



# Ohio Legislative Service Commission

## Bill Analysis

Bob Bennett

### H.B. 336

129th General Assembly  
(As Introduced)

**Reps.** Uecker, Young, Wachtmann, Combs, Pelanda, Maag, Boose

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## BILL SUMMARY

- Provides that an individual participating in the Ohio Works First program ceases to be eligible to participate in that program, and an individual receiving Supplemental Nutrition Assistance Program (SNAP) benefits ceases to be eligible for those benefits, for three years if the individual is convicted under federal or state law of any offense that is classified as a felony and has as an element the possession, use, or distribution of a controlled substance.
- Provides for the period of ineligibility to begin on the date of the individual's conviction.
- Requires that rules the Director of Job and Family Services adopts regarding SNAP be consistent with state law.

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## CONTENT AND OPERATION

### Effect of felony drug offense on public assistance eligibility

The bill revises law governing an individual's eligibility for the Ohio Works First (OWF) program; Prevention, Retention, and Contingency (PRC) program; and Supplemental Nutrition Assistance Program (SNAP) after being convicted of a felony controlled substance offense. The OWF and PRC programs are two of the state's public assistance programs funded in part with federal funds provided under the Temporary Assistance for Needy Families (TANF) block grant. Under the OWF program, an eligible assistance group receives time-limited cash assistance.<sup>1</sup> The PRC program

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<sup>1</sup> R.C. Chapter 5107.

varies from county to county. Each county is required to develop its own PRC program to provide benefits and services, but not ongoing assistance, that individuals need to overcome immediate barriers to achieving or maintaining self-sufficiency and personal responsibility.<sup>2</sup> SNAP is more commonly known as the Food Stamps program. It is primarily funded by the federal government, but the state and counties pay for part of SNAP's administrative costs.

Federal law provides that an individual convicted of any federal or state offense that is classified as a felony and has as an element the possession, use, or distribution of a controlled substance is ineligible for SNAP benefits and assistance provided under any state program funded by the TANF block grant. However, a state is permitted to enact a law providing for exemptions.<sup>3</sup> In 1997, the General Assembly enacted a law providing that an individual otherwise ineligible for OWF or PRC aid or SNAP benefits because of the federal law is eligible for the aid or benefits if the individual meets all other eligibility requirements.<sup>4</sup>

The bill revises the exemption by providing that an individual participating in the OWF program ceases to be eligible to participate in that program, and an individual receiving SNAP benefits ceases to be eligible for those benefits, for three years if the individual is convicted under federal or state law of any offense that is classified as a felony and has as an element the possession, use, or distribution of a controlled substance. The period of ineligibility begins on the date of the individual's conviction.<sup>5</sup> The bill provides for "controlled substance" to have the same meaning as in the federal Controlled Substances Act: a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of the Controlled Substances Act. Distilled spirits, wine, malt beverages, and tobacco are not controlled substances.<sup>6</sup>

## **SNAP rules**

The Director of Job and Family Services is authorized to adopt rules regarding SNAP, including rules governing eligibility requirements for SNAP, sanctions for failure to comply with eligibility requirements, allotment of SNAP benefits, and other

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<sup>2</sup> R.C. Chapter 5108. Examples of benefits and services offered under county PRC programs include transportation, clothing, training, and domestic violence assistance.

<sup>3</sup> 21 United States Code (U.S.C.) 862a.

<sup>4</sup> Sub. H.B. 408 of the 122nd General Assembly.

<sup>5</sup> R.C. 5101.84.

<sup>6</sup> U.S.C. 802(6).

issues. Current law requires that the rules be consistent with federal statutes and regulations governing SNAP. The bill requires that the rules also be consistent with state law.<sup>7</sup>

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## HISTORY

ACTION	DATE
Introduced	09-27-11

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<sup>7</sup> R.C. 5101.54.

