

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

S

1

SENATE BILL 730

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

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

Referred to: Rules and Operations of the Senate

April 10, 2023

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE TO FULLY OPT-OUT OF THE PROHIBITION ON FOOD AND NUTRITION SERVICES AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS FOR INDIVIDUALS CONVICTED OF FELONIES TO BETTER ENABLE THOSE INDIVIDUALS TO LIVE SUCCESSFUL, PRODUCTIVE LIVES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

