



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-5679/1  
TJD:cjs

## 2021 ASSEMBLY BILL 1056

February 17, 2022 - Introduced by Representatives SORTWELL, MOSES, WICHGERS and MURPHY. Referred to Committee on Public Benefit Reform.

1     **AN ACT** *to create* 49.462 and 49.79 (2g) of the statutes; **relating to:** ineligibility  
2             period in FoodShare and the Medical Assistance program for voluntary  
3             employment termination.

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### *Analysis by the Legislative Reference Bureau*

This bill creates an ineligibility period for the Medical Assistance program and FoodShare for certain employment terminations. The FoodShare program, also known as the food stamp program and the federal Supplemental Nutrition Assistance Program, provides financial assistance to individuals with limited financial resources for the purchase of food. The Medical Assistance program, known also as the federal Medicaid program, provides health care services to individuals who have limited financial resources.

Under the bill, an able-bodied adult who is not eligible for the Medical Assistance program and who voluntarily terminates legal, paid employment continues to be ineligible for the Medical Assistance program for six months from the date the able-bodied adult receives the last paycheck from that employment. The bill establishes in the FoodShare program the same six-month ineligibility period resulting from voluntary employment termination by an able-bodied adult. The ineligibility period under the bill does not apply if the Department of Health Services determines that the individual terminated employment for one of same reasons that a voluntary termination does not create an ineligibility period for unemployment benefits. Those reasons include voluntary termination for the following: termination in lieu of termination of another employee; request, suggestion, or directive by the

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employer to violate the law; sexual harassment; illness or disability of the employee; illness or disability of a family member that requires the care of a family member; change of work hours leading to a lack of child care; termination of employment that the employee could have refused to accept under current unemployment benefits law; termination was concurrent with honorable discharge from the armed forces; concerns about personal safety or harassment accompanied by certain proof of the concerns; or termination was the result of the relocation of a spouse in the U.S. armed forces on active duty. The bill requires the Department of Health Services, which administers both the Medical Assistance program and FoodShare program, to seek approval from the federal government to implement these ineligibility periods, if that federal approval is required.

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

1           **SECTION 1.** 49.462 of the statutes is created to read:

2           **49.462 Ineligibility period for voluntary termination of employment.**

3           **(1) DEFINITION.** In this section, “able-bodied adult” has the meaning given in s.  
4           49.463 (1) (a).

5           **(2) INELIGIBILITY PERIOD.** An able-bodied adult who while being ineligible for  
6           Medical Assistance under this subchapter voluntarily terminates legal, paid  
7           employment is ineligible for Medical Assistance under this subchapter for 6 months  
8           from the date that the able-bodied adult receives the last payment from the  
9           terminated employment. If the department determines that the able-bodied adult  
10          terminated employment for one of the reasons described in s. 108.04 (7) (am), (b), (c),  
11          (CG), (cm), (e), (q), (s), or (t), the 6-month ineligibility period under this subsection  
12          does not apply.

13          **(3) FEDERAL APPROVAL.** If the department of health services determines that it  
14          is necessary to obtain permission from the federal department of health and human  
15          services to implement this section, the department shall request any state plan  
16          amendment, waiver of federal law, or other federal approval to implement this

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1 section. If federal approval is necessary under this subsection but not obtained, the  
2 department of health services is not required to implement this section.

3 **SECTION 2.** 49.79 (2g) of the statutes is created to read:

4 49.79 (2g) INELIGIBILITY PERIOD; EMPLOYMENT TERMINATION (a) An able-bodied  
5 adult who while being ineligible for the food stamp program voluntarily terminates  
6 legal, paid employment is ineligible for the food stamp program for 6 months from  
7 the date that the able-bodied adult receives the last payment from the terminated  
8 employment. If the department determines that the able-bodied adult terminated  
9 employment for one of the reasons described in s. 108.04 (7) (am), (b), (c), (cg), (cm),  
10 (e), (q), (s), or (t), the 6-month ineligibility period under this paragraph does not  
11 apply.

12 (b) If necessary, the department shall request a waiver from the U.S.  
13 department of agriculture to implement this subsection. If the U.S. department of  
14 agriculture disapproves the waiver request, the department is not required to  
15 implement this subsection.

16 (END)