

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 849

Short Title: No Ban on FNS Benefits/Felony Drug Conviction. (Public)

Sponsors: Senator Peterson (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 27, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT FROM FEDERAL RESTRICTIONS ON FOOD AND NUTRITION
3 SERVICES BENEFITS INDIVIDUALS CONVICTED OF DRUG-RELATED FELONIES.
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 108A-25.2 reads as rewritten:

6 "**§ 108A-25.2. Exemption from limitations for Work First Program for individuals**
7 **convicted of certain drug-related felonies; exemption from federal law**
8 **for food and nutrition services program.**

9 (a) Individuals convicted of Class H or I controlled substance felony offenses in this State
10 shall be eligible to participate in the Work First ~~Program and the food and nutrition services~~
11 ~~program:Program:~~

12 (1) Six months after release from custody if no additional controlled substance
13 felony offense is committed during that period and successful completion of
14 or continuous active participation in a required substance abuse treatment
15 program determined appropriate by the area mental health authority; or

16 (2) If not committed to custody, six months after the date of conviction if no
17 additional controlled substance felony offense is committed during that period
18 and successful completion of or continuous active participation in a required
19 substance abuse treatment program determined appropriate by the area mental
20 health authority.

21 A county department of social services shall require individuals who are eligible for Work
22 First Program assistance ~~and electronic food and nutrition~~ benefits pursuant to this section to
23 undergo substance abuse treatment as a condition for receiving Work First Program ~~or electronic~~
24 ~~food and nutrition~~ benefits, if funds and programs are available and to the extent allowed by
25 federal law.

26 (b) Pursuant to the option granted to states under 21 U.S.C. § 862a(d)(1), individuals
27 convicted under federal or State law of any controlled substance felony offenses are eligible to
28 participate in the food and nutrition services program."

29 **SECTION 2.** There is appropriated from the General Fund to the Department of
30 Health and Human Services, Division of Social Services, the sum of one hundred thousand
31 dollars (\$100,000) in nonrecurring funds for the 2020-2021 fiscal year to notify the public of the
32 changes implemented under this act.

33 **SECTION 3.** This section becomes effective July 1, 2020.

