

RULEMAKING NOTICE FORM

Notice Number 2015-201 Rule Number He-W 608.02(g) intro. and (g)(3)

<p>1. Agency Name & Address:</p> <p>Dept. of Health and Human Services Division of Family Assistance 129 Pleasant Street, Brown Bldg. Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 167:3-c, I</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Amended Definition of “Off-Premises Retail Licensees that Exclusively or Primarily Sell Beer, Wine, or Other Alcoholic Beverages” As it Pertains to All Categories of Financial Assistance**

6. (a) Summary of what the rule says and of any proposed amendments:

The Department of Health and Human Services (Department) is proposing to amend He-W 608.02(g)(3), which defines “off-premises retail licensees that exclusively or primarily sell beer, wine, or other alcoholic beverages.” The proposed amendment exempts establishments that have been certified as a Food Stamp retailer from the type of establishments at which recipients of Financial Assistance to Needy Families (FANF) or the adult categories of financial assistance are prohibited from using financial assistance benefits from electronic benefit transfer (EBT) cards.

6. (b) Brief description of the groups affected:

The groups affected are recipients of FANF or the adult categories of financial assistance who have opted to have their cash benefit issued via an EBT card.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Federal Reg./RSA
He-W 608.02(g) intro and (g)(3)	RSA 161:2, I; RSA 167:3-c, I; RSA 167:7-b; 42 USC 602(a)(1)(A)(vii); 42 USC 608(a)(12); 42 USC 609(a)(16)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Catherine Bernhard	Title:	Administrative Rules Coordinator
Address:	NH Dept. Health & Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301	Phone #:	271-9374
		Fax#:	271-5590
		E-mail:	catherine.bernhard@dhhs.state.nh.us

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday January 21, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, January 14, 2016 at 10:30 AM**

Place: **Rm 232, Brown Building, 129 Pleasant Street, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **15:215**, dated **12/17/15**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rule, the proposed rule may have an indeterminable fiscal impact on independently owned businesses to the extent that they accept payments via electronic benefit transfer (EBT) cards from recipients of Financial Assistance to Needy Families (FANF) or the adult categories of financial assistance.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To Independently owned businesses:

The proposed rule removes establishments that have been certified as food stamp retailers from the type of establishments at which FANF recipients and recipients of adult categories of financial assistance are prohibited from using EBT cards. To the extent independently owned businesses were previously excluded from receiving EBT payments are now allowed to do so, they may see an indeterminable benefit as a result of the proposed rule.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

Amend He-W 608.02(g)(3), effective 1-1-14 (Document #10495), so that He-W 608.02(g) intro. and (3) are cited read as follows:

He-W 608.02 Prohibited Use of Money Payments.

(g) For the purpose of this section:

(3) The phrase “off-premises retail licensees that exclusively or primarily sell beer, wine, or other alcoholic beverages” referenced in RSA 167:7-b, II(b) shall:

a. ~~include~~ include any establishments in which greater than 50% of visible inventory is beer, wine, or other alcoholic beverages; and

b. Not include establishments that have been certified as a food stamp retailer, pursuant to 7 CFR 278.1.

APPENDIX

Rule	Federal Reg./RSA
He-W 608.02(g) intro. and (3)	RSA 161:2, I; RSA 167:3-c, I; RSA 167:7-b; 42 USC 602(a)(1)(A)(vii); 42 USC 608(a)(12); 42 USC 609(a)(16)