



Date: May 26, 2023

DMS Operations Memo 23-17

To: Income Maintenance Supervisors  
Income Maintenance Lead Workers  
Income Maintenance Staff  
FSET Agencies

**Affected Programs:**

- |   |   |
|---|---|
| <input type="checkbox"/> BadgerCare Plus      | <input type="checkbox"/> Caretaker Supplement                         |
| <input checked="" type="checkbox"/> FoodShare | <input checked="" type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid             |   |
| <input type="checkbox"/> SeniorCare           |   |

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**Temporary FoodShare Student Exemptions Ending and Drug Testing Reinstatement**

**CROSS REFERENCE**

- Process Help, [COVID-19 Information](#)
- FoodShare Wisconsin Handbook, [Section 3.15.1 Student Eligibility](#) and [Section 3.20.1 Drug Felons](#)

**EFFECTIVE DATE**

June 12, 2023

**PURPOSE**

This memo announces the ending of some temporary FoodShare policies during the public health emergency (PHE) related to COVID-19. It describes requirements around reinstatement of pre-COVID-19 program policies.

**BACKGROUND**

The Secretary of the Department of Health and Human Services declared a federal PHE on January 31, 2020, related to COVID-19 (previously called “2019 Novel Coronavirus” and “2019-nCoV”). Based on related changes in federal and state law, Wisconsin implemented temporary program policies and processes to protect the health and safety of applicants and members.

## **POLICY**

Effective June 12, 2023, some FoodShare policies are reinstated or implemented as outlined below.

### ***STUDENT EXEMPTIONS***

Persons (age 18 to 49) enrolled half-time or more in an institute of higher education are ineligible for FoodShare unless they meet an exemption. Two new and temporary student exemptions were created with the Consolidated Appropriations Act, 2021.

As a result of the federal PHE ending, the availability of the two exemptions will end. These specific exemptions are as follows:

1. Students who are **eligible** to participate in state or federally financed work-study program during the regular school year, as determined by the institution of higher education.
2. Students who have an expected family contribution (EFC) of \$0 in the current academic year, as determined by the institution of higher education.

Starting June 12, 2023, new FoodShare applicants will no longer qualify for FoodShare under these two temporary exemptions. The temporary rules will continue for current students enrolled in FoodShare until their next renewal starting July 2023 or later. Student exemptions will be explored as a part of the renewal process before making an eligibility determination ([FoodShare Wisconsin Handbook, 3.15.1 Student Eligibility](#)).

### ***DRUG TESTING FOR PERSONS CONVICTED OF DRUG-RELATED FELONY***

Persons convicted of a drug-related felony involving the possession, use, or distribution of a controlled substance in the last five years must pass a drug test to get benefits. During the PHE, this requirement was suspended. Following the end of the PHE, drug testing will once again be required.

FoodShare applicants who apply on or after June 12, 2023, and have been convicted of a drug related felony in the past five years will be subject to drug testing requirements. Current FoodShare members that enrolled after April 16, 2020, and who had a drug related felony conviction in the last five years, are required to submit to a drug test and pass, or provide a negative test result, at their next renewal starting July 2023 or later to keep getting benefits ([FoodShare Wisconsin Handbook, 3.20.1 Drug Felons](#)).

## **CONTACTS**

DHS CARES Problem Resolution Team

DHS/DMS/BEOT/  
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