

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB110)

Received: 4/17/2013 Received By: pkahler
 Wanted: Today Same as LRB:
 For: Dean Kaufert (608) 266-5719 By/Representing: Adam Field
 May Contact: Drafter: pkahler
 Subject: Public Assistance - fdshre(SNAP) Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Kaufert@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require FoodShare beneficiaries to use 67% of benefits to purchase foods that are on WIC list

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 4/17/2013	evinz 4/17/2013	phenry 4/17/2013	_____			
/P1	pkahler 4/24/2013			_____	lparisi 4/17/2013		State
/1	pkahler 4/26/2013	evinz 4/24/2013	phenry 4/24/2013	_____	sbasford 4/24/2013	sbasford 4/24/2013	State
/2		kfollett	jmurphy	_____	mbarman	mbarman	State

Vers. Drafted

Reviewed
4/26/2013

Typed
4/26/2013

Proofed

Submitted
4/26/2013

Jacketed
4/26/2013

Required

FE Sent For:

<END>

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/?	pkahler 4/17/2013	evinz 4/17/2013	phenry 4/17/2013	_____			
/P1	pkahler 4/24/2013			_____	lparisi 4/17/2013		State
/1		evinz 4/24/2013	phenry 4/24/2013	_____	sbasford 4/24/2013	sbasford 4/24/2013	State

FE Sent For:

1/2/13
4/26
jm
4/26
jm + ph
4/26
<END>

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Submit via email: YES
 Requester's email: Rep.Kaufert@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require FoodShare beneficiaries to use ⁶⁷80% of benefits to purchase foods that are on WIC list

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pkahler 4/17/2013	evinz 4/17/2013	phenry 4/17/2013	4/24			
/P1				Paris	4/17/2013		State
		1 rev 4/24/13	1 rev 4/24/13				

FE Sent For:

<END>

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 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Kaufert@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Require FoodShare beneficiaries to use 80% of benefits to purchase foods that are on WIC list

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1?	pkahler	pl ee 4/17/13	4/17	ph	ph		
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FE Sent For:

<END>

4-17
 ② phone conference call w/ Andrew Hanus from Rep Vos's office and Alan Fieldton from Rep Karpis's office
 instead of nutritional foods, require 80% of ^{to be spent} worth for WIC foods list

① implement
 2 yrs after
 waiver granted
 or 3 yrs after
 eff. date

③ meat
 add →

beef, pork, chicken,
 fish
 - leave general -

whether on WIC
 list or not

④ direct DHS to update WIC list

review ~~update~~ every year
~~the list~~ & update as
 appropriate

⑤ ^{require} DHS to publish WIC list on their
 website

⑥ new provisions are
 not a pilot program - & statewide
 req for Food Share

⑦ exempt from rules also

for substitute amendment to AB110



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 110

SOON
(2-4-17)
SAV
xref N/A
D - to

Gen cat

1 AN ACT *Gen cat*; relating to: limiting the foods that may be purchased under
2 FoodShare; requiring review, updating, and publication of the list of authorized
3 foods; and providing an exemption from rule-making procedures.

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

Under this substitute amendment, DHS must require that not less than 80 percent of the SNAP benefits used by a recipient in a month be used to purchase foods that are on the list of foods authorized for the federal special supplemental food program for women, infants and children (WIC foods), beef, pork, chicken, or fish. If DHS determines that a federal waiver is needed to implement the food limitation requirements under the substitute amendment, it must request the waiver and may not implement the requirements unless the waiver is granted. DHS must implement the requirements within three years after the substitute amendment is enacted or,

nutrition

if a waiver is necessary, within two years after the waiver is granted. The substitute amendment also requires DHS annually to review, and to update as appropriate, its list of WIC foods and to publish a current list of WIC foods on its Internet site.

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

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

1 SECTION 1. 49.79[✓] (7m) of the statutes is created to read:

2 49.79 (7m) FOODS THAT MAY BE PURCHASED WITH BENEFITS. (a) In this subsection:

3 1. "Authorized food" ^{has the meaning given in s. 253.06 (1)(a)} means food identified by the department in accordance
4 with 7 CFR 246.10 as acceptable for use under the federal special supplemental food
5 program for women, infants and children under 42 USC 1786[✓]

6 2. "Benefits" means benefits under the food stamp program.

7 3. "Recipient" means an individual who is eligible for the food stamp program.

8 (b) The department shall require that, of the benefits amount used by a
9 recipient in a month to purchase food, not less than 80 percent is used to purchase
10 only any of the following foods:

11 1. Authorized foods on the list published by the department under s. 253.06 (9).

12 2. Beef, pork, chicken, or fish, whether an authorized food on the list published
13 under s. 253.06 (9) or not.

14 (c) 1. Except as provided in subd. 2., the department shall implement the
15 requirements under par. (b) no later than the first day of the 37th month beginning
16 after the effective date of this subdivision [LRB inserts date].

17 2. If the department determines that it may not implement the requirements
18 under par. (b) without a federal waiver, the department shall request a waiver from
19 the secretary of the federal department of agriculture and may not implement the

1 requirements under par. (b) unless the waiver is granted and in effect. If a waiver
2 is requested and granted under this subdivision, the department shall implement
3 the requirements under par. (b) no later than the first day of the 25th month
4 beginning after the date on which the waiver is granted.

5 **SECTION 2.** 227.01 (13) (tm) of the statutes is created to read:

6 227.01 (13) (tm) Relates to the requirements under ss. 49.79 (7m) and 253.06
7 (9).

8 **SECTION 3.** 253.06 (9) of the statutes is created to read:

9 253.06 (9) REVIEW, UPDATING, AND PUBLICATION OF LIST OF AUTHORIZED FOODS. The
10 department shall do all of the following:

- 11 (a) Annually review, and update as appropriate, the list of authorized foods.
12 (b) Publish a current list of authorized foods on the department's Internet site.

13 (END)

D. - note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0031/PI
dn
PJK:.....
r m not run eev

date

I have placed the requirements related to updating the WIC foods list in s. 253.06 (9); therefore, the updated list affects both FoodShare and the WIC program under s. 253.06. I thought that, if a waiver is needed for the FoodShare changes but for some reason it is not granted, it might be better to have the food list requirements in s. 253.06.

Do you want to specify a time limit for how soon after the effective date DHS must request a waiver or review and update the WIC foods list?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0031/P1dn
PJK:eev:ph

April 17, 2013

I have placed the requirements related to updating the WIC foods list in s. 253.06 (9); therefore, the updated list affects both FoodShare and the WIC program under s. 253.06. I thought that, if a waiver is needed for the FoodShare changes but for some reason it is not granted, it might be better to have the food list requirements in s. 253.06.

Do you want to specify a time limit for how soon after the effective date DHS must request a waiver or review and update the WIC foods list?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Adam + Andrew
 Thurs. 10:00 am (needed by Wed 10:00 am)

redraft for 0031/P1:

✓ (1) ^{0031/P1} from 80% to 67% ↓

(2) before implementation
 but after waiver is granted
 report to JFC regarding
 initial cost to retailer
 to implement provisions

✓ (3) create summary appor
 for DHS appor to cover
 cost of implementation

✓ (4) request waiver w/ 1 yr.
 after eff date

4-24

Andrew from Jos Office

(5)

add "raw vegetables"

↳ "fresh produce"

including white potatoes

(6) re. waiver

feds prohibit pe-swiping now

add to allow swipe card b/c
items are scanned or
entered or priced
checked out

wanted

today or tomorrow morning



1
stays in in run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 110

the food limitations
DHF

Wanted to say
if possible

requiring a report on the
cost to implement

regenerate ↓

- 1 AN ACT to create 49.79 (7m), 227.01 (13) (tm) and 253.06 (9) of the statutes;
- 2 relating to: limiting the foods that may be purchased under FoodShare;
- 3 requiring review, updating, and publication of the list of authorized foods; and
- 4 providing an exemption from rule-making procedures; and making an appropriation

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

Under this substitute amendment, DHS must require that not less than 80 percent of the SNAP benefits used by a recipient in a month be used to purchase foods that are on the list of foods authorized for the federal special supplemental nutrition program for women, infants, and children (WIC foods), beef, pork, chicken, fish. If DHS determines that a federal waiver is needed to implement the food limitation requirements under the substitute amendment, it must request the waiver and may

Insert A

or the authorization
to pre-swipe benefit cards

, or fresh produce, including
white potatoes

or the pre-swipe authorization

not implement the requirements unless the waiver is granted. DHS must implement the requirements within three years after the substitute amendment is enacted or, if a waiver is necessary, within two years after the waiver is granted. The substitute amendment also requires DHS annually to review, and to update as appropriate, its list of WIC foods and to publish a current list of WIC foods on its Internet site.

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

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

Insert 2-1

SECTION 1. 49.79 (7m) of the statutes is created to read:

49.79 (7m) FOODS THAT MAY BE PURCHASED WITH BENEFITS. (a) In this subsection:

- 1. "Authorized food" has the meaning given in s. 253.06 (1) (a).
- 2. "Benefits" means benefits under the food stamp program.
- 3. "Recipient" means an individual who is eligible for the food stamp program.

Insert 2-5

(b) The department shall require that, of the benefits amount used by a recipient in a month to purchase food, not less than 80 percent is used to purchase only any of the following foods:

- 1. Authorized foods on the list published by the department under s. 253.06 (9).
- 2. Beef, pork, chicken, or fish, whether an authorized food on the list published under s. 253.06 (9) or not.

Insert 2-11

1. Except as provided in subd. 2., the department shall implement the requirements under par. (b) *and the authorization under par. (c)* no later than the first day of the 37th month beginning after the effective date of this subdivision [LRB inserts date].

2. If the department determines that it may not implement the requirements under par. (b) *or the authorization under par. (c)* without a federal waiver, the department shall request a waiver from the secretary of the federal department of agriculture and may not implement the requirements under par. (b) unless the waiver is granted and in effect. If a waiver

, no later than one year after the effective

[LRB inserts date],

and the authorization under par. (c)

1 is requested and granted under this subdivision, the department shall implement
2 the requirements under par. (b) no later than the first day of the 25th month
3 beginning after the date on which the waiver is granted.

4 SECTION 2. 227.01 (13) (tm) of the statutes is created to read:

5 227.01 (13) (tm) Relates to the requirements under ss. 49.79 (7m) and 253.06
6 (9).

7 SECTION 3. 253.06 (9) of the statutes is created to read:

8 253.06 (9) REVIEW, UPDATING, AND PUBLICATION OF LIST OF AUTHORIZED FOODS. The
9 department shall do all of the following:

10 (a) Annually review, and update as appropriate, the list of authorized foods.

11 (b) Publish a current list of authorized foods on the department's Internet site.

12

(END)

Insert 3-11

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0031/lins
PJK:.....

INSERT A

wdf To facilitate compliance with the requirements, DHS may authorize grocers and other retailers that sell food to recipients (retailers) to swipe a recipient's benefit card before scanning any items that the recipient is purchasing. In addition, under the substitute amendment DHS is required to reimburse retailers for their initial implementation costs associated with the new requirements.

4 Before implementing the new requirements, DHS must determine what the initial implementation cost associated with the new requirements will be to retailers and must submit a report with that cost determination to the Joint Committee on Finance.

(END OF INSERT A)

INSERT 2-1

1 SECTION 1. 20.435 (4) (cm) of the statutes is created to read:
2 20.435 (4) (cm) *Reimbursement for FoodShare implementation costs*. A sum
3 sufficient to reimburse suppliers for their initial implementation costs associated
4 with the requirements under s. 49.79 (7m) that limit foods that may be purchased
5 with food stamp benefits.

(END OF INSERT 2-1)

INSERT 2-5

6 4. "Supplier" has the meaning given in s. 49.795 (1) (d).

(END OF INSERT 2-5)

INSERT 2-11

7 3. Fresh produce, including white potatoes, whether an authorized food on the
8 list published under s. 253.06 (9) or not.

9 (c) To facilitate compliance with the requirements under par. (b), the
10 department may authorize suppliers to swipe food stamp benefit cards before items
11 that are being purchased are scanned or checked out.

↓

Ins 2-11 cont'd

1 (d) From the appropriation under s. 20.435[✓] (4) (cm), the department shall
2 reimburse suppliers for their initial implementation costs related to compliance with
3 the food limitation requirements under par.[✓](b).

(END OF INSERT 2-11)

INSERT 3-11

4 **SECTION 2. Nonstatutory provisions.**

5 (1) REPORT ON IMPLEMENTATION COSTS. The department of health services shall
6 investigate and determine what the initial cost will be for suppliers, as defined in
7 section 49.795[✓] (1) (d) of the statutes, to implement and comply with the requirements
8 under section 49.79[✓] (7m) of the statutes, as created by this act, related to limiting the
9 foods that individuals may purchase with food stamp benefits. The department of
10 health services shall prepare a report of its findings and cost determination and
11 submit the report to the joint committee on finance. The report shall be submitted
12 before the requirements under section 49.79[✓] (7m) (b) of the statutes, as created by
13 this act, and the authorization under section 49.79[✓] (7m) (c) of the statutes, as created
14 by this act, are implemented, but after a waiver is granted if the department
15 determines that a waiver is needed under section 49.79[✓] (7m) (e) 2. of the statutes, as
16 created by this act.

(END OF INSERT 3-11)

4-25

by phone Adam + Andrew

- ① for report, remove "initial" implementation
but do not remove "initial" from
appropriation language
- ② * in addition to WIC list,
require DHS to publish lists
for FoodShare → 67% +
33%
- ③ unless relates to retail only, add
"warehouse" to suppliers



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0031/2
PJK:eev:ph

r m is run

ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 110

E. K. J. f

today (Fri)

Regen

1 AN ACT to create 20.435 (4) (cm), 49.79 (7m), 227.01 (13) (tm) and 253.06 (9) of
2 the statutes; relating to: limiting the foods that may be purchased under
3 FoodShare; requiring a report on the cost to implement the food limitations;
4 requiring review, updating, and publication of the list of authorized foods;
5 providing an exemption from rule-making procedures; and making an
6 appropriation.

and comply with

Analysis by the Legislative Reference Bureau

Under current law, the federal food stamp program, now known as the Supplemental Nutrition Assistance Program (SNAP) and called FoodShare in this state, assists eligible low-income individuals (recipients) to purchase food. SNAP benefits are paid entirely with federal moneys. The cost of administration is split between the federal and state governments; the program is administered in this state by the Department of Health Services (DHS).

Under this substitute amendment, DHS must require that not less than 67 percent of the SNAP benefits used by a recipient in a month be used to purchase foods that are on the list of foods authorized for the federal special supplemental nutrition program for women, infants, and children (WIC foods), beef, pork, chicken, fish, or

fresh produce, including white potatoes. To facilitate compliance with the requirements, DHS may authorize grocers and other retailers that sell food to recipients (retailers) to swipe a recipient's benefit card before scanning any items that the recipient is purchasing. In addition, under the substitute amendment DHS is required to reimburse retailers for their initial implementation costs associated with the new requirements.

Before implementing the new requirements, DHS must determine what the initial implementation costs associated with the new requirements will be to retailers and must submit a report with that cost determination to the Joint Committee on Finance.

If DHS determines that a federal waiver is needed to implement the food limitation requirements or the authorization to pre-swipe benefit cards under the substitute amendment, it must request the waiver and may not implement the requirements or the pre-swipe authorization unless the waiver is granted. DHS must implement the requirements within three years after the substitute amendment is enacted or, if a waiver is necessary, within two years after the waiver is granted.

The substitute amendment also requires DHS annually to review, and to update as appropriate, its list of WIC foods and to publish a current list of WIC foods on its Internet site.

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

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

SECTION 1. 20.435 (4) (cm) of the statutes is created to read:

20.435 (4) (cm) Reimbursement for FoodShare implementation costs. A sum sufficient to reimburse suppliers for their initial implementation costs associated with the requirements under s. 49.79 (7m) that limit foods that may be purchased with food stamp benefits.

SECTION 2. 49.79 (7m) of the statutes is created to read:

49.79 (7m) FOODS THAT MAY BE PURCHASED WITH BENEFITS. (a) In this subsection:

1. "Authorized food" has the meaning given in s. 253.06 (1) (a).
2. "Benefits" means benefits under the food stamp program.
3. "Recipient" means an individual who is eligible for the food stamp program.

and warehouse suppliers

and warehouse suppliers

1
2
3
4
5
6
7
8
9
10

1 4. "Supplier" has the meaning given in s. 49.795 (1) (d).

2 (b) ^{1.} The department shall require that, of the benefits amount used by a
3 recipient in a month to purchase food, not less than 67 percent is used to purchase
4 only any of the following foods:

5 ~~a.~~ Authorized foods on the list published by the department under s. 253.06 (9).

6 ~~b.~~ Beef, pork, chicken, or fish, whether an authorized food on the list published
7 under s. 253.06 (9) or not.

8 ~~c.~~ Fresh produce, including white potatoes, whether an authorized food on the
9 list published under s. 253.06 (9) or not.

Insert 3-9

10 (c) To facilitate compliance with the requirements under par. (b), the
11 department may authorize ^{retail} suppliers to swipe food stamp benefit cards before items
12 that are being purchased are scanned or checked out.

13 (d) From the appropriation under s. 20.435 (4) (cm), the department shall
14 reimburse ^{retail and warehouse} suppliers for their initial implementation costs related to compliance with
15 the food limitation requirements under par. (b).

16 (e) 1. Except as provided in subd. 2., the department shall implement the
17 requirements under par. (b) and the authorization under par. (c) no later than the
18 first day of the 37th month beginning after the effective date of this subdivision
19 [LRB inserts date].

20 2. If the department determines that it may not implement the requirements
21 under par. (b) or the authorization under par. (c) without a federal waiver, the
22 department shall, no later than one year after the effective date of this subdivision
23 [LRB inserts date], request a waiver from the secretary of the federal department
24 of agriculture and may not implement the requirements under par. (b) or the
25 authorization under par. (c) unless the waiver is granted and in effect. If a waiver

1 is requested and granted under this subdivision, the department shall implement
2 the requirements under par. (b) and the authorization under par. (c) no later than the
3 first day of the 25th month beginning after the date on which the waiver is granted.

4 SECTION 3. 227.01 (13) (tm) of the statutes[✓] is created to read:

5 227.01 (13) (tm) Relates to the requirements under ss. 49.79 (7m) and 253.06
6 (9).

7 SECTION 4. 253.06 (9) of the statutes[✓] is created to read:

8 253.06 (9) REVIEW, UPDATING, AND PUBLICATION OF LIST OF AUTHORIZED FOODS. The
9 department shall do all of the following:

10 (a) Annually review, and update as appropriate, the list of authorized foods.

11 (b) Publish a current list of authorized foods on the department's Internet site.

12 SECTION 5. Nonstatutory provisions.

13 (1) REPORT ON IMPLEMENTATION COSTS. The department of health services shall
14 investigate and determine what the initial cost will be for suppliers, as defined in

15 section 49.795 (1) (d) of the statutes, to implement and comply with the requirements
16 under section 49.79 (7m) of the statutes, as created by this act, related to limiting the
17 foods that individuals may purchase with food stamp benefits. The department of
18 health services shall prepare a report of its findings and cost determination and
19 submit the report to the joint committee on finance. The report shall be submitted
20 before the requirements under section 49.79 (7m) (b) of the statutes, as created by
21 this act, and the authorization under section 49.79 (7m) (c) of the statutes, as created
22 by this act, are implemented, but after a waiver is granted if the department
23 determines that a waiver is needed under section 49.79 (7m) (e) 2. of the statutes, as
24 created by this act.

retail and warehouse

consult and work with stakeholders,

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0031/2ins
PJK:.....

INSERT A

with DHS also must publish on its Internet site a list of the foods for which 67 percent of a recipient's benefits must be used and a list of the foods for which 33 percent of a recipient's benefits may be used.

(END OF INSERT A)

INSERT 3-9

4 2. The department shall publish on the department's Internet site the following lists:

a. A *current* list of the foods for which 67 percent of a recipient's monthly benefits amount must be used.

b. A *current* list of the foods for which 33 percent of a recipient's monthly benefits amount may be used.

(END OF INSERT 3-9)