

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 853

(Senator Madaleno, *et al.*)

Finance

Appropriations

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

This bill repeals provisions of law that subject individuals convicted of specified felonies involving a controlled dangerous substance (CDS) who apply for or receive temporary cash assistance (TCA) or food stamps to testing, treatment, and sanctions. The bill also repeals a provision that restricts individuals who are in violation of specified offenses regarding CDS from being eligible for TCA or food stamps for one year after the date of conviction.

Fiscal Summary

State Effect: Any change in State activities as a result of repealing the bill's provisions does not materially impact State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Bill Summary: Individuals applying for TCA or food stamps (now known as the Supplemental Nutrition Assistance Program (SNAP)) who have been convicted of a felony involving the possession, use, or distribution of a CDS after August 22, 1996, are subject to testing and treatment for substance use for two years beginning on the date of application. The bill repeals this provision.

If an individual receiving TCA or food stamps is found to be in violation of specified provisions of State or federal law relating to CDS, the individual is ineligible for TCA or food stamps for one year after the date of conviction. The individual is also subject to

testing and treatment for substance abuse for two years beginning on the later of the date when the individual is released from incarceration or completes any term of probation, parole, or mandatory supervision. The bill repeals provisions as they relate to convictions for federal law and specified State CDS crimes. Instead, individuals are subject to these restrictions only if found to be in violation of State CDS laws related to volume dealing of CDS or drug kingpins.

An applicant or recipient who fails to comply with required testing or treatment or who tests positive for the abuse of a CDS is subject to specified sanctions. The bill repeals this provision as it relates to applicants.

Substance Use Screening and Testing

Addictions specialists are located on site at local departments of social services. As specified under § 5-314 of the Human Services Article, addictions specialists must screen applicants or recipients of TCA to expose potential barriers that the applicant or recipient may have in obtaining employment, such as a substance use problem. If the screening reveals that an applicant or recipient has a substance use problem, the addictions specialist must conduct, or refer for, an assessment of the substance use problem and, if appropriate, determine placement for treatment and related support services. An individual who complies with treatment requirements continues to be eligible for full TCA benefits and may be exempt from other work activity requirements.

If an *applicant* does not comply with requirements, the local department of social services must send notice that the application will be denied if requirements are not met within 30 days. If a *recipient* does not comply with requirements, the local department must send notice that benefits will be reduced by that increment attributable to the noncompliant recipient, and the remainder of benefits for the child or children in the case will be paid to a third-party payee or compliant adult recipient if requirements are not met within 30 days. The local department of social services must reinstate benefits if the applicant or recipient receives the required screening and assessment and appropriate substance use treatment is not available. The denial or reduction of TCA under these provisions does not impact eligibility for medical assistance and food stamps as long as the individual meets the requirements of those programs.

Background: Although the federal Personal Responsibility and Work Opportunity Act of 1996 bars states from providing TCA and SNAP benefits to persons convicted of a felony for possession, use, or distribution of illegal drugs, it also afforded states the ability to “opt out” of the ban, which Maryland did pursuant to Chapter 671 of 2000. States opting out of or modifying the ban may specify conditions of eligibility for benefits, such as requiring drug testing or treatment.

Additional Information

Prior Introductions: SB 546 of 2016, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: HB 860 (Delegate Lierman, *et al.*) - Appropriations.

Information Source(s): Department of Health and Mental Hygiene; Department of Human Resources; Department of Legislative Services

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