

SB 64 STAFF MEASURE SUMMARY

House Committee On Early Childhood and Human Services

Prepared By: Taylor Bickel, LPRO Analyst

Meeting Dates: 4/15

WHAT THE MEASURE DOES:

The measure directs the Department of Human Services (DHS) to request a waiver from the United States Department of Agriculture (USDA) that would prevent monthly advance payments of the dependent care tax credit from impacting eligibility determinations for the Supplemental Nutrition Assistance Program (SNAP). The measure requires DHS to annually report on the status of the waiver request to the Legislative Assembly.

Detailed Summary:

- Directs DHS to apply to USDA for a waiver for federal requirements under 7 U.S.C. 2014(d)(81) to exclude monthly advance payments of the dependent care tax credit established in ORS 315.264 from SNAP eligibility determinations.
- Requires DHS to submit a waiver application within 90 days of the effective date.
- Requires DHS to report to the Legislative Assembly on the status of the waiver request by September 15, 2026, and to continue to make reports each year until the waiver is approved or denied.
- Sunsets January 2, 2031.
- Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

[The Supplemental Nutrition Assistance Program \(SNAP\)](#), formerly called food stamps, is a public benefit program administered by the United States Department of Agriculture's Food and Nutrition Service (FNS). Individuals who qualify receive an Electronic Benefit Transfer (EBT) card that can be used to purchase food at grocery stores and farmers markets that accept SNAP EBT. In Oregon, the [Department of Human Services \(DHS\)](#) administers the SNAP program and is responsible for performing eligibility determination through the Oregon Eligibility Partnership. Eligibility for SNAP is primarily based on household income, although there are exceptions for certain populations. Federal law allows DHS to not consider certain types of household income when determining SNAP eligibility, such as cash and medical assistance, but other types of payments such as unemployment benefits, worker's compensation, and other types of public benefits must be considered unless the state applies for a waiver from the USDA.

[ORS 315.264](#) establishes the [Working Family Household and Dependent Care Credit \(WFHDC\)](#) which allows households under certain income levels to receive a refundable income tax credit that partially reimburses the cost of providing care for children under 13 and adults with disabilities while family members work, look for work, or attend school. The amount refunded by the credit as a partial reimbursement of qualified expenses varies depending on household size, income, and dependent age.

In 2023, the Legislative Assembly considered [Senate Bill 438](#) that would have required DHS to apply for a waiver to exclude WFHDC payments from eligibility determinations for SNAP, but the bill was not enacted. In the same year, the Legislative Assembly enacted [House Bill 3235 \(2023\)](#) that created a new refundable income tax credit for residents with qualifying dependent children under age six. The bill directed DHS to submit a waiver request to

the USDA to exclude these payments from SNAP eligibility determination. The federal government rejected the waiver request.

PRELIMINARY