

Rule-Making Fact Sheet

AGENCY: Department of Health and Human Services, Office for Family Independence

AGENCY CONTACT PERSON:

Ian Miller, Senior Program Manager - SNAP
Department of Health and Human Services
Office for Family Independence
109 Capitol Street
Augusta, ME 04330-6841
Phone: (207) 624-4138/Fax: (207) 287-3455
TT Users Call Maine Relay – 711
Ian.Miller@Maine.gov

CHAPTER NUMBER AND RULE TITLE: 10-144 C.M.R. Chapter 301 – Supplemental Nutrition Assistance Program (SNAP) Rules; Sections 777-4 and 999-1

SNAP Rule #229P – Electronic Benefit Theft

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 22 M.R.S. §§ 42(1) and (8); 3104

PUBLIC HEARING: No public hearing is scheduled.

COMMENT DEADLINE: Tuesday, January 2, 2024, at 5:00 p.m. ET.

Written public comments may be submitted via the link at

<https://www.maine.gov/dhhs/about/rulemaking>.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: Pursuant to the Consolidated Appropriations Act 2023 (CAA 2023), Public Law 117-328, Division HH, Title IV § 501, EBT Benefit Fraud Prevention requirements, the Department proposes to amend the SNAP Manual, Section 777-4 to align with the requirements of the CAA 2023. The proposed rule changes will provide clarity on the Department’s procedure and timeframes for replacement of SNAP benefits determined to have been stolen through card skimming, card cloning, or similar fraudulent methods. The U.S.D.A. – Food and Nutrition Services approved the Department’s Plan for the Replacement of Electronically Stolen EBT Benefits on August 10, 2023, retroactive to October 1, 2022. This rule change would be effective retroactive to October 1, 2022. Retroactive rulemaking is permissible under 22 M.R.S. § 42(8) as this update provides a benefit to SNAP recipients or beneficiaries and does not adversely impact applicants, participants, beneficiaries, or providers.

In addition, definitions for Card Cloning, Card Skimming, and Phishing would be added to Section 999-1.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? The Consolidated Appropriations Act, 2023, P.L. 117-328, Division HH, Title IV § 501, EBT Benefit Fraud Prevention.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The Department will accept retroactive replacement requests for electronically stolen benefits (benefits stolen via card skimming, card cloning, and similar fraudulent methods such as phishing or scamming) that occurred between October 1, 2022 and August 10, 2023. Claimants will be informed of their rights, responsibilities, and the penalties for fraud, including fraudulent claims of electronically stolen benefits. All requests will be reviewed

within 10 calendar days of receipt of the claims application and claimants will be notified of the application determination.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING

DEVELOPMENT OF THE RULE: The Consolidated Appropriations Act, 2023, Public Law 117-328, Division HH, Title IV § 501 and 7 C.F.R. § 273.17 were considered during the development of this rule.

ESTIMATED FISCAL IMPACT OF THE RULE: The fiscal impact of the proposed rule changes is minimal and will be absorbed through the existing budget.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.