

1 Committee of Conference Report on HB 1727, relative to the inter-agency data sharing for the
2 purpose of distributing summer electronic benefit transfer (EBT) benefits.

3
4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

9
10 Amend the bill by replacing all after the enacting clause with the following:

11
12 1 New Section; Food and Nutrition Programs; Summer EBT Enrollment and Data Sharing.
13 Amend RSA 189 by inserting after RSA 189:11-d the following new section:

14 189:11-e Summer EBT Enrollment and Data Sharing.

15 I. Consistent with 42 U.S.C. section 1762(c)(1)(A), the department of education shall provide
16 the department of health and human services with the name, date of birth, and household address of
17 each student eligible for free or reduced-price meals for the purpose of automatic enrollment in the
18 Summer EBT program. No additional personally identifiable information beyond the elements
19 enumerated in this paragraph shall be transmitted under this section.

20 II. School districts and school administrative units shall provide a distinct notice and opt-out
21 form consistent with 42 U.S.C. section 1762(c)(1)(E) to the parent or guardian of each student
22 concurrently with the notice of decision for free and reduced-price meals. If the decision is provided
23 in a paper format, the opt-out form shall be a separate physical insert. If provided electronically, the
24 opt-out mechanism shall be a prominent, separate step within the process.

25 III. If a student is determined eligible for free or reduced-price meals and the parent or
26 guardian has not returned the opt-out form within 15 days of receipt of notice of the decision, the
27 student shall be automatically enrolled in the Summer EBT program.

28 IV. Data transmitted under paragraph I shall be confidential, used exclusively for the
29 administration and distribution of Summer EBT benefits, and deleted upon the completion of the
30 distribution of benefits for the corresponding summer period, unless otherwise required by federal
31 law.

32 V. Transmissions under paragraph I shall be governed by a memorandum of understanding
33 between the department of education and the department of health and human services, conforming
34 to the minimum required terms established by rule under RSA 161:15, II(d).

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1 2 New Section; Department of Health and Human Services; Summer EBT. Amend RSA 161 by
2 inserting after section 14 the following new section:

3 161:15 Summer EBT Implementation.

4 I. The department of health and human services shall establish and maintain a secure
5 electronic mechanism, adopted by rule under RSA 541-A, to receive student data from the
6 department of education for the purpose of Summer EBT enrollment.

7 II. The department of health and human services shall adopt rules pursuant to RSA 541-A
8 establishing:

9 (a) Standardized language for the notice and opt-out form required under RSA 189:11-e,
10 II. The notice shall inform parents that completing the school meal application may result in
11 automatic Summer EBT enrollment unless they affirmatively opt out;

12 (b) Secure transmission protocols for the mechanism required under paragraph I;

13 (c) Data retention and deletion procedures consistent with RSA 189:11-e, IV; and

14 (d) The minimum required terms of the memorandum of understanding required under
15 RSA 189:11-e, V.

16 3 Effective Date. This act shall take effect upon its passage.

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The signatures below attest to the authenticity of this Report on HB 1727, relative to the inter-agency data sharing for the purpose of distributing summer electronic benefit transfer (EBT) benefits.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Pearl, Dist. 17

Rep. Layon, Rock. 13

Sen. Lang, Dist. 2

Rep. Thibault, Merr. 25

Sen. Reardon, Dist. 15

Rep. DeRoy, Straf. 3

Rep. Dargie, Hills. 43