

HUMAN RESOURCES CODE

TITLE 2. HUMAN SERVICES AND PROTECTIVE SERVICES IN GENERAL

SUBTITLE C. ASSISTANCE PROGRAMS

CHAPTER 33. NUTRITIONAL ASSISTANCE PROGRAMS

SUBCHAPTER A. NUTRITIONAL ASSISTANCE PROGRAMS IN GENERAL

Sec. 33.0005. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of agriculture.

(1-a) "Department" means the Department of Agriculture.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Supplemental nutrition assistance program" and "SNAP" mean the program operated pursuant to 7 U.S.C. Section 2011 et seq.

Added by Acts 2007, 80th Leg., R.S., Ch. 963 (H.B. 4062), Sec. 5, eff. June 15, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.154, eff. April 2, 2015.

Sec. 33.0006. OPERATION OF SNAP. The commission operates the supplemental nutrition assistance program.

Added by Acts 2007, 80th Leg., R.S., Ch. 963 (H.B. 4062), Sec. 5, eff. June 15, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.154, eff. April 2, 2015.

Sec. 33.001. DISTRIBUTION OF SURPLUS COMMODITIES. (a) The department is the state agency designated to cooperate with the federal government in administering the distribution of federal surplus commodities and other resources.

(b) The department may cooperate with a city or county in any manner necessary for the proper operation of this program.

Acts 1979, 66th Leg., p. 2353, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Sec. 33.002. DISTRIBUTION OF COMMODITIES AND SNAP BENEFITS.

(a) The department is responsible for the distribution of commodities and the commission is responsible for the distribution of supplemental nutrition assistance program benefits allocated respectively to the department and the commission by the federal government.

(b) The department and commission may enter into agreements with federal agencies that are required as a prerequisite to the allocation of the commodities or supplemental nutrition assistance program benefits. The department and commission may enter into agreements with eleemosynary institutions, schools, and other eligible agencies and recipients of the commodities and supplemental nutrition assistance program benefits. The department may cooperate with a municipality or county as necessary to properly administer the distribution of federal surplus commodities and other resources for which the department is responsible.

(c) The department and the executive commissioner, as applicable, shall establish policies and rules that will ensure the widest and most efficient distribution of the commodities and supplemental nutrition assistance program benefits to those eligible to receive them.

(c-1) The executive commissioner by rule shall establish a schedule for the distribution of supplemental nutrition assistance program benefits that ensures the even distribution of the benefits each month over a 28-day period.

(d) The commission shall continually monitor the expedited issuance of supplemental nutrition assistance program benefits to ensure that each region in the state complies with federal regulations and that those households eligible for expedited issuance are identified, processed, and certified within the timeframes prescribed within the federal regulations.

(e) The commission shall screen all applicants for expedited issuance of supplemental nutrition assistance program

benefits on a priority basis within one working day. Applicants who meet the federal criteria for expedited issuance and have an immediate need for food assistance shall receive those benefits within one working day.

(f) The commission shall conspicuously post in each local supplemental nutrition assistance program benefits office a notice of the availability of and procedure for applying for expedited issuance.

(g) The commission may, within federal limits, modify the one-day screening and service delivery requirements prescribed by Subsection (e) if the commission determines that the modification is necessary to reduce fraud in the supplemental nutrition assistance program.

Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1985, 69th Leg., ch. 150, Sec. 4, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 1052, Sec. 7.01, eff. Sept. 1, 1987; Acts 1995, 74th Leg., ch. 655, Sec. 8.09, eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 693, Sec. 2, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 963 (H.B. [4062](#)), Sec. 6, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1050 (S.B. [71](#)), Sec. 15, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. [1179](#)), Sec. 17, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.155, eff. April 2, 2015.

Acts 2019, 86th Leg., R.S., Ch. 173 (H.B. [1218](#)), Sec. 1, eff. May 24, 2019.

Sec. 33.0021. APPLICATION INFORMATION. (a) The commission shall develop general informational materials that contain eligibility guidelines for supplemental nutrition assistance program benefits under this chapter and that clearly and simply explain the process for applying for benefits, as well as indicate the availability of expedited benefits, the existence of toll-free telephone hotlines, and the existence of a procedure in

each region to handle complaints. These informational materials shall be nonpromotional in nature.

(b) The materials must contain a list of the specific items necessary to verify an application.

(c) The commission shall distribute the materials to community action agencies, legal services offices, and emergency food programs and other programs likely to have contact with potential applicants.

Added by Acts 1985, 69th Leg., ch. 150, Sec. 5, eff. Aug. 26, 1985.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.156, eff. April 2, 2015.

Sec. 33.0023. SNAP INFORMATION MATCHING SYSTEM. (a) To detect and prevent fraud in the supplemental nutrition assistance program, the commission, through the use of a computerized matching system, shall compare at least semiannually commission information relating to supplemental nutrition assistance program benefits transactions and redemptions by benefits recipients and retailers with information obtained from the comptroller and other appropriate state agencies relating to those recipients and retailers.

(b) The commission, the comptroller, and the appropriate agencies shall take all necessary measures to protect the confidentiality of information provided under this section, in compliance with all existing state and federal privacy guidelines.

(c) In this section, "retailer" means a business approved for participation in the supplemental nutrition assistance program.

Added by Acts 1997, 75th Leg., ch. 322, Sec. 3, eff. May 26, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.157, eff. April 2, 2015.

Sec. 33.0024. DISASTER SNAP. (a) In this section, "program" means the program to provide supplemental nutrition assistance benefits to victims of a disaster as authorized by 7

U.S.C. Section 2014.

(b) The commission shall:

(1) in collaboration with local government officials:

(A) create a directory of local points of contact for the operation of the program;

(B) determine the best method for communication between the commission and local government officials regarding the program; and

(C) evaluate, develop, and maintain a list of potential sites for in-person application for program benefits that meet federal requirements;

(2) enter into memorandums of understanding with local government agencies documenting the roles and responsibilities of the commission and each local government agency regarding the determination of the need for and the location of sites for in-person application for program benefits; and

(3) provide information regarding the program and strategies for effective collaboration between local governments and the commission to local government officials in coastal counties by hosting webinars, conducting conference calls, or holding in-person meetings.

Added by Acts 2019, 86th Leg., R.S., Ch. 1117 (H.B. [2335](#)), Sec. 1, eff. June 14, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1341 (S.B. [981](#)), Sec. 1, eff. June 14, 2019.

Sec. 33.003. DISTRIBUTION DISTRICTS; AGENTS. (a) The department may establish distribution districts and employ distributing agents or may make other arrangements necessary to provide for the efficient distribution of commodities.

(b) A distributing agent must be bonded. The department shall audit a distributing agent's records at least once annually and at any other time considered expedient by the department.

Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.158, eff.

April 2, 2015.

Sec. 33.004. COMMODITY DISTRIBUTION PROGRAM ADVISORY BOARDS. (a) The department may establish state or district-level advisory boards to facilitate the operations of the commodity distribution program.

(b) The advisory boards shall be of the size, membership, and experience that the commissioner determines to be essential for the accomplishment of the purposes of this chapter and not in conflict with or duplicative of other laws on this subject.

Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 963 (H.B. 4062), Sec. 7, eff. June 15, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.159, eff. April 2, 2015.

Sec. 33.005. PROCESSING PERISHABLE COMMODITIES. (a) The department may enter into nonprofit contracts with state institutions or state or private agencies for the processing of perishable commodities to preserve them for subsequent distribution to eligible recipients.

(b) The cost of processing shall be borne by each recipient on a pro rata basis in relation to the amount of the processed commodities received by each distribution district.

Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Sec. 33.006. HANDLING CHARGES. (a) The department may assess reasonable handling charges against the recipients of commodities to cover the cost of distribution. The total operation must be conducted on a nonprofit basis.

(b) The department shall make the assessments at the times and in the amounts that it considers necessary for the proper administration of the commodity distribution program. However, the assessments must be uniform in each distribution district and

may not exceed \$1 per recipient per year.

Acts 1979, 66th Leg., p. 2354, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 399, ch. 81, Sec. 18(a), eff. Sept. 1, 1983.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.160, eff. April 2, 2015.

Sec. 33.008. SALE OF USED COMMODITY CONTAINERS. The department may sell used commodity containers. Proceeds from the sales in each distribution district shall be deposited in the general revenue fund.

Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.161, eff. April 2, 2015.

Sec. 33.011. PROHIBITED ACTIVITIES; PENALTIES. (a) A person commits an offense if the person knowingly uses, alters, or transfers a supplemental nutrition assistance program electronic benefit transfer card in any manner not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the supplemental nutrition assistance program electronic benefit transfer card is less than \$200 and a felony of the third degree if the value is \$200 or more.

(b) A person commits an offense if the person knowingly possesses a supplemental nutrition assistance program electronic benefit transfer card when not authorized by law to possess the card, knowingly redeems supplemental nutrition assistance program benefits when not authorized by law to redeem them, or knowingly redeems supplemental nutrition assistance program benefits for purposes not authorized by law. An offense under this subsection is a Class A misdemeanor if the value of the supplemental nutrition assistance program electronic benefit transfer card possessed, or the program benefits redeemed, is less than \$200 and a felony of the third degree if the value of the supplemental nutrition assistance

program electronic benefit transfer card possessed, or the program benefits redeemed, is \$200 or more.

(d) When cash, exchange value, or supplemental nutrition assistance program electronic benefit transfer cards of various values are obtained in violation of this section pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the values aggregated in determining the grade of the offense.

(e) The commission may contract with county commissioners courts to provide funds to pay for professional and support services necessary for the enforcement of any criminal offense that involves illegally obtaining, possessing, or misusing supplemental nutrition assistance program benefits.

(f) For the purposes of Subsections (a) and (b), the value of a supplemental nutrition assistance program electronic benefit transfer card is the cash or exchange value obtained in violation of this section.

(g) In this section, "supplemental nutrition assistance program benefits" includes electronic benefit transfer (EBT) cards.

Acts 1979, 66th Leg., p. 2355, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1979, 66th Leg., p. 2435, ch. 842, art. 2, Sec. 6, eff. Sept. 1, 1979; Acts 1993, 73rd Leg., ch. 249, Secs. 1, 2, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 788, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.162, eff. April 2, 2015.

Sec. 33.012. CHEMICAL DEPENDENCY TREATMENT PROGRAM AS REPRESENTATIVE. The commission shall provide an individual's supplemental nutrition assistance program allotment to the residential chemical dependency treatment program in which the person resides to the extent allowed under Section 8(f), Food Stamp Act of 1977 (7 U.S.C. Section 2017(e)), if the individual designates the program as the individual's authorized representative.

Added by Acts 1997, 75th Leg., ch. 663, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Sec. 33.013. INFORMATION AND REFERRAL SERVICES. (a) Each local supplemental nutrition assistance program benefits office shall compile and maintain a current list of emergency food providers in the area served by the local supplemental nutrition assistance program benefits office and refer individuals who need food to local programs that may be able to provide assistance.

(b) The commission shall establish regional or statewide toll-free telephone hotlines to provide emergency food information and to refer needy individuals to local programs that may be able to provide assistance. The commission shall publish the telephone number for referrals in the emergency telephone numbers section of local telephone books. The commission shall display this telephone number in all of its offices.

(c) Where emergency food programs do not exist, the commission shall assist community groups in establishing emergency food assistance programs.

(d) The commission may establish other local, regional, or statewide programs to provide emergency food information and referral services where needed and where none presently exist.

Added by Acts 1985, 69th Leg., ch. 150, Sec. 2, eff. Aug. 26, 1985.

Amended by Acts 1987, 70th Leg., ch. 1052, Sec. 7.02, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 963 (H.B. 4062), Sec. 8, eff. June 15, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Sec. 33.015. INITIAL ESTABLISHMENT AND RECERTIFICATION OF ELIGIBILITY FOR CERTAIN PERSONS. (a) In administering the supplemental nutrition assistance program, the commission shall, except as provided by Subsection (c) and Section 33.019, allow a

person to comply with initial eligibility requirements, including any initial interview, and with subsequent periodic eligibility recertification requirements by telephone instead of through a personal appearance at commission offices if:

(1) the person and each member of the person's household:

(A) have no earned income; and

(B) are elderly or persons with disabilities; or

(2) the person is subject to a hardship, as determined by commission rule.

(b) For purposes of rules under Subsection (a)(2), a hardship includes a situation in which a person is prevented from personally appearing at commission offices because the person is:

(1) subject to a work or training schedule;

(2) subject to transportation difficulties;

(3) subject to other difficulties arising from the person's residency in a rural area;

(4) subject to prolonged severe weather;

(5) ill; or

(6) needed to care for a member of the person's household.

(c) The commission may require a person described by Subsection (a) to personally appear at commission offices to establish initial eligibility or to comply with periodic eligibility recertification requirements if the commission considers a personal appearance necessary to:

(1) protect the integrity of the supplemental nutrition assistance program; or

(2) prevent an adverse determination regarding the person's eligibility that would be less likely to occur if the person made a personal appearance.

(d) A person described by Subsection (a) may elect to personally appear at commission offices to establish initial eligibility or to comply with periodic eligibility recertification requirements.

(e) The commission shall require a person exempted under this section from making a personal appearance at commission

offices to provide verification of the person's entitlement to the exemption on initial eligibility certification and on each subsequent periodic eligibility recertification. If the person does not provide verification and the commission considers the verification necessary to protect the integrity of the supplemental nutrition assistance program, the commission shall initiate a fraud referral to the commission's office of inspector general.

Added by Acts 2001, 77th Leg., ch. 93, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Acts 2021, 87th Leg., R.S., Ch. 839 (S.B. 224), Sec. 1, eff. September 1, 2021.

Sec. 33.018. SNAP ELIGIBILITY FOLLOWING CERTAIN CRIMINAL CONVICTIONS. (a) As authorized by 21 U.S.C. Section 862a(d)(1) and except as provided by this section, 21 U.S.C. Section 862a(a)(2) does not apply in determining the eligibility of any person for the supplemental nutrition assistance program.

(b) 21 U.S.C. Section 862a(a)(2) applies in determining the eligibility for the supplemental nutrition assistance program of a person who has been convicted of, and released on parole or placed on community supervision for, any felony offense that has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. Section 802, if the person violates any condition of that parole or community supervision. A person described by this subsection is ineligible for the supplemental nutrition assistance program only for a two-year period beginning on the date the person is found to have violated the condition of parole or community supervision, as authorized by 21 U.S.C. Section 862a(d)(1)(B).

(c) A person convicted of an offense described by Subsection (b) who is receiving supplemental nutrition assistance program benefits and who is convicted of a subsequent felony offense, regardless of the elements of the offense, is ineligible for the supplemental nutrition assistance program.

Added by Acts 2015, 84th Leg., R.S., Ch. 837 (S.B. 200), Sec. 2.29,

eff. September 1, 2015.

Sec. 33.019. SIMPLIFIED CERTIFICATION AND RECERTIFICATION REQUIREMENTS FOR CERTAIN SNAP APPLICANTS AND RECIPIENTS. (a) The commission shall develop and implement simplified certification and recertification requirements for supplemental nutrition assistance program benefits for an individual who:

(1) is 60 years of age or older or is a person with a disability, as determined by commission rule;

(2) has no earned income; and

(3) resides in a household in which every individual residing in the household is 60 years of age or older or is a person with a disability, as determined by commission rule.

(b) The simplified requirements must:

(1) allow an individual described by this section to waive recertification interview requirements;

(2) simplify and reduce the number of verification requirements for certifying and recertifying eligibility to receive benefits, which must include the use of a shortened application form; and

(3) allow the individual to remain eligible for benefits for 36 months after certification and after each recertification.

(c) An individual described by this section is required to:

(1) submit to the commission a change reporting form every 12 months during the 36-month eligibility period; and

(2) report to the commission, in accordance with federal law, when the individual receives an increase in income.

(d) The commission shall, in a manner that complies with federal law, use data matching to inform eligible individuals described by this section who are receiving Medicaid benefits of their eligibility for supplemental nutrition assistance program benefits.

Added by Acts 2021, 87th Leg., R.S., Ch. 839 (S.B. [224](#)), Sec. 2, eff. September 1, 2021.

Sec. 33.022. APPLICATION ASSISTANCE. (a) On request of an

applicant for supplemental nutrition assistance program benefits, the commission shall assist the applicant in filling out forms and completing the application process.

(b) The commission shall inform each applicant of the availability of assistance.

Added by Acts 1985, 69th Leg., ch. 150, Sec. 6, eff. Aug. 26, 1985.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Sec. 33.023. INFORMATION VERIFICATION. (a) The commission shall develop and implement for expedited issuance a uniform procedure for verifying information required of an applicant for supplemental nutrition assistance program benefits.

(b) In developing the uniform procedure, the commission shall attempt to minimize the cost and complexity of the procedure to the applicant.

(c) The commission shall not require an applicant for expedited service to verify more eligibility items than the minimum necessary to conform to the federal regulations and shall assist the applicant in obtaining materials needed to verify an application. The commission shall not deny or delay determination of eligibility due to lack of verification of items that may be postponed if they cannot be verified within the timeframes prescribed by the federal regulations.

(d) The commission shall post a notice in each of its offices indicating to whom an applicant for or client of the supplemental nutrition assistance program can talk to resolve problems or complaints. This notice should indicate persons available to handle problems in local, regional, and state offices. Notification of the existence of each office and complaint procedures shall be posted in each supplemental nutrition assistance program benefits office and in materials made available to applicants regarding the application process.

Added by Acts 1985, 69th Leg., ch. 150, Sec. 7, eff. Aug. 26, 1985.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff.

April 2, 2015.

Sec. 33.0231. VERIFICATION OF IDENTITY AND PREVENTION OF DUPLICATE PARTICIPATION IN SNAP. The commission shall use appropriate technology to:

(1) confirm the identity of applicants for benefits under the supplemental nutrition assistance program; and

(2) prevent duplicate participation in the program by a person.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 1.04(b), eff. September 28, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Sec. 33.025. NUTRITION EDUCATION AND OUTREACH FOR THOSE ELIGIBLE FOR SNAP BENEFITS. (a) The commission shall develop and implement a plan of operation to provide nutrition education and outreach to persons eligible for supplemental nutrition assistance program benefits.

(b) The plan of operation for education and outreach shall:

(1) ensure that low-income consumers are provided with informational materials that include but are not limited to information on:

(A) food budgeting for low-income consumers;

(B) purchasing and preparing low-cost nutritional meals;

(C) basic nutrition and healthy foods;

(D) the availability of supplemental nutrition assistance program benefits;

(E) the eligibility requirements for supplemental nutrition assistance program benefits; and

(F) the application procedures for receiving supplemental nutrition assistance program benefits;

(2) identify a target population for the informational activities, which may include:

(A) recipients of the Special Supplemental

Nutrition Program for Women, Infants and Children;

(B) families which have children who are eligible for the free or reduced-priced meals programs;

(C) recipients of commodity surplus foods;

(D) senior citizens attending nutrition sites and participating in nutritional activities;

(E) clients of emergency food pantries;

(F) farm workers or migrants; and

(G) others who may benefit from the information including but not limited to senior citizens, persons with disabilities, and working poor families;

(3) identify geographical areas, if any, which specifically will be targeted; and

(4) ensure that all informational activities are multilingual and available in accessible alternative formats.

(c) The commission shall submit the plan of operation to the Food and Nutrition Service of the United States Department of Agriculture for approval, making the commission eligible for reimbursement for 50 percent of the cost of the informational activities.

(d) The commission shall cooperate with other state agencies that currently operate nutrition education programs.

(e) The commission shall enlist the assistance of pro bono public relations firms where available.

Added by Acts 1993, 73rd Leg., ch. 328, Sec. 3, eff. Aug. 30, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.163, eff. April 2, 2015.

Sec. 33.026. CHILD AND ADULT CARE FOOD PROGRAM: REQUIRED NOTICES AND ADVISORY COMMITTEE AUTHORITY. (a) Repealed by Acts 2015, 84th Leg., R.S., Ch. 1, Sec. 4.465(a)(48), eff. April 2, 2015.

(b) The department shall provide written notice to each sponsoring organization of any modification or clarification of department rules or policies relating to the federal Child and Adult Care Food Program. Notice provided through electronic mail is considered to be written notice for purposes of this subsection.

(c) The department may, with respect to the federal Child and Adult Care Food Program:

(1) conduct public hearings in accordance with department procedures;

(2) refer issues relating to the program to the commissioner for discussion; and

(3) recommend modifications to the department's training programs for sponsoring organizations and other persons participating in the program.

(d) For purposes of this section and Sections 33.027 and 33.0271, "sponsoring organization" has the meaning assigned by 7 C.F.R. Section 226.2.

Added by Acts 1999, 76th Leg., ch. 719, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 870 (S.B. 77), Sec. 2, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.164, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.465(a)(48), eff. April 2, 2015.

Sec. 33.027. CHILD AND ADULT CARE FOOD PROGRAM: ELECTRONIC FILING. (a) In administering the federal Child and Adult Care Food Program, the department shall, unless prohibited by federal law, permit a sponsoring organization or other person participating in the program to submit applications and other required information to the department in an electronic format or through the use of electronically produced forms.

(b) The department may implement Subsection (a) by developing necessary computer systems or by using computer systems developed or made available for that purpose by a sponsoring organization or other appropriate person.

Added by Acts 1999, 76th Leg., ch. 719, Sec. 3, eff. Jan. 1, 2001.

Sec. 33.0271. CHILD AND ADULT CARE FOOD PROGRAM: PROGRAM PARTICIPANT REQUIREMENTS. (a) In this section, "institution" and "principal" have the meanings assigned by 7 C.F.R. Section 226.2.

(b) To the extent permitted under federal law, a sponsoring organization shall maintain a performance bond in an amount specified by department rule from a company holding a certificate of authority as an acceptable surety on federal bonds from the United States secretary of the treasury. To determine whether a company holds a certificate of authority as an acceptable surety on federal bonds, the department and a sponsoring organization may rely on the list published by the United States Department of the Treasury in accordance with 31 C.F.R. Section 223.16.

(c) To the extent permitted under federal law, on application for or renewal of participation in the Child and Adult Care Food Program, a nongovernmental entity applying to participate or to renew participation in the program as a sponsoring organization or other institution must submit to the department the following with respect to each of the entity's principals for use in conducting a background and criminal history check:

(1) a copy of a government-issued form of identification of the principal, which may include a copy of:

(A) a driver's license issued by this state or another state;

(B) an identification card issued by this state, another state, or the federal government;

(C) a passport; or

(D) another form of identification approved by the department; and

(2) proof of the principal's residential mailing address, which may include:

(A) official mail sent to the principal's address from a utility provider, governmental agency, or financial institution;

(B) a residential lease executed by the principal; or

(C) any other form of proof approved by the department.

(d) If there is a change in a principal or the residential mailing address of a principal of a nongovernmental entity participating in the Child and Adult Care Food Program as a

sponsoring organization or other institution, the entity must submit to the department the same information required under Subsection (c) with respect to the principal for use in conducting a background and criminal history check.

(e) The department may conduct a background and criminal history check on each principal of an entity subject to this section using:

(1) the information provided under Subsection (c) or (d), as applicable; and

(2) the information made available by the Department of Public Safety under Section 411.1146, Government Code, or by the Federal Bureau of Investigation or other criminal justice agency under Section 411.087, Government Code.

(f) If the background and criminal history check authorized under Subsection (e) using information provided under Subsection (c) reveals that an entity knowingly falsified statements contained in the application, the department may refer that matter to an appropriate prosecuting attorney for criminal prosecution.

(g) If a background and criminal history check authorized under Subsection (e) reveals that the principal of an entity that is an applicant for or participant in the Child and Adult Care Food Program has been convicted of fraud, violating an antitrust law, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstructing justice, or any other criminal offense that indicates a lack of business integrity as determined by the department, the department:

(1) shall deny the entity's application for participation in the program; or

(2) may, at the department's discretion, revoke the entity's authority to participate in the program.

(h) The department by rule may establish procedures that would allow an entity that had the entity's application to participate in the Child and Adult Care Food Program denied or authority to participate in the program revoked under Subsection (g) to appeal the department's determination under that subsection. Added by Acts 2011, 82nd Leg., R.S., Ch. 870 (S.B. 77), Sec. 3, eff.

September 1, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.165, eff. April 2, 2015.

Sec. 33.028. GRANT PROGRAMS FOR NUTRITION EDUCATION.

(a) The department shall develop a program under which the department awards grants to:

(1) participants in the Child and Adult Care Food Program, the Head Start program, or other early childhood education programs to operate nutrition education programs for children who are at least three years of age but younger than five years of age; and

(2) community and faith-based initiatives that provide recreational, social, volunteer, leadership, mentoring, or developmental programs to incorporate nutrition education into programs provided for children younger than 19 years of age.

(b) The department may solicit and accept gifts, grants, and donations from any public or private source for the purposes of this section.

(c) The department may adopt rules as necessary to administer the grant programs established under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 728 (S.B. 282), Sec. 3, eff. June 19, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 4.166, eff. April 2, 2015.

Sec. 33.029. CERTAIN ELIGIBILITY RESTRICTIONS. Notwithstanding any other provision of this chapter, an applicant for or recipient of benefits under the supplemental nutrition assistance program is not entitled to and may not receive or continue to receive any benefit under the program if the applicant or recipient is not legally present in the United States.

Added by Acts 2011, 82nd Leg., 1st C.S., Ch. 7 (S.B. 7), Sec. 1.21, eff. September 28, 2011.

Sec. 33.0291. EXCLUSION OF SCHOOL-BASED ACCOUNTS AND CERTAIN BONDS. (a) For purposes of determining whether a person meets family income and resource requirements for eligibility for the supplemental nutrition assistance program, the commission may not consider as income or resources a right to assets held in or a right to receive payments or benefits under a school-based account or bond described by Section 28.0024(b)(2), Education Code.

(b) The amount of exclusion under Subsection (a) of assets held in or the right to receive payments or benefits under a school-based account or bond described by Section 28.0024(b)(2)(C), (D), or (E), Education Code, is limited to the amount of the cost of undergraduate resident tuition and required fees for one academic year consisting of 30 semester credit hours charged by the general academic teaching institution with the highest such tuition and fee costs for the most recent academic year, as determined by the Texas Higher Education Coordinating Board under Section 54.753, Education Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 1265 (H.B. 3987), Sec. 5, eff. June 20, 2015.

Sec. 33.032. PEACE OFFICERS. The commission's office of inspector general may employ and commission peace officers for the purpose of assisting the office in the investigation of fraud, waste, or abuse in the supplemental nutrition assistance program. A peace officer employed and commissioned by the office is a peace officer for purposes of Article 2.12, Code of Criminal Procedure.

Added by Acts 2017, 85th Leg., R.S., Ch. 856 (H.B. 2523), Sec. 3, eff. June 15, 2017.

Sec. 33.035. PILOT PROGRAM TO INCENTIVIZE PURCHASE OF TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In this section:

(1) "Eligible fruits or vegetables" means any variety of fresh, canned, dried, or frozen whole or cut fruits or vegetables:

(A) with no added sugars, fats, oils, or salt;

and

(B) that are produced or harvested in this state.

(2) "Incentive" means a financial benefit provided to a recipient of supplemental nutrition assistance program benefits that encourages the recipient to purchase eligible fruits or vegetables.

(3) "Pilot program" means the pilot program described by Subsection (b).

(4) "Retailer" has the meaning assigned by Section [33.0023](#).

(b) The commission, in consultation with the work group established under Subsection (c), may establish a pilot program in one or more geographic areas of this state through which:

(1) a recipient of supplemental nutrition assistance program benefits is able to receive an incentive when purchasing eligible fruits or vegetables from a retailer that may be used toward a subsequent purchase of eligible fruits or vegetables; and

(2) a retailer is authorized to publicize the incentive to recipients of supplemental nutrition assistance program benefits.

(c) The commission shall establish a work group to assist the commission with the study described by Section [33.036](#) and, as applicable, provide input for the establishment of the pilot program. The work group must be composed of relevant stakeholders from rural and urban areas throughout this state who have expertise in providing incentives under the supplemental nutrition assistance program. At least one member of the work group must have direct marketing representative experience in operating a comparable program.

(d) The executive commissioner shall appoint one member of the work group to serve as presiding officer.

(e) The work group is not subject to Chapter [2110](#), Government Code.

(f) A member of the work group may not receive compensation for serving on the work group and may not be reimbursed for travel or other expenses incurred while conducting the business of the work group.

(g) If the commission establishes the pilot program under this section, the commission may contract with an entity that has appropriate experience and expertise in administering comparable programs to administer the pilot program.

(h) The commission may solicit and accept gifts, grants, and donations from any source to establish and administer the pilot program or to perform any other duty under this section.

(i) If the commission establishes the pilot program under this section, the commission, with assistance from the work group, shall:

(1) develop and the executive commissioner shall submit any necessary applications to obtain a federal waiver to operate the pilot program; and

(2) apply for any available federal money to operate the program, including federal nutrition incentives available under Section 4205, Agriculture Improvement Act of 2018 (7 U.S.C. Section 7517).

(j) The commission may delay the operation of the pilot program, as applicable, until the commission receives federal money to operate the program or until money is appropriated or donated to the commission to operate the program.

Added by Acts 2019, 86th Leg., R.S., Ch. 655 (S.B. 1834), Sec. 1, eff. September 1, 2019.

For expiration of this section, see Subsection (e).

Sec. 33.036. STUDY ON EXISTING PROGRAMS THAT INCENTIVIZE PURCHASE OF TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In this section, "eligible fruits or vegetables" and "incentive" have the meanings assigned by Section 33.035.

(b) The commission, in consultation with the work group established under Section 33.035, shall conduct a study on programs in this state that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program. The study must include:

(1) an inventory of existing programs that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program, including details

on how the programs are funded;

(2) recommendations on increasing the number and availability of programs in this state that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program; and

(3) an analysis of:

(A) strategies to encourage the purchase of eligible fruits or vegetables using supplemental nutrition assistance program benefits;

(B) the potential impact of programs in this state that provide incentives for the purchase of eligible fruits or vegetables on the specialty crop industry in this state; and

(C) federal programs and money available to encourage the purchase of eligible fruits or vegetables using supplemental nutrition assistance program benefits, including the Food Insecurity Nutrition Incentive (FINI) Grant Program operated by the United States Department of Agriculture.

(c) The commission may solicit and accept gifts, grants, and donations from any source to conduct the study.

(d) Not later than December 1, 2020, the commission shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over health and human services a written report that summarizes the commission's findings under Subsection (b) and recommendations for legislative or other action.

(e) This section expires September 1, 2021.

Added by Acts 2019, 86th Leg., R.S., Ch. 655 (S.B. 1834), Sec. 1, eff. September 1, 2019.

SUBCHAPTER B. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM:

ELIGIBILITY DETERMINATION PROCESS EFFICIENCY

Sec. 33.052. APPLICATION ASSISTANCE. (a) The commission shall develop procedures to ensure that:

(1) clear guidance on program eligibility requirements is provided to supplemental nutrition assistance

applicants and prospective applicants and mechanisms are established, including Internet and e-mail mechanisms, as appropriate, by which applicants can obtain answers to basic program-related questions; and

(2) information is provided to each applicant in person, by e-mail, by telephone, or through the mail, as appropriate, about information the applicant is required to submit for purposes of the eligibility determination process.

(b) The commission shall consider the feasibility and cost-effectiveness of using office personnel or an automated system or systems to support the eligibility determination process by contacting an applicant in advance of an applicant's scheduled interview to remind the applicant of the interview and the documentation that must be presented at the interview.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1165 (H.B. 2819), Sec. 2, eff. September 1, 2011.

Sec. 33.053. USE OF TECHNOLOGY TO PROMOTE EFFICIENCY AND FRAUD DETECTION. (a) The commission shall consider the feasibility and cost-effectiveness of using readily available document scanning technology to reduce storage and maintenance costs and potential loss of data by creating electronic case files for supplemental nutrition assistance cases instead of maintaining physical files for those cases. The commission shall use that technology if determined feasible and cost-effective.

(b) The commission shall implement, if feasible and cost-effective, a risk scoring program for supplemental nutrition assistance applications to streamline the eligibility determination process, reduce errors, and strengthen fraud detection. A risk scoring program implemented by the commission must be capable of ranking applications based on complexity so that:

(1) more experienced eligibility determination staff members can be used to process more difficult cases and cases with fraud characteristics; and

(2) applications ranked as low-risk on fraud characteristics can be processed more expeditiously.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1165 (H.B. 2819), Sec. 2, eff. September 1, 2011.

Sec. 33.054. WORKFORCE MANAGEMENT. The commission shall improve its management of supplemental nutrition assistance eligibility determination staff by:

(1) establishing clear performance expectations that can serve as the basis for performance assessments;

(2) planning for anticipated staffing needs;

(3) revising policies regarding overtime and accrual of compensatory time to ensure that eligibility determination staff members have access to supervisors as necessary;

(4) assessing the effectiveness of training provided to new eligibility determination staff members; and

(5) evaluating the compensation of eligibility determination staff members to determine if the compensation is sufficient to recruit qualified staff members and retain experienced staff members.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1165 (H.B. 2819), Sec. 2, eff. September 1, 2011.

Sec. 33.055. PROGRAM MANAGEMENT INFORMATION. (a) The commission, in conjunction with state, regional, and local eligibility determination offices, shall identify eligibility determination program performance indicators with respect to which data should periodically be collected. The commission shall implement a process for collecting data on the identified performance indicators.

(b) The commission shall provide periodic management reports generated by the automated eligibility system to eligibility determination offices. The reports must include information regarding the number of pending supplemental nutrition assistance applications and the number of those applications that have not been processed within applicable timeliness standards.

(c) The commission shall use data collected under Subsection (a) and the reports described by Subsection (b) to develop and assess strategies for:

(1) streamlining the supplemental nutrition assistance eligibility determination process;

(2) improving timeliness of eligibility determinations; and

(3) accommodating increases in applications received.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1165 (H.B. [2819](#)), Sec. 2, eff. September 1, 2011.