



STATE OF DELAWARE  
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**MEMORANDUM**

DATE: June 26, 2015

TO: All Members of the Delaware House of Representatives  
and Delaware State Senate

FROM: Ms. Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities *DMP/KW*

RE: H.B. 94 (Supplemental Nutrition Assistance Program)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 94 which would amend State law by adding the following limit on purchases: "Benefits provided pursuant to this Chapter shall only be used for foods, food products, and beverages that have beneficial nutritional value." The Department of Health & Social Services (DHSS) would be directed to issue implementing regulations to "identify specific foods, food products, and beverages, or general categories of foods, food products, and beverages.....that have beneficial nutritional value." DHSS would also be required to apply for a waiver from the U.S. Department of Agriculture (USDA) to permit implementation of the law.

As background, consistent with the attached articles, approximately 17% of Delawareans (152,000) participate in the Supplemental Nutrition Assistance Program (SNAP). Benefits are paid entirely from federal funds but the State shares administrative costs. SNAP recipients cannot use the assistance to purchase beer, wine, liquor, cigarettes, tobacco, nonfood items, vitamins, medicine, hot food, and any food that will be eaten in a store.

This bill is identical to H.B. 293 which was introduced in April 2014 and tabled in the House Health & Human Development Committee. SCPD opposed the predecessor bill and also opposes the current legislation based on the following observations.

As reflected in the attached articles, the USDA has never granted a SNAP waiver limiting benefits to perceived healthy foods. The legislation is opposed by DHSS and the Delaware Food Bank. The Food Bank CEO offered the following observation:

The biggest barrier between low-income Delawareans and a healthy diet is not a lack of will or self-control, but a lack of affordability and accessibility. ... Fresh, healthy food is just more expensive than the alternatives and in some neighborhoods it's not even stocked in some stores.

Since the benefits average \$1.40 per person per meal, recipients are hard-pressed to budget for acquisition of basic food products. The attached Delaware News Journal editorial questioned the wisdom underlying the bill and suggested adoption of positive incentives for electing healthier foods:

Limiting shopping choices to 'nutritional foods' is wrong-minded and meddlesome at the 'Big Brother' level. Rewards in the form of a little extra subsidy for better health choices will do a lot more to change food stamp recipients' poor eating habits.

Finally, a one-size-fits-all list of "healthy" foods may be an illusory goal. Some would posit that "red meat" is unhealthy, that canned soup with typically high sodium content is unhealthy, and that non-organic produce is unhealthy. Individuals may be on special diets which may not match a regulatory list of "approved" foods.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

HB 94 supplemental nutrition assistance program 6-23-15

# Food stamp bill has nutrition provision

GOP-sponsored proposal not backed by Food Bank, others

By James Fisher  
The News Journal

A GOP-sponsored bill would limit food stamp spending in Delaware only to foods that have "proven beneficial nutritional value." A change in sponsors say would bring the federally funded program in line with other state efforts to promote healthy eating habits.

But the bill doesn't have any support from the main state agencies and nonprofits that guide Delawareans through the process of applying for and using food stamp funds.

The proposed rule "feels like low-income discrimination, to some degree," Department of Health and Social Services Secretary Rita Landgraf said this month, at a panel discussion on hunger arranged by the Delaware Food Bank. Landgraf's department provides eligible Delawareans with funds for food from the Supplemental Nutrition Assistance Program, or SNAP.

The legislation has three Republican primary sponsors: Rep. Daniel Short, R-Seaford; Rep. Timothy D. Dukes, R-Laurel; and Sen. Greg Lavelle, R-Sharples.

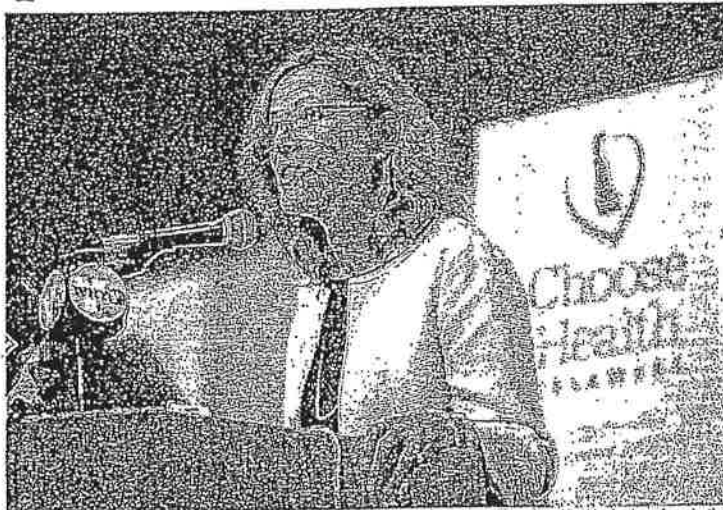
The bill would task Landgraf's department with crafting a list of healthy foods, and require that SNAP funds "shall only be used" to buy foods on that list.

The department's list, the bill says, should start with the foods approved by the Women, Infants and Children nutrition program and expand on it "with a focus on improving selection and affordability."

The bill's supporters say it would put SNAP in the service of making Delawareans healthier, in the same vein as initiatives to build walking-biking trails and a declaration that March is National Nutrition Month.

"Making healthy choices is not inherently more expensive than making unhealthy selections," Dukes said in a statement announcing the bill. "I just believe it is ludicrous to have a government nutrition program that subsidizes poor nutritional habits."

Officials at the Delaware Food Bank, which supplies millions of pounds of food each year to churches and civic groups and also encourages eligible peo-



The bill would task Health and Social Services Secretary Rita Landgraf's department with crafting a list of healthy foods, and require that SNAP funds "shall only be used" to buy foods on that list. JAMES FISHER FOR THE NEWS JOURNAL



Rep. Daniel Short, Sen. Greg Lavelle, Rep. Timothy Dukes

ple to sign up for SNAP, aren't getting behind the bill.

"The biggest barrier between low-income Delawareans and a healthy diet is not a lack of will or self-control, but a lack of affordability and accessibility," Food Bank CEO Patricia Beebe and coordinator Dan Reyes said in an op-ed about the bill. "SNAP allotments are inadequate to afford a sufficiently healthy diet."

Fresh, healthy food is just more expensive than the alternatives, they said, and in some neighborhoods it's not even stocked in stores.

Reyes, in an interview, said the pro-

"I just believe it is ludicrous to have a government nutrition program that subsidizes poor nutritional habits."

REP. TIMOTHY DUKES, R-LAUREL

posal would add to the social stigma people feel when they buy food with a SNAP card. "You're in line with a bunch of other people at your store, and your items are getting picked apart," Reyes said. "People on SNAP filling up their carts with food, that's just not a reality."

The bill hasn't budged in the legislature since it was introduced on April 9 and assigned to the House Health & Human Development Committee. It would also require a never-before-granted legal waiver from the U.S. Department of Agriculture, which funds SNAP, to be implemented.

Dukes said he was surprised the Food Bank opposed his bill. "We really ought to take the 'N' out of SNAP if it's not going to be nutritional," he said in an interview.

"I think if it all comes down to education, honestly."

Delaware hasn't often been out ahead of other states in placing more restrictions on the use of public assistance than the federal government requires. At least 10 states have passed laws requiring drug testing for some welfare recipients, according to the National Conference of State Legislatures, but Delaware isn't one of them. A recently enacted Florida law requiring tests for every single welfare recipient was halted by a federal judge, who ruled it amounted to an unconstitutional search.

Contact James Fisher at 303-6772, on Twitter @JamesFisher70 or jfisher@delawareonline.com

# Try incentivizing food stamp changes

Our View 7:22 p.m. EDT April 22, 2014



(Photo: Getty Images)

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Although maybe unintended, an air of meanness typically hovers over calls to reform the Supplemental Nutritional Assistance Program, better known as food stamps. As a result, Republican lawmakers' pitch for the "Delaware Nutritional Improvement Act," to get food stamp recipients to choose more healthy food items, will more than likely translate negatively.

First of all, this is a federal government-run program that has a long history of mismanagement when it comes to client abuse of the benefits. This reality summons up memories of President Ronald Reagan's talk of "welfare queens" and lazy single mothers with multiple children in fatherless homes or neighborhood shysters who barter food stamps for cash.

Second, the program is extraordinarily costly, so much so just within the last year Congress has favored trading off funding cuts in the millions to the monthly allotment for food stamp recipient's groceries in favor of funding higher federal subsidies to aid rural farmers.

But thirdly and more important, food stamps are a necessary bridge for millions of Americans who are out of work or face extreme income deficits, despite having a job.

Remove the assistance entirely or keep whacking away at the benefit in the name of balancing the budget, then be prepared for the results in terms of higher health costs and likely crimes committed – not in the name of typical urban malfeasance – but at the urging of grumbling empty stomachs. Those are the realities when a \$4.50-a-day food budget is the norm.

Isn't there a better way to address both problems of an overblown food stamp budget and the low-income assistance it provides?

Yes, backers of the Delaware Nutritional Improvement Act are correct about the benefit of more healthy food choices for welfare recipients. However, the message sent is not one of concern for food stamp recipients' diet necessarily, but meddling in the grocery carts of adults, many of whom are embarrassed to pull out those government slips to hand to the cashier. They are well aware of the scowls of those in line, who are able to pay with credit cards or cash.

Rather than punishing food stamp users for failure to stock their carts with more fruits and vegetables, than soda and potato chips, Delaware Republicans would be wise to remember the advice that Russian leader Nikita Khrushchev's handed out after he made name for his liberal government policies: "Call it what you will, incentives are what get people to work harder."

So why use the club of the law to penalize recipients' food choices? Limiting shopping choices to "nutritional foods" is wrong-minded and meddlesome at the "Big Brother" level. Rewards in the form of a little extra subsidy for better health choices will do a lot more to change food stamp recipients' poor eating habits.

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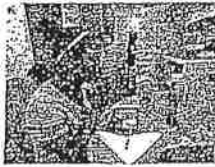
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# Food stamp use increasing in Delaware

William H. McMichael, Jon Offredo and James Fisher, The News Journal 12:53 a.m. EST March 9, 2014



(Photo: JENNIFER CORBETT/THE NEWS JOURNAL)

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Each Delaware community experienced different problems.

In New Castle County, it was the loss of good-paying jobs. In Smyrna, thousands of newcomers seeking an affordable life stumbled into economic troubles. In Rehoboth Beach, younger workers and seniors struggled to make ends meet.

In each, increasingly, many Delawareans needed help with food.

The number of state residents receiving food stamps has nearly tripled over the past 10 years, far outpacing the relatively small increase of 14 percent in population.

For Joyce Robertson, 68, of Wilmington, it began in 2004, when she was forced to become legal guardian to her two granddaughters. "I've been on food stamps ever since," she said.

"When I go to the grocery store, if I get a family pack of chicken wings, it's \$12-and-something out of the \$99," she said. "So I split it and try to make two meals. Whatever they got on sale, I try to get it. And the rest, I go to a dollar store and get dollar hot dogs, and stuff like that."

Robertson says she can't afford to buy the juice and vegetables she knows her granddaughters need for a well-rounded diet. There's a food pantry at the nearby St. Patrick's Center, which provides emergency food for those in need. But demand is high and the pickings, she said, are sometimes slim.



Joyce Robertson of Wilmington shops for food at the Fresh Grocer in the Adams Four Shopping Center. "Whatever they got on sale, I try to get it," Robertson said. (Photo: JENNIFER CORBETT/THE NEWS JOURNAL)

"You got to get there, like, 6 o'clock in the morning, to sign up, because there's a great big line," she said. "And if you don't get there that early ... there may be nothing left. There might be one orange, or one apple."

The News Journal obtained data from the Department of Health and Social Services showing the number of food stamp recipients in each ZIP code around the state for 2003 and 2013. The data show where food stamp use has increased the most, but every county experienced an increase of at least 97 percent.

<http://www.delawareonline.com/story/news/local/2014/03/08/food-stamp-use-increasing-in-delaware/62...> 4/29/2014

## Food stamp use increasing in Delaware

Page 2 of 3

In New Castle County's 19713 ZIP code south of Newark, the population fell 2.7 percent, yet the number of food stamp recipients increased 299 percent. In Kent's 19977 In Smyrna, the population grew by an astounding 70 percent, while the food stamp population increased 250 percent. In the Rehoboth Beach area of Sussex, where population grew nearly 23 percent, the number of food stamp users skyrocketed 325 percent.

STORY: [One NCCo community looks to recover \(/story/news/local/2014/03/08/food-stamps-new-castle-county-as-big-employers-depart-one-community-looks-to-recover/6218579/\)](#)

STORY: [Rising need 'a big deal' in Smyrna \(/story/news/local/2014/03/08/food-stamps-in-delaware-rising-need-a-big-deal-in-smyrna/6218761/\)](#)

STORY: [Coastal Sussex changes hit some hard \(/story/news/local/2014/03/08/food-stamps-in-delaware-coastal-sussex-changes-hit-some-hard/6218768/\)](#)

Overall, the state's food stamp rolls grew faster in the past decade, by 196 percent, than the national average of 124 percent. And it far surpassed increases in neighboring Pennsylvania and New Jersey, both of which dwarfed Delaware's rate of population growth.

Simply put, more than 152,000 Delawareans – 17 percent of the population – count on government help to eat. That's up from about 51,000 a decade ago. And the people who oversee food stamps in the state expect demand to remain high despite a healthier U.S. economy.

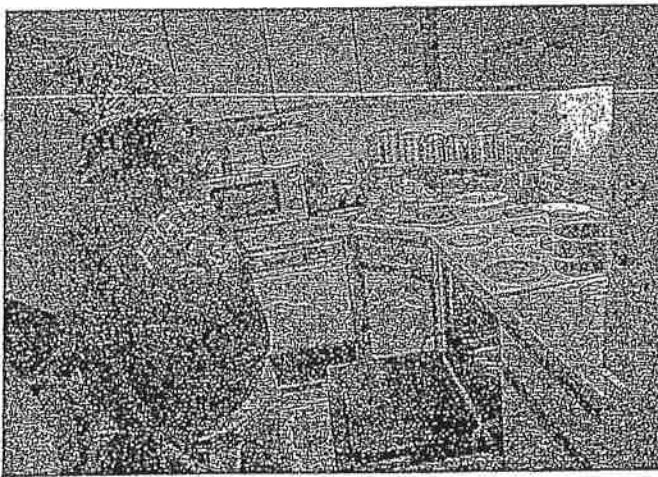
MAP: [Food stamp enrollment \(/story/news/local/2014/03/08/map-food-stamp-enrollment/6174565/\)](#)

"As the economy improves, our rate of growth has definitely tapered," said Elaine Archangelo, director of the Delaware Division of Social Services. "But I'm not expecting the caseload to decline in this slow-growth economy."

### Economic woes

The food-stamp program is funded by the U.S. Department of Agriculture, and Congress appropriates money for it in the farm bill. Only the federal government pays for the direct aid, with states picking up about half of the administrative costs.

Currently, this year's food stamp benefits average out to pay \$1.40 per person per meal, according to the Center on Budget and Policy Priorities. It's not a lot, said Lawana Pipkin of Wilmington, a mother of seven children ages 18 to 2, with another on the way.



Wilmington resident Lawana Pipkin, a mother of seven children ages 18 to 2, had no milk for breakfast on a recent morning, and couldn't afford to buy more. (Photo: ROBERT CRAIG/THE NEWS JOURNAL)

"It can become, like, stressful, very depressing," said Pipkin, who one morning last week had no milk for her children's breakfast and was unable to afford more. She was about a week shy of receiving her March food stamps.

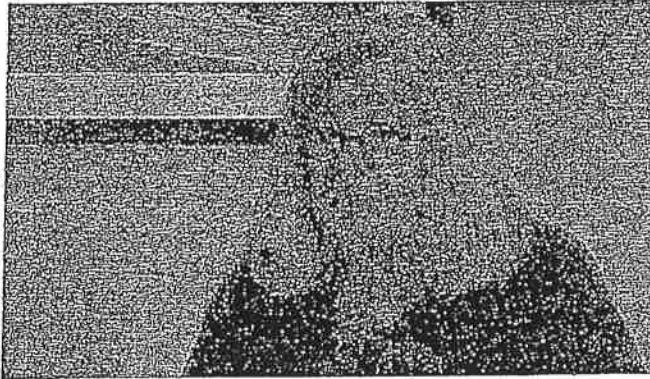
Delaware, along with most states, actively encourages those eligible to sign up for food stamps, a benefit provided based on income. And as many states have done, Delaware expanded eligibility in recent years, automatically making households eligible for food benefits if they qualify for welfare.

<http://www.delawareonline.com/story/news/local/2014/03/08/food-stamp-use-increasing-in-delaware/62...> 4/29/2014

"My opinion is, it's definitely primarily because of the economy," Archangelo said. "Food stamps are a little bit of a precursor of the economy tanking. We started to see the use of food stamps inch up before 2008. The low-income people that we serve tend to lose their jobs first."

The loss of quality jobs, particularly in New Castle County, has contributed to the rise, said Patricia Beebe, CEO of the Food Bank of Delaware, which provides donated food to 477 pantries and programs around the state.

"It's not just the loss of good-paying jobs. It's also what workers are getting paid," she said.



The huge increase in demand for food stamps is highly concerning, said Patricia Beebe, CEO of the Food Bank of Delaware. (3/9/14)

The top industry for employment growth in the state is fast food, said David Grimaldi, New Castle County's chief administrative officer.

"Fast food don't buy houses," said Tom Gordon, New Castle County executive.

[\(/story/news/local/2014/03/08/map-food-stamp-enrollment/6174566\)](#) Filling the gap

Throughout Delaware, working families aren't earning enough to pay for a basic need -- food. Of the 26,700 Delaware families receiving food stamps, half of them had one family member with a job in the last 12 months, and nearly a third had two workers in the household, according to the most recent data available from the U.S. Department of Agriculture.

Most people using the benefit also are caring for children, with 59 percent of food stamp households reporting at least one child younger than 18. The median income of a Delaware household relying on food assistance last year was \$23,104.

STORY: [Shopping trips involve careful planning \(/story/news/local/2014/03/08/food-stamps-in-delaware-shopping-trips-involve-careful-planning/6218567\)](#)

About 77 percent of eligible Delawareans actually receive the benefits, according to Matt Talley, food stamp outreach coordinator for the Food Bank of Delaware. The 23 percent who do not receive the benefit -- "the most vulnerable people," he called them -- often have not even applied.

These, he said, include seniors, many of whom have no access to transportation; Latino and Hispanic households who face additional language barriers; and the working poor -- those with an income, but one that isn't enough.

Beebe, who describes her organization as being counted upon to "swoop in and try to put a finger in the dike," said the Food Bank is not catching up to demand.

"There is no way that we can continue to fill the gap," Beebe said.

President Barack Obama's economic stimulus bill in 2009 had increased food stamp benefits around the country for several years. But an effort in Congress to extend that last year couldn't overcome opposition from Republicans who said the benefits were ineffective and the system vulnerable to fraud.

"As long as we continue to follow that pattern," said Dan Reyes, who coordinates the Food Bank's Coalition to End Hunger, "we're just going to keep chipping away at a program that's designed to stimulate the economy while need increases."

<http://www.delawareonline.com/story/news/local/2014/03/08/food-stamp-use-increasing-in-delaware/62...> 4/29/2014

Food stamp use increasing in Delaware

COLUMN: [Food stamps keep millions from going hungry \(/story/opinion/columnists/2014/03/07/food-stamps-keep-millions-from-going-hungry-/6187543/\)](#)

COLUMN: [Playing politics with food stamps \(/story/opinion/columnists/rhonda-graham/2014/03/08/playing-politics-with-food-stamps/6205363/\)](#)

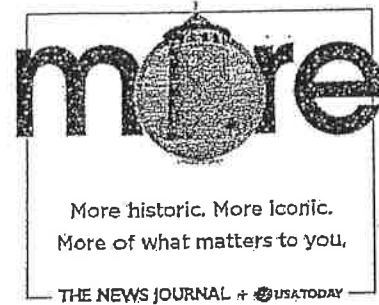
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April 29, 2014, 9:06 a.m.



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April 29, 2014, 9:02 a.m.