

Chapter 793

(House Bill 860)

AN ACT concerning

**Transitional Supports for Ex-Offenders – ~~Repeal~~ Alteration Repeal of
Restrictions
(Maryland Equal Access to Food Act of 2017)**

FOR the purpose of repealing certain provisions of law subjecting certain individuals convicted of certain felonies involving a controlled dangerous substance who apply for temporary cash assistance or food stamps to certain testing and treatment requirements and sanctions; altering the criminal violations that make certain recipients ineligible for temporary cash assistance or food stamps for a certain period of time after a certain date and subject to certain testing and treatment requirements and sanctions; ~~altering the conditions under which certain recipients are subject to certain testing and treatment or become ineligible for temporary cash assistance or food stamps;~~ and generally relating to participation in the temporary cash assistance and food stamp programs.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 5–601

Annotated Code of Maryland

(2007 Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Human Services

5–601.

(a) In this section, “resident” means an individual who resides in this State on the date the individual applies for public assistance.

(b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1), the State removes itself from the application of § 115 of the federal Personal Responsibility and Work Opportunity Act of 1996 to allow the Department to provide temporary cash assistance and food stamps to a resident who has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance.

(c) (1) [Notwithstanding subsection (b) of this section, if a resident applying for temporary cash assistance or food stamps has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance after August 22, 1996, the resident is subject to testing for substance abuse, as provided by the Department, and

to treatment as required under § 5-314 of this title for 2 years, beginning on the date of application, to the extent authorized under federal law.

(2) Notwithstanding subsection (b) of this section, if a resident receiving temporary cash assistance or food stamps is found to be in violation of [§§ 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident is:

(i) ineligible for temporary cash assistance or food stamps for 1 year after the date of the conviction; and

(ii) subject to testing for substance abuse, as provided by the Department, and to treatment as required under § 5-314 of this title, for 2 years beginning on the later of:

1. the date the individual is released from incarceration;
2. the date the individual completes any term of probation;

or

3. the date the individual completes any term of parole or mandatory supervision.

~~(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A RESIDENT RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS IS FOUND TO BE IN VIOLATION OF §§ 5-602 THROUGH 5-609 OR 21 U.S.C. § 841 FOR:~~

~~(i) A SECOND OR SUBSEQUENT TIME AFTER THE RESIDENT BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT IS SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE DEPARTMENT, AND TO TREATMENT AS REQUIRED UNDER § 5-314 OF THIS TITLE, FOR 2 YEARS BEGINNING ON THE LATER OF:~~

~~1. THE DATE THE INDIVIDUAL IS RELEASED FROM INCARCERATION;~~

~~2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PROBATION; OR~~

~~3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF PAROLE OR MANDATORY SUPERVISION; AND~~

~~(ii) A THIRD OR SUBSEQUENT TIME AFTER THE RESIDENT BEGAN RECEIVING TEMPORARY CASH ASSISTANCE OR FOOD STAMPS, THE RESIDENT~~

~~IS INELIGIBLE FOR TEMPORARY CASH ASSISTANCE OR FOOD STAMPS FOR 1 YEAR
AFTER THE DATE OF THE MOST RECENT CONVICTION.~~

~~[(3)]~~ ~~(2)~~ ~~(3)~~ ~~(2)~~ [An applicant or] **A** recipient who fails to comply with the testing required under this subsection or the treatment required under § 5-314 of this title or who tests positive for the abuse of controlled dangerous substances is subject to the sanctions provided under § 5-314 of this title.

~~[(4)]~~ ~~(3)~~ ~~(4)~~ ~~(3)~~ In consultation with the Department of Health and Mental Hygiene, the Secretary shall adopt regulations to establish the testing methods and procedures, consistent with § 5-314 of this title, to be required by the Department under this subsection, including the intervals of testing and methods required.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.