

2017 Regular Session

HOUSE BILL NO. 681 (Substitute for House Bill No. 177 by Representative Moreno)

BY REPRESENTATIVES MORENO, BAGNERIS, COX, GLOVER, HALL, JACKSON,
JAMES, TERRY LANDRY, MARCELLE, MARINO, NORTON, PIERRE, AND
SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC ASSISTANCE: Eliminates restrictions on eligibility for certain public assistance
for persons with prior drug convictions

1 AN ACT

2 To enact R.S. 46:233.3 and to repeal R.S. 46:233.2 and 237(D), relative to eligibility for
3 benefits of certain public assistance programs; to provide relative to Supplemental
4 Nutrition Assistance Program eligibility; to provide relative to eligibility for cash
5 assistance funded through the Temporary Assistance for Needy Families program;
6 to provide for eligibility for such programs of persons convicted of certain drug-
7 related felonies; to provide an effective date; to provide for drug testing; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:233.3 is hereby enacted to read as follows:

11 §233.3. Individuals convicted of certain felonies; eligibility for assistance

12 A. As authorized by 21 U.S.C. 862a(d)(1), this state hereby exempts all
13 individuals domiciled in the state from the application of the prohibition provided
14 in 21 U.S.C. 862a(a) on eligibility for the following assistance programs and
15 benefits:

16 (1) Cash benefits under any state program funded under Part A of Title IV
17 of the Social Security Act.

1 (2) Benefits under the Supplemental Nutrition Assistance Program as defined
 2 in Section 3 of the Food and Nutrition Act of 2008 or any state program carried out
 3 under that Act.

4 B. Any person who is authorized to receive benefits pursuant to this Section
 5 shall submit to routine drug testing to be administered by the department.

6 Section 2. R.S. 46:233.2 and 237(D) are hereby repealed in their entirety.

7 Section 3. This Act shall become effective October 1, 2017.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 681 Reengrossed

2017 Regular Session

Moreno

Abstract: Eliminates restrictions on eligibility for the Supplemental Nutrition Assistance Program and for cash assistance through the Temporary Assistance for Needy Families program for persons with prior drug convictions.

Present law provides for operation by the Department of Children and Family Services (DCFS) of the following assistance programs:

- (1) The Supplemental Nutrition Assistance Program (successor to the Food Stamp Program), referred to hereafter as "SNAP".
- (2) The following cash assistance programs funded by the state's Temporary Assistance for Needy Families block grant, referred to hereafter collectively as "TANF cash assistance":
 - (a) The Family Independence Temporary Assistance Program (cash assistance for low-income families with dependent children).
 - (b) The Kinship Care Subsidy Program (cash assistance for low-income kinship caregivers including grandparents, step-grandparents, and other adult relatives within the fifth degree of kinship who have legal custody or guardianship of a minor relative).

Proposed law retains present law and revises eligibility criteria for these programs as detailed below.

Present law provides that an individual convicted under federal or state law of any felony offense which involves the possession, use, or distribution of a controlled substance shall be ineligible for SNAP benefits and for TANF cash assistance benefits for a one-year period commencing on the date of conviction if he is not incarcerated, or from the date of release from incarceration if he is incarcerated. Proposed law repeals present law.

Pursuant to authorization provided in federal law (21 U.S.C. 862a), proposed law provides that all individuals domiciled in La. shall be exempt from the prohibition established in federal law on eligibility for SNAP benefits and for TANF cash assistance benefits based on prior drug convictions.

Proposed law stipulates that any person who is authorized to receive benefits pursuant to proposed law shall submit to routine drug testing to be administered by DCFS.

Effective October 1, 2017.

(Adds R.S. 46:233.3; Repeals R.S. 46:233.2 and 237(D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Stipulate that any person who is authorized to receive benefits pursuant to proposed law shall submit to routine drug testing to be administered by DCFS.