

# SENATE BILL 853

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SB 546/16 – JPR

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CF HB 860

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By: **Senators Madaleno, Benson, Currie, Ferguson, Kagan, Kelley, Manno, McFadden, Nathan-Pulliam, and Smith**

Introduced and read first time: February 3, 2017

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of repealing certain provisions of law subjecting certain individuals  
5 convicted of certain felonies involving a controlled dangerous substance who apply  
6 for temporary cash assistance or food stamps to certain testing and treatment  
7 requirements and sanctions; altering the criminal violations that make certain  
8 recipients ineligible for temporary cash assistance or food stamps for a certain period  
9 of time after a certain date and subject to certain testing and treatment requirements  
10 and sanctions; and generally relating to participation in the temporary cash  
11 assistance and food stamp programs.

12 BY repealing and reenacting, with amendments,  
13 Article – Human Services  
14 Section 5–601  
15 Annotated Code of Maryland  
16 (2007 Volume and 2016 Supplement)

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

19 **Article – Human Services**

20 5–601.

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

23 (b) Subject to § 5–314 of this title and as authorized under 21 U.S.C. § 862a(d)(1),  
24 the State removes itself from the application of § 115 of the federal Personal Responsibility

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and Work Opportunity Act of 1996 to allow the Department to provide temporary cash  
2 assistance and food stamps to a resident who has been convicted of a felony involving the  
3 possession, use, or distribution of a controlled dangerous substance.

4 (c) (1) [Notwithstanding subsection (b) of this section, if a resident applying  
5 for temporary cash assistance or food stamps has been convicted of a felony involving the  
6 possession, use, or distribution of a controlled dangerous substance after August 22, 1996,  
7 the resident is subject to testing for substance abuse, as provided by the Department, and  
8 to treatment as required under § 5–314 of this title for 2 years, beginning on the date of  
9 application, to the extent authorized under federal law.

10 (2) Notwithstanding subsection (b) of this section, if a resident receiving  
11 temporary cash assistance or food stamps is found to be in violation of [§§ 5–602 through  
12 5–609,] § 5–612[,] or § 5–613 of the Criminal Law Article, [or 21 U.S.C. § 841,] the resident  
13 is:

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

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

- 19 1. the date the individual is released from incarceration;  
20 2. the date the individual completes any term of probation;  
21 or  
22 3. the date the individual completes any term of parole or  
23 mandatory supervision.

24 [(3) (2) [An applicant or] A recipient who fails to comply with the testing  
25 required under this subsection or the treatment required under § 5–314 of this title or who  
26 tests positive for the abuse of controlled dangerous substances is subject to the sanctions  
27 provided under § 5–314 of this title.

28 [(4) (3) In consultation with the Department of Health and Mental  
29 Hygiene, the Secretary shall adopt regulations to establish the testing methods and  
30 procedures, consistent with § 5–314 of this title, to be required by the Department under  
31 this subsection, including the intervals of testing and methods required.

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