

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45297-LU-74B

Short Title: Opt-Out of Ban on FNS/TANF Benefits. (Public)

Sponsors: Senators Burgin, Mayfield, and Britt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE STATE TO FULLY OPT-OUT OF THE PROHIBITION ON
3 FOOD AND NUTRITION SERVICES AND TEMPORARY ASSISTANCE FOR NEEDY
4 FAMILIES (TANF) BENEFITS FOR INDIVIDUALS CONVICTED OF FELONIES TO
5 BETTER ENABLE THOSE INDIVIDUALS TO LIVE SUCCESSFUL, PRODUCTIVE
6 LIVES.

7 The General Assembly of North Carolina enacts:

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

9 "**§ 108A-25.2. Exemption from limitations for individuals convicted of certain drug-related**
10 **drug related felonies.**

11 ~~Individuals convicted of Class H or I controlled substance felony offenses in this State shall~~
12 ~~be~~ An individual who is otherwise eligible to participate in the Work First Program and or the
13 food and nutrition services program; program shall be exempt from the application of section
14 115(a) of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996,
15 P.L. 104-193, and shall not be denied assistance from either program solely because the
16 individual has been convicted of a drug-related felony or felonies upon meeting one of the
17 following conditions:

- 18 (1) ~~Six months after release from custody if no additional controlled substance~~
19 ~~felony offense is committed during that period and~~ If in custody, immediately
20 upon release if the individual can demonstrate successful completion of a
21 substance abuse treatment program while in custody or continuous active
22 participation in a required substance abuse treatment program determined
23 appropriate by the area mental health authority; or authority.
24 (2) If not committed to custody, ~~six months immediately~~ after the date of
25 conviction if ~~no additional controlled substance felony offense is committed~~
26 ~~during that period and~~ the individual can demonstrate successful completion
27 of or continuous active participation in a required substance abuse treatment
28 program determined appropriate by the area mental health authority.

29 A county department of social services shall require individuals who are eligible for Work
30 First Program assistance and electronic food and nutrition benefits pursuant to this section to
31 undergo substance abuse treatment as a condition for receiving Work First Program or electronic
32 food and nutrition benefits, if funds and programs are available and to the extent allowed by
33 federal law."

34 SECTION 2. This act becomes effective January 1, 2024.



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