

Assembly Bill No. 427–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to public assistance; revising provisions relating to eligibility of certain convicted persons for public assistance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law provides that a person who has been convicted of certain felony drug offenses is not eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits in certain cases. (21 U.S.C. § 862a) Existing federal law authorizes a state to opt out of this limitation and allow a person who was convicted of a felony drug offense to be eligible for TANF and SNAP benefits in that state. (21 U.S.C. § 862a(d)) Similarly, existing Nevada law provides that a person who has been convicted of felony possession, use or distribution of a controlled substance is not eligible for TANF or SNAP benefits, unless the convicted person has completed a drug treatment program and the person either: (1) demonstrates that he or she has not possessed, used or distributed controlled substances since he or she began the drug treatment program; or (2) is pregnant and a doctor certifies that TANF or SNAP benefits are required to ensure the health and safety of the mother and the unborn child. (NRS 422A.345)

This bill: (1) removes the requirement that such a convicted person complete a drug treatment program before becoming eligible for TANF or SNAP benefits; and (2) provides that to be eligible for TANF or SNAP benefits such a convicted person must demonstrate that he or she is not currently possessing, using or distributing controlled substances in a manner that is prohibited by law.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422A.345 is hereby amended to read as follows:

422A.345 1. Except as otherwise provided in subsection 2, a person who has been convicted of a felony after August 22, 1996, an element of which is the possession, use or distribution of a controlled substance, is not eligible to receive any public assistance for which denial is required by 21 U.S.C. § 862a.

2. A person who has been convicted of a felony described in subsection 1 may be determined to be eligible for assistance if ~~that~~ *the person* : ~~is participating in or has successfully completed a program for the treatment of the abuse of controlled substances that has been approved by the Division and;~~



(a) Demonstrates to the satisfaction of the Division that he or she ~~has~~ *is* not ~~possessed, used or distributed~~ *currently possessing, using or distributing* controlled substances ~~since he or she began the program;~~ *in a manner that is prohibited by law;* or

(b) Is pregnant and a physician has certified in writing that the health and safety of the mother and the unborn child are dependent upon the receipt of benefits.

3. As used in this section, “controlled substance” has the meaning ascribed to it in 21 U.S.C. § 802(6).

Sec. 2. This act becomes effective on July 1, 2017.

