



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5798/1

TJD:emw

## 2021 SENATE BILL 902

February 1, 2022 - Introduced by Senators TESTIN, BERNIER, FELZKOWSKI, FEYEN, MARKLEIN, NASS and STROEBEL, cosponsored by Representatives BORN, ARMSTRONG, AUGUST, BRANDTJEN, CABRAL-GUEVARA, CALLAHAN, DITTRICH, EDMING, JAMES, KATMA, KITCHENS, KNODL, KRUG, KUGLITSCH, KURTZ, LOUDENBECK, MACCO, MOSES, PENTERMAN, PETERSEN, PETRYK, PLUMER, ROZAR, SCHRAA, SKOWRONSKI, SNYDER, SORTWELL, STEFFEN, TITTL, TUSLER, VORPAGEL, WICHGERS, ZIMMERMAN, MAGNAFICI and DUCHOW. Referred to Committee on Economic and Workforce Development.

- 1     **AN ACT relating to:** FoodShare work and FoodShare employment and training  
2             requirements and drug testing.

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### *Analysis by the Legislative Reference Bureau*

2015 Wisconsin Act 55 required the Department of Health Services to promulgate rules to develop and implement a drug screening, testing, and treatment policy, which DHS promulgated as Wis. Admin. Code ch. DHS 38. 2017 Wisconsin Act 370 incorporated ch. DHS 38 into statutes, relating to drug screening, testing, and treatment for recipients of the FoodShare employment and training program, known as FSET. Current law requires DHS to require all able-bodied adults, with some limited exceptions, who seek benefits from the FoodShare program to participate in FSET unless they are already employed. Current law also requires able-bodied adults without dependents to comply with certain work requirements, and, if they do not comply or meet a specified exception, their eligibility for FoodShare is limited to three months during a three-year period. DHS is currently waiving, due to the coronavirus pandemic, the time limits on benefits for failing to comply with the FoodShare work requirement, and the other requirements have not yet been implemented. This bill requires DHS to enforce the work requirement on able-bodied adults without dependents; the FSET requirement on able-bodied adults; and the drug screening, testing, and treatment requirements. If necessary to comply with this requirement, DHS must immediately withdraw any waiver or suspension of the time limits on eligibility for FoodShare for not fulfilling the work requirement.

Current law prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a

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waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. If legislation allows DHS to submit such a request, current law specifies a procedure for that submission process that includes review by the Joint Committee on Finance. The bill prohibits DHS from waiving the requirements specified in the bill without either complying with the current law process or, if the process is inapplicable, submitting the waiver proposal to JCF for review under its passive review process.

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

1           **SECTION 1. Nonstatutory provisions.**

2           (1)   FOODSHARE AND EMPLOYMENT AND TRAINING PROGRAM PARTICIPATION  
3           REQUIREMENTS.

4           (a)   The department of health services shall enforce the work requirement  
5           under s. 49.79 (10) on able-bodied adults without dependents, the employment and  
6           training program requirement for able-bodied adults under s. 49.79 (9) (a) 1g., and  
7           the substance abuse screening, testing, and treatment requirements under s. 49.791  
8           to the maximum extent allowed under federal law. The department of health  
9           services shall immediately withdraw any waiver or suspension of the time limits on  
10          eligibility for food stamps under s. 49.79 (10) (a) 2. for not fulfilling the work  
11          requirement if such withdrawal of a waiver or suspension is necessary to comply with  
12          this paragraph.

13          (b)   The department of health services may not waive any of the requirements  
14          described in par. (a) without complying with s. 20.940 or, if s. 20.940 is not applicable,  
15          without first submitting a request to the joint committee on finance for review of the  
16          waiver request. If the cochairpersons of the joint committee on finance do not notify  
17          the department of health services within 14 working days after the date of the  
18          submittal under this paragraph that the committee has scheduled a meeting for the

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1 purpose of reviewing the proposed waiver, the department may waive the  
2 requirement. If, within 14 working days after the date of the submittal under this  
3 paragraph by the department of health services, the cochairpersons of the committee  
4 notify the department that the committee has scheduled a meeting for the purpose  
5 of reviewing the proposed waiver, the department may waive the requirement only  
6 upon approval by the committee.

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**(END)**