required.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 49.462 of the statutes is created to read:

2           **49.462 Ineligibility period for voluntary termination of employment.**

3           **(1) DEFINITION.** In this section, “able-bodied adult” has the meaning given in s.  
4           49.463 (1) (a).

5           **(2) INELIGIBILITY PERIOD.** An able-bodied adult who, while being ineligible for  
6           Medical Assistance under this subchapter, voluntarily terminates legal, paid  
7           employment is ineligible for Medical Assistance under this subchapter for 6 months  
8           from the date that the able-bodied adult receives the last payment from the  
9           terminated employment, except as provided in sub. (3). If the department  
10          determines that the able-bodied adult terminated employment for one of the reasons  
11          described in s. 108.04 (7) (am), (b), (c), (cg), (cm), (e), (q), (s), or (t), the 6-month  
12          ineligibility period under this subsection does not apply.

**ASSEMBLY BILL 101**

1           **(3) INTERVENING WORK.** An able-bodied adult who, while being ineligible for  
2 Medical Assistance under this subchapter, voluntarily terminates legal, paid  
3 employment, subsequently accepts new legal, paid employment, and is then  
4 involuntarily terminated or laid off is not ineligible for Medical Assistance under this  
5 subchapter.

6           **(4) WORKFORCE SERVICES.** Nothing in this section may be construed to prohibit  
7 an able-bodied adult from participating in any program or receiving any public  
8 service the purpose of which is to train or prepare the individual for employment.

9           **(5) FEDERAL APPROVAL.** If the department determines that it is necessary to  
10 obtain permission from the federal department of health and human services to  
11 implement this section, the department shall request any state plan amendment,  
12 waiver of federal law, or other federal approval to implement this section. If federal  
13 approval is necessary under this subsection but not obtained, the department is not  
14 required to implement this section.

15           **SECTION 2.** 49.79 (2m) of the statutes is created to read:

16           **49.79 (2m) INELIGIBILITY PERIOD; EMPLOYMENT TERMINATION.** (a) An able-bodied  
17 adult who, while being ineligible for the food stamp program, voluntarily terminates  
18 legal, paid employment is ineligible for the food stamp program for 6 months from  
19 the date that the able-bodied adult receives the last payment from the terminated  
20 employment, except as provided in par. (b). If the department determines that the  
21 able-bodied adult terminated employment for one of the reasons described in s.  
22 108.04 (7) (am), (b), (c), (cg), (cm), (e), (q), (s), or (t), the 6-month ineligibility period  
23 under this paragraph does not apply.

24           (b) An able-bodied adult who, while being ineligible for the food stamp  
25 program, voluntarily terminates legal, paid employment, subsequently accepts new

**ASSEMBLY BILL 101**

1 legal, paid employment, and is then involuntarily terminated or laid off is not  
2 ineligible for the food stamp program.

3 (c) Nothing in this subsection may be construed to prohibit an able-bodied  
4 adult from participating in any program or receiving any service the purpose of  
5 which is to train or prepare the individual for employment.

6 (d) If necessary, the department shall request a waiver from the U.S.  
7 department of agriculture to implement this subsection. If the U.S. department of  
8 agriculture disapproves the waiver request, the department is not required to  
9 implement this subsection.

10 (END)